LAWS—NEW JERSEY
1948

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ACTS

OF THE

One Hundred and Seventy-second Legislature

OF THE

STATE OF NEW JERSEY

AND

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The following laws, passed by the One Hundred and Seventy-second Legislature, proclamations by the Governor and an index of the laws are published in accordance with Title 1, chapter three, section one et seq. of the Revised Statutes.

LLOYD B. MARSH,
Secretary of State.

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OF THE

One Hundred and Seventy-second Legislature

OF NEW JERSEY

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LAWS

ACTS

PASSED BY THE

One Hundred and Seventy-second Legislature

CHAPTER 1

AN ACT to provide for voting by persons in active service, as members of any branch or department of the United States army, navy or marine corps, or as reservists, absent from their respective places of residence and undergoing training under army or navy direction at places other than those of such persons' respective residences, and persons having served as soldiers, sailors, marines or nurses in the armed forces of the United States in any war, who are patients in veterans' hospitals located in places other than those of their respective residences, who prior to entering such service or being admitted as such patients were residents of this State and who possess the constitutional qualifications of legal voters of this State and are not otherwise disqualified to vote in this State, and repealing "An act to afford certain voters of this State, who are in the military service and in certain services auxiliary to and associated therewith, and in certain veterans' hospitals, in time of war, an opportunity to vote in certain elections to be held in this State notwithstanding

that such voters may be absent on election day from the respective election districts in which they reside, and supplementing Title 19 of the Revised Statutes," approved February twelfth, one thousand nine hundred and forty-five (P. L. 1945, c. 11) and supplementing Title 19 of the Revised Statutes.

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

C. 19:56-1. Terms defined:

1. Whenever used in this act, the following terms shall, unless the context indicates otherwise, be construed to have the following meaning:

Election;

"Election" means any general election, primary election for the general election or municipal election, as herein defined, to be held in this State while this act is in effect.

Municipal election;

"Municipal election" means any election to be held, in this State while this act is in effect, for the election of commissioners in any municipality governed by the commission form of government law or for the election of members of the municipal council in municipalities governed by the municipal manager form of government law, other than an election to be held under said laws for the first members of a municipal commission or of a municipal council.

Military service;

"Military service" means active service by any person, as a member of any branch or department of the United States army, navy or marine corps, or as a reservist absent from his place of residence and undergoing training under army or navy direction, at a place other than that of such person's residence.

Military service voter;

"Military service voter" means any person in the military service, or any patient in any veterans' hospital, located in any place other than the place of his residence, having served as a soldier, sailor, marine or nurse in the armed forces of the United States in any war in which the United

States has been engaged and having been discharged or released from said armed forces, who prior to entering the military service or prior to being admitted as a patient in such hospital, was a resident of this State and who, at the time of the holding of any election in this State, while this act is in effect, is a resident of the United States, is of the age of twenty-one years or more, is not disqualified by reason of conviction of crime from voting in this State and has resided in the State at least one year and in the county in which he claims the right to vote at least five months counting the time he had been in the military service or a patient in said veterans' hospital, in said periods of residence;

"Military service ballot" means a ballot for use by a military service voter as prescribed by this act. Military service ballot.

2. The purpose of this act is to afford every military service voter the opportunity to vote in any election to be held in this State while this act is in effect, notwithstanding the fact that such person may be absent on the day in which said election is held from the election district in which he resides, whether such person is within or without this State, or within or without the United States, and this act shall be liberally construed to effectuate such purpose. C. 19:56-2. Purpose.

3. The county clerk of each county shall cause to be published in at least two newspapers published in the county a notice relating to a primary election for the general election or a general election and the clerk of each municipality shall cause to be published in at least one newspaper published in the municipality or if no newspaper be published in the municipality, then in a newspaper published in the county and circulating in such municipality, a notice relating to a municipal election, which notice shall be substantially in the following form: C. 19:56-3. Publication of notice to military voters.

NOTICE TO PERSONS IN MILITARY SERVICE OR PATIENTS IN VETERANS' HOSPITALS AND TO THEIR RELATIVES AND FRIENDS

Form of notice.

If you are in the military service or are a patient in a veterans' hospital and desire to vote, or if you are a relative or friend of a person who is in the military service or is a patient in a veterans' hospital who, you believe, will desire to vote in the ..... election to be
(municipal, primary or general)
held on ....., kindly write to the
(date of election)
undersigned at once making application for a military service ballot to be voted in said election to be forwarded to you, if you are in the military service or are a patient in a veterans' hospital, stating your name, age, serial number, home address and the address at which you are stationed or can be found, or if you desire the military service ballot for a relative or friend then make an application under oath for a military service ballot to be forwarded to him, stating in your application that he is over the age of twenty-one years and stating his name, serial number, home address and the address at which he is stationed or can be found.

Forms of application can be obtained from the undersigned.

Dated ....

(Signature and title of county clerk or municipal clerk, as the case may be)

.....

(Address of county clerk or municipal clerk)

Time of publishing.

Such notice shall be published prior to the fortieth day immediately preceding the holding of each municipal election or primary election for the general election or prior to the sixtieth day preceding each general election.

4. The form of application to be used by a relative or friend of a person in the military service or in a veterans' hospital shall be substantially as follows: C. 19:56-4. Application.

APPLICATION BY RELATIVE OR FRIEND FOR A MILITARY SERVICE BALLOT

The undersigned, residing at .....
(street and number
..... in .....
or R. D. route) (name of city or other
..... in the county of .....
municipality)
in the State of ....., does hereby make application for a military service ballot to be voted at the election to be held on .....
(date of
..... for .....
election) (name of person in military
....., whose serial
service or veterans' hospital)
number is ....., whose home address is at ..... in
(street and number or R. D. route)
..... in the county
(name of city or other municipality)
of ..... in the State of New Jersey and who is stationed or can be found at .....
.....
.....
.....

He is of the age of twenty-one years, has resided in the State of New Jersey at least one year and in said county at least five months counting the time that he has been in the military service or a patient in a veterans' hospital or both and I verily believe that he is qualified to vote as a military service voter in said election.

.....

State of .....
} ss.
County of .....

The undersigned, being duly sworn on his oath according to law, says that the contents of the foregoing application are true.

Sworn and subscribed to before me this ..... day of .....
A. D. .....

.....
(name and title of officer taking affidavit)

Such affidavit shall be subscribed and sworn to before a person authorized to administer oaths.

C. 19:56-5. Application and ballots forwarded to county clerk.

5. Each municipal clerk shall forward such applications to the county clerk of the county as the same shall be received by him and shall have printed and shall furnish to the county clerk, not later than the thirtieth day preceding each municipal election to be held in the municipality, one and one-fifth times as many military service ballots for use in such election as the number of such applications so received by him.

Form of ballot.

The form of such military service ballots shall be prescribed by the county clerk and shall conform with the provisions of this act.

Expenses.

All necessary expenses incurred in carrying out the provisions of this act in connection with any municipal election shall be paid by the municipality, and the county clerk, the county board of elections and the commissioner of registration shall be entitled to be reimbursed by the municipality for any expenses incurred by him in so doing.

C. 19:56-6. Filing by county clerk.

6. Each county clerk, upon receipt of such applications, shall make a list of them and shall file them alphabetically, according to the municipalities of the home addresses of the military service voters appearing thereon, which list and file shall be open to examination at all times by the county board of elections of the county, commissioner of registration and the superintendent of elections in

counties in which a superintendent of elections is in office.

Such lists shall be available at all times for examination and use by the county board of elections of the county for comparison with the military records of the State for purposes of verification of the qualifications as military voters of the persons whose names appear thereon. Verification of lists.

7. Each county clerk shall cause to be printed sufficient military service ballots for each primary election for the general election and general election and as soon as practicable after the thirtieth day preceding the day upon which any municipal election is to be held while this act is in effect, and preceding the day upon which any primary election for the general election is to be held while this act is in effect, and after the fortieth day preceding the day upon which any general election is to be held in each year while this act is in effect, forward a military service ballot for use in such municipal election, or in such primary election for the general election, or in the general election to be held in such year, as the case may be, by first-class mail to each person whose name and home address, and service or veterans' hospital address appears upon the list of military service voters of the municipality in the case of municipal elections, or of the county in the case of primary elections for the general elections, or general elections, as the case may be, to the service or veterans' hospital address appearing in the application for his military service ballot and all ballots to be forwarded to persons whose service or veterans' hospital addresses, as so appearing, are without the limits of the forty-eight States and the District of Columbia shall be forwarded by air mail. C. 19:56-7. Dates for mailing ballots.

8. Each military service ballot to be used at any general election to be held while this act is in effect shall conform generally to the ballot to be used at said election in the military service voter's election district and shall be so prepared that the military service voter may indicate thereon his C. 19:56-8. Form of ballots.

choice of such of the candidates for the offices to be filled, and as to such public questions to be voted upon, at said election by the voters of the entire State or of the county in which such military service voter's election district is situated, as shall be ascertained and known on the fortieth day preceding such election and sufficient space shall be provided thereon for such military service voter to write in the name of and vote for any candidate for, or his personal choice for, any public office to be voted for at such election in such election district. A list of the candidates for the offices to be filled in each election district in the county, whose names are known and ascertained on said fortieth day but do not appear upon said ballot, with a statement of the office for which each is a candidate, shall be forwarded with such ballot.

List of candidates furnished.

Nominated candidates listed.

In the preparation of military service ballots the name of any candidate who has been nominated for any office prior to said fortieth day shall be placed upon the military service ballot or list of candidates, as the case may be, to be used in the general election to be held in said year in each election district in which he is a candidate, whether or not such candidate has accepted such nomination prior to said date; *provided,* that he has not prior to said date declined the same.

Proviso.

C. 19:56-9. Municipal ballot.

9. Each military service ballot to be used at any municipal election to be held while this act is in effect shall conform generally to the ballot to be used at said election in the military service voter's election district and shall be so prepared that the military service voter may indicate thereon his choice of the candidates for the offices to be filled at said election, and sufficient space shall be provided to write in the name of, and vote for, any candidate for, or the military service voter's personal choice for the offices to be filled at such election, if similar provision is made on the ballots to be used in such election district.

C. 19:56-10. Primary election ballot.

10. Each military service ballot to be used at any primary election for the general election to be

held while this act is in effect shall conform to the ballot to be used at said election in the military service voter's election district and to the form herein prescribed for military service ballots to be used in such general elections except that it shall be so prepared that the military service voter may indicate thereon his choice of the candidates of one political party for each of the officers to be voted upon at said election by the voters of said election district and shall be separated into party ballots, which shall all be printed upon one sheet and shall be printed in such order as shall be determined at a drawing to be held by the county clerk on the thirty-third day prior to the holding of such primary election for the general election at eleven o'clock ante meridian in manner similar to that provided in section 19:23–24 of the Revised Statutes for the drawing for positions of candidates upon primary ballots.

Space for personal choice.

Each such military service ballot shall contain at the end of the list of candidates for each different office blank squares and spaces, or lines equal to the number of persons to be elected to the office to allow the military service voter to write in and vote for the name of any person for whom he desires to vote for such office.

Voting party ballot.

Each such military service ballot shall be plainly marked to indicate that but one party ballot is to be voted by each military service voter and that the party ballot to be voted must conform to the name of the political party indicated on the certificate on the flap of the inner envelope in which the military service ballot is to be enclosed and there shall also be indicated upon said ballot the qualifying statement appearing in said certificate and governing such military service voter's choice of the party ballot.

C. 19:56-11. Directions.

11. Each county clerk shall send, with each military service ballot, printed directions for the preparation and transmitting of military service ballots as required by this act (which may be

printed upon the inner envelope) together with two envelopes of such sizes that one will contain the other.

Address on outer envelope.

The outer envelope shall be addressed to the county board of elections of the county in which is located the home address of the person to whom the ballot is sent, as certified by the county clerk.

Specifications, inner envelope.

The inner envelope shall be so designed that it can be sealed after the military service ballot has been placed therein and the flap thereof shall be of such length and size as to leave sufficient margin, after sealing, for the printing thereon of the certificate hereinafter described. The flap shall be so arranged, that the margin containing the certificate can be so folded, after the inner envelope has been sealed, that the certificate can be contained, with the said inner envelope, in the outer envelope, and that the margin containing the certificate can be detached without unsealing the inner envelope.

C. 19:56-12. Certificate on flap.

12. Upon said margin of said flap there shall be printed a certificate in the following form:

I hereby certify that

1. I am a citizen of the United States;

2. The date of my birth was .....;

3. On the date of the [Description of election in which ballot is used to be printed here.] election I will have resided in New Jersey for ..... and in .....
(Years and months)
..... county for .....;
(Years and months)

4. My home address is at .....
(Street and
..... in .....
number, if any, or rural route) (City,
.....;
borough, town, township or village)

5. My military service address or veterans' hospital address is .....
.....

6. My serial number of .....
.....
(Write your usual signature above)
.....
(Print your name clearly above)
Sworn and subscribed to before me this
..... day of .....
A. D. ..... at .....
in the State or Country of .....
.....
(Signature and rank of commanding officer)

Said certificate shall be sworn to before the military service voter's commanding officer or the superintendent of the veterans' hospital in which the military service voter is a patient.

C. 19:56-13. Statement of party affiliation.

13. In addition to the foregoing, the certificate to be used on the margin of the flap of the inner envelope forwarded with any military service ballot intended to be voted in any primary election for the general election shall contain the following statement similarly sworn to above the place left for signature:

I intend to vote at the next ensuing general election for the nominees of the .....
(Name of
..... political party, whose ballot is party)
marked herein, and I am not a member of, or identified with, any other political party or any political organization espousing the cause of candidates of any other political party. I have not voted in a primary election of any other political party in the last two primary elections or contributed to the campaign funds of any other political party within one year prior to the primary election at which this ballot is to be voted.

.....
(Signature of military service voter)

Sworn and subscribed to before me this ..... day of ..... A. D. ..... at ..... in the State or Country of .....

.....

(Signature and rank of commanding officer)

C. 19:56-14. To conform to military specifications.

14. The military service ballots, together with the printed directions for the preparing and transmitting of the same and the inner envelopes with their certificates and the outer envelopes to be used therewith, shall conform as nearly as may be practicable to any specifications as to weight and size, which may be made by the war, navy and post-office departments of the United States, in connection with transporting the same.

Postage provisions.

On the outside of each envelope in which a military service ballot is sent to a military service voter, and of each outer envelope for the return of such a ballot, there shall be printed or stamped the words "Official Military Service Ballot," and the several county clerks shall take advantage of any provision for transmission, free of postage, of ballots and the envelopes containing the same provided by the acts of the congress of the United States but if no such provision is made, proper first-class postage and airmail postage, as required by this act, shall be prepaid thereon.

C. 19:56-15. Certification of ballots mailed.

15. Each county clerk shall, from time to time, prior to each election, to be held while this act is in effect certify in writing, under oath, to the commissioner of registration of the county, the names, serial numbers and home addresses of the persons to whom military service ballots to be voted at such election have been forwarded pursuant to this act.

C. 19:56-16. Removal of names to "military file."

16. The commissioner of registration upon receipt of such information from the county clerk shall remove the permanent registration form of each such person from the permanent registration

binders, if it appears therein, and file such forms in a special file designated "Military File."

C. 19:56-17. Voting.

17. Any military service voter shall be entitled to mark any military service ballot, so forwarded to him, for voting at any election by indicating his choice of candidates for the offices named, and as to public questions, if any, stated, thereon in accordance with election laws of this State, except that in such ballots to be voted in any primary election for the general election his choice shall be limited to the candidates of his political party or to any person or persons whose names are written thereon by him and, when so marked, such ballot shall be placed in said inner envelope, which shall then be sealed, and the voter shall then fill in the form of certificate attached to said inner envelope, at the end of which he shall sign and print his name in his own handwriting, and his signature thereto shall be witnessed by a commissioned officer, noncommissioned officer, or petty officer in the armed forces of the United States and said inner envelope with the certificate shall then be placed in said outer envelope which shall then be sealed.

Mailed to county board.

Said sealed outer envelope with the inner envelope and the ballot enclosed therein shall then be mailed to the county board of elections to which it is addressed.

C. 19:56-18. Verification.

18. The county board of elections shall, promptly after receiving each military service ballot, remove the inner envelope, containing the ballot, from the outer envelope and ascertain through the commissioner of registration whether or not the name of the person, whose name appears following the certificate on the flap of said inner envelope, has been certified by the county clerk to the commissioner of registration of the county as a person to whom a military service ballot, to be voted at the election at which it is intended to be voted, has been forwarded pursuant to this act and, in the case of a military service ballot to be voted at a primary election for the general election, whether

or not the military service voter has indicated in said certificate his intention to vote it in the primary election of any political party in which he is not entitled to vote it according to the registration records of the county, and if it shall appear from said records that he is not entitled to vote said military service ballot in the primary election of the political party which has been so indicated, such military service ballot shall be rejected.

To investigate qualifications.

The county board shall investigate the qualifications of such person as a military service voter under this act by comparison of the contents of said certificate with the information appearing upon the application for said military service ballot, including the signatures thereon when the military service voter's signature appears upon said application, and by comparison with the military records of the State when deemed desirable.

Should any dispute arise as to whether or not such person's name has been so certified or as to his qualifications or as to whether or not or how any military service ballot shall be counted, the county board shall refer the matter to the court of common pleas for determination.

Procedure for handling envelopes.

After such investigation the county board of elections shall detach or separate the certificate from the inner envelope containing the military service ballot, unless it has been rejected by it or by the court of common pleas, marking the envelope so as to identify the election district in which the ballot contained therein is to be voted as indicated by the military service voter's home address appearing on the certificate attached to or accompanying said inner envelope and, in the case of ballots to be voted at a primary election for a general election, so as to identify the political party in the primary election of which it is to be voted.

C. 19:56-19. Not necessary to qualify voter.

19. It shall not be necessary to qualify any military service voter to vote by a military service ballot in any county, that he shall be or shall have

been registered to vote in any election district of this State at the time of any election or at any other time, if his name has been certified by the county clerk of the county to the commissioner of registration of the county as hereinbefore provided. Any military service ballot returned to any county board of elections in the envelopes required by this act shall be counted in determining the result of any election in which it is to be voted in the election district indicated by the military service voter's home address appearing on the certificate or certificates attached to or accompanying the inner envelope, containing such military service ballot, if such certificate or certificates contain information which would qualify the military service voter to vote in said election district if he were registered to vote therein, and if said certificate or certificates have been filled in and purport to have been executed and sworn to in the manner required by this act and if such military service ballot has been so marked as to comply with the requirements of the election laws of this State and in computing the length of residence, in the county and State, of any military service voter the time which shall have elapsed during his military service or while a patient in any such veterans' hospital shall be counted. All ballots received by the county boards prior to the time designated for the closing of the polls for said election shall be counted.

Canvass.

20. No military service ballot shall be rejected or declared invalid because it does not contain all of the names of the candidates or all of the public questions to be voted for or upon in the election district in the election in which it is to be counted, and any military service ballot shall be counted in determining the result of said election as to any office if the designation of the office and the name of the candidate for election to said office are written thereon so as to indicate the voter's choice and that, notwithstanding that such designation

C. 19:56-20. Omissions not to invalidate ballot.

and name may be or should have been printed upon such military service ballot in the regular manner.

C. 19:56-21. Returnee to apply for ballot.

21. Any military service voter who returns to his place of residence within this State, within thirty days before any election, and who has not received a military service ballot, may appear in person before, and apply in writing to, the proper county clerk for a military service ballot, he shall be entitled to receive a military service ballot upon being properly identified and to cast the same by presenting it in person to the proper county board of elections, properly marked, enclosed and sealed in the inner envelope provided for that purpose, with the certificate or certificates on the flap of the inner envelope duly filled in and signed and sworn to before a person qualified to take an oath, upon being properly identified, at any time before the closing of the polls on the day of such election, and if the ballot is properly marked, it shall be counted at the election.

C. 19:56-22. Canvass.

22. On the day of each election to be held in this State while this act is in effect each county board of elections shall open in the presence of the commissioner of registration or his assistant or assistants the inner envelopes in which the military service ballots, returned to it, to be voted in such election, are contained, except those containing the ballots which the board or the court of common pleas of the county has rejected, and shall remove from said inner envelopes the military service ballots and shall then proceed to count and canvass the votes cast on such military service ballots, but no military service ballot shall be counted in any primary election for the general election if the ballot of the political party marked for voting thereon differs from the designation of the political party in the primary election of which such ballot is intended to be voted as marked on said envelope by the county board of elections. Immediately after the canvass is completed, the county boards of election shall certify the result of such canvass to the county clerk showing the result of the can-

vass by ward and district, and the votes so counted and canvassed shall be counted in determining the result of said election.

C. 19:56-23. Ballots and envelopes retained.

23. The county board of elections shall keep, for a period of one year, all of the ballots, and all of the certificates which have been detached or separated by them from said inner envelopes, and all inner envelopes together with their certificates and together with their contents, which have not been opened because the county board or the court of common pleas rejected them.

C. 19:56-24. Emergency voting.

24. Any elector who has been in the military service or a patient in any such veterans' hospital, but who has been discharged or released from such service or discharged from said hospital too late to register at the last registration day before any election, may obtain an emergency voting form at the office of the proper commissioner of registration if he has been previously permanently registered, and upon presentation of such emergency voting form to the proper district board he shall be permitted to vote. In the event that he has not been permanently registered, upon exhibiting his discharge or certificate of service to such commissioner of registration such commissioner shall require such discharged or released elector to register notwithstanding any provisions of law prohibiting the taking of registrations at such time, before issuing such emergency voting form.

C. 19:56-25. Powers of election officials.

25. The county board of elections, the superintendent of elections and the commissioner of registration shall exercise the same powers over military service voting as over other voting in elections except as otherwise provided in this act.

C. 19:56-26. Not to invalidate election.

26. No election shall be held to be invalid by reason of any irregularity or failure in the preparation or forwarding of any military service ballots pursuant to the provisions of this act.

C. 19:56-27. Repealer, chapter 11, P. L. 1945.

27. "An act to afford certain voters of this State, who are in the military service and in certain services auxiliary to and associated therewith, and in certain veterans' hospitals, in time of war,

an opportunity to vote in certain elections to be held in this State notwithstanding that such voters may be absent on election day from the respective election districts in which they reside, and supplementing Title 19 of the Revised Statutes," approved February twelfth, one thousand nine hundred and forty-five, is repealed.

28. This act shall take effect immediately.

Approved February 18, 1948.

ALFRED E. DRISCOLL,
Governor.

CHAPTER 2

AN ACT concerning elections, amending sections 19:2–1, 19:3–3, 19:4–6, 19:5–3, 19:6–3, 19:6–7, 19:6–8, 19:6–22, 19:8–2, 19:8–4, 19:9–2, 19:12–1, 19:12–2, 19:12–3, 19:12–5, 19:12–6, 19:13–9, 19:13–11, 19:13–13, 19:13–22, 19:14–12, 19:23–1, 19:23–14, 19:23–22, 19:23–40, 19:24–1, 19:24–2 and 19:24–4 of the Revised Statutes and amending "An act concerning elections, and supplementing Title 19 of the Revised Statutes," approved March thirty-first, one thousand nine hundred and forty-five (P. L. 1945, c. 68) and repealing "An act concerning elections, supplementing Title 19 of the Revised Statutes, and repealing 'An act concerning elections, and supplementing Title 19 of the Revised Statutes,' approved April fourteenth, one thousand nine hundred and forty-four (P. L. 1944, c. 141)," approved February fifth, one thousand nine hundred and forty-five (P. L. 1945, c. 7) and

"An act to amend 'An act concerning elections, supplementing Title 19 of the Revised Statutes, and repealing "An act concerning elections, and supplementing Title 19 of the Revised Statutes," approved April fourteenth, one thousand nine hundred and forty-four (P. L. 1944, c. 141),' approved February fifth, one thousand nine hundred and forty-five (P. L. 1945, c. 7)," approved February twenty-first, one thousand nine hundred and forty-six (P. L. 1946, c. 10) and sections one, two, three, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and seventeen of "An act concerning elections, amending sections 19:2–1, 19:3–3, 19:5–3, 19:6–10, 19:8–2, 19:8–4, 19:9–2, 19:12–1, 19:12–2, 19:12–3, 19:12–5, 19:12–6, 19:23–1, 19:23–40, 19:24–1, of the Revised Statutes, and repealing sections 19:2–2, 19:30–3, 19:30–4, 19:30–5, 19:30–6, 19:30–7, 19:30–8, 19:30–9, 19:30–10 of the Revised Statutes, and supplementing Title 19 of the Revised Statutes," approved February twenty-first, one thousand nine hundred and forty-six (P. L. 1946, c. 11).

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

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

19:2–1. Primary elections for delegates and alternates to national conventions of political parties and for the general election shall be held in each year on the third Tuesday in April, between the hours of seven ante meridian and eight post meridian, eastern standard time. Primary elections for special elections shall be held not earlier than thirty nor later than twenty days prior to the special elections. Primary for national conventions. Primary for special elections.

Section amended.

2. Section 19:3–3 of the Revised Statutes is amended to read as follows:

Election of delegates to national conventions.

19:3–3. In each presidential year delegates and alternates to the national conventions of the political parties shall be elected at the primary election to be held on the third Tuesday in April in that year. The members of State, county and municipal committees of the political parties shall be chosen at the primary for the general election as hereinafter provided.

Section amended.

3. Section 19:4–6 of the Revised Statutes is amended to read as follows:

Empowered to consolidate and subdivide election districts.

19:4–6. When in any two consecutive general elections in any election district over six hundred or less than two hundred and fifty votes shall have been cast, the county board in counties of the first class and the governing body of the municipalities in counties other than counties of the first class, except as hereinafter provided, wherein such election district shall lie, may readjust the boundary lines of such election district and other election districts necessary to effect the change so that none of the election districts affected shall have more than five hundred and fifty or less than three hundred and fifty registered voters, and for this purpose shall have power to consolidate any number of districts and subdivide the same.

In redistricting the election districts in counties having a population of less than sixty thousand which under section 19:4–5 of this Title may contain seven hundred voters, a like procedure may be followed.

In redistricting the election districts in which voting machines are to be used, which under section 19:51–1 of this Title may contain seven hundred and fifty registered voters where one machine is to be used, or one thousand registered voters where two machines are to be used, or one thousand five hundred registered voters where three machines are to be used, a like procedure may be followed, provided that where any county, other

than counties of the first class, may provide for the use of voting machines purchased by it, the governing body of any municipality in such county shall, upon notice from the county board, redistrict the election districts in which voting machines are to be used.

In every division, change or readjustment the geographical compactness of each district shall be maintained as nearly rectangular as possible and the lines of such district shall not extend beyond the boundary lines of the ward, or of the municipality, as the case may be, in which the district is located.

No such board or governing body shall make division of an election district between the first day of March and the day of the general election in any year.

Preparing signature copy registers.

The preparation of the signature copy registers, registers of the voters and the party primary poll books of the preceding primary election and the polling books of the preceding general election if made necessary for any purpose by reason of redistricting of the election districts shall be done by the commissioner in municipalities having permanent registration and by the municipal clerk in all other municipalities.

Section amended.

4. Section 19:5–3 of the Revised Statutes is amended to read as follows:

Election of county committees.

19:5–3. The members of the county committees of political parties shall be elected annually at the primary for the general election in the manner provided in this title for the selection of party candidates to be voted for at the general election by voters of a municipality. The county committee shall consist of one male and one female member from each unit of representation in the county. The male receiving the highest number of votes among the male candidates and the female receiving the highest number of votes among the female candidates shall be declared elected. Members of the county committee shall actually reside in the

districts or units which they respectively represent. The county committee shall determine by its by-laws the units into which the county shall be divided for purpose of representation in the county committee.

Time of taking office.

The members of the county committee of each of the political parties shall take office on the first Saturday following their election, on which day the terms of all members of such committees theretofore elected shall terminate. The annual meeting of each county committee shall be held on the first Tuesday following the primary election, except that when such meeting day falls on a legal holiday then the said meeting shall be held on the day following, at an hour and place to be designated in a notice in writing to be mailed by the chairman of the outgoing county committee to each member-elect, at which annual meeting the members of such committee shall elect some suitable person as chairman, to hold office for one year, or until his successor is elected. Such committee shall have power to adopt a constitution and by-laws for its proper government. The chairman shall preside at all meetings of the committee and shall perform all duties required of him by law and the constitution and by-laws of such committee.

Annual meeting and organization.

Vacancies.

A member of a county committee of any political party may resign his office to the committee of which he is a member, and upon acceptance thereof by the committee a vacancy shall exist. A vacancy in the office of a member of the county committee of any political party, caused by death, resignation, failure to elect or otherwise, shall be filled for the unexpired term by the municipal committee of the municipality wherein the vacancy occurs, if there is such committee, and if not, by the remaining members of the county committee of such political party representing the territory in the county in which such vacancy occurs.

Unit of representation certified.

The chairman of the county committee of the several political parties shall before the first day

of March, certify to the clerk of each municipality in the county the unit of representation in such municipality, together with the enumeration of the election district or districts embraced within such unit.

Section amended.

5. Section 19:6–3 of the Revised Statutes is amended to read as follows:

District boards, appointment.

19:6–3. The county board shall, on or before the twentieth day of March, appoint the members of the district boards. The members of any district board shall be equally apportioned between the two political parties which at the last preceding general election held for the election of all of the members of the General Assembly cast the largest and next largest number of votes respectively in this State for members of the General Assembly.

In case the county board shall neglect or refuse to appoint and certify the members of the district boards as herein provided, the court of common pleas shall, before the first day of April in each year, make such appointments and certifications.

Section amended.

6. Section 19:6–7 of the Revised Statutes is amended to read as follows:

Assignment of members.

19:6–7. Any person selected as a member of a district board may be assigned by the county board to any election district, or transferred from one district to another after having been so assigned, in the municipality for which such person was selected, and the county board shall, on or before the twenty-fifth day of March in each year, certify to the clerk of the county and to the municipal clerk the names of the persons appointed to the district boards of registry and election in the election districts in the county, specifying the municipalities and the districts therein for which such members shall have been appointed.

Section amended.

7. Section 19:6–8 of the Revised Statutes is amended to read as follows:

Term of office.

19:6–8. The terms of office of the members of the district boards shall be for one year, or until their successors are appointed, and shall begin on the first day of April of each year. The county board

shall notify the members of each district board of their appointment by forwarding a certificate to each member on or before the twenty-fifth day of March in each year, specifying the district to which such member has been assigned.

Section amended.

8. Section 19:6–22 of the Revised Statutes is amended to read as follows:

Organization, meetings.

19:6–22. The county boards shall, at ten o'clock in the forenoon, on the second Tuesday in March or on such other day as they may agree on within the first fifteen days in March, in each year, meet at the courthouse, or other place as provided for, in their respective counties, and organize by electing one of their number to be chairman and one to be secretary; but the chairman and secretary shall not be members of the same political party.

In case of failure to elect a chairman for three ballots or viva voce votes, the senior member in age of the board shall be the chairman thereof, and on failure to elect a secretary for three ballots or viva voce votes, the next senior member of the board in age shall be secretary of the board; but the chairman and secretary shall not be members of the same political party.

The boards shall have power in their discretion to hold their meetings for any purpose, except organization, in any part of their respective counties.

Section amended.

9. Section 19:8–2 of the Revised Statutes is amended to read as follows:

Polling places suggested.

19:8–2. The clerk of every municipality, on or before the fifteenth day of March, shall certify to the county board of every county wherein such municipality is located a suggested list of places in the municipality suitable for polling places. The county board shall select the polling places for the election districts in the municipalities of the county for all elections in the municipalities thereof, including all commission government elections in the county. The county boards shall not be obliged to select the polling places so suggested by the municipal clerks, but may choose others where they may deem it expedient.

Where the county board shall fail to agree as to the selection of the polling place or places for any election district, within five days of an election, the county clerk shall select and designate the polling place or places in any such election district.

The county board may select a polling place other than a schoolhouse or public building outside of the district, but such polling place shall not be located more than one thousand feet distant from the boundary line of the district.

Section amended.

10. Section 19:8–4 of the Revised Statutes is amended to read as follows:

List of polling places certified.

19:8–4. The county board before the twentieth day of March each year shall certify a list of polling places so selected to the sheriff and to the clerk of the county and to the superintendent of elections of the county if any there be and to each municipal clerk in the county.

Section amended.

11. Section 19:9–2 of the Revised Statutes is amended to read as follows:

Secretary of State to prepare and distribute supplies.

19:9–2. The Secretary of State shall prepare and distribute on or before the tenth day of March in each year prior to the primary election for the general election and the general election the following information and election supplies: pamphlets of the election laws and instructions; precinct returns; electors of President and Vice-President; United States Senator; member of the House of Representatives; Governor; State Senator; Assembly and county officers; justice of the peace; public question submitted to the voters of the entire State; self-addressed envelopes, plain and stamped, to each district; returns for the county board of canvassers for the above officers; primary return sheets.

Other supplies furnished by county officials.

All other books, ballots, envelopes and other blank forms which the county clerk is required to furnish under any other section of this Title, stationery and supplies for the primary election for the general election, the primary election for delegates and alternates to national conventions and the general election, shall be furnished, prepared

and distributed by the clerks of the various counties; except that all books, blank forms, stationery and supplies, articles and equipment which may be deemed necessary to be furnished, used or issued by the county board or superintendent shall be furnished, used or issued, prepared and distributed by such county board or superintendent, as the case may be.

Map of elections districts.

The county board in counties having a superintendent of elections shall furnish and deliver to the county clerk, the municipal clerks and the district boards in municipalities having more than one election district, a map or description of the district lines of their respective election districts, together with the street and house numbers where possible in such election districts. In counties not having a superintendent of elections the municipal clerks shall furnish and deliver such map or description of district lines to the county clerk, the county board and the district board in municipalities having more than one election district.

Construing.

Nothing in subtitle two of the Title Municipalities and Counties (section 40:16–1, et seq.) shall in any wise be construed to affect, restrict, or abridge the powers conferred on the county clerks, county boards or superintendents by this Title.

Section amended.

12. Section 19:12–1 of the Revised Statutes is amended to read as follows:

Secretary of State to certify party vote.

19:12–1. The Secretary of State shall within thirty days after the completion of the canvass by the board of State canvassers, certify to each county clerk and county board the fact that at the next preceding general election held for the election of all of the members of the General Assembly ten per centum (10%) of the total vote cast in the State for members of the General Assembly had been cast for candidates having the same designation, thereby creating, within the meaning of this Title, a political party, to be known and recognized as such under the same designation as used by the candidates for whom the required number of votes were cast.

Notice of officers to be elected and public questions.

He shall also not later than the sixtieth day preceding the primary election for the general election in every year, in which electors of President and Vice-President of the United States, a representative of the United States Senate, members of the House of Representatives, a Governor, or Senator, or member or members of the General Assembly for any county, or any of them, are to be elected or any public question is to be submitted to the voters of the entire State, direct and cause to be delivered to the clerk of the county and the county board wherein any such election is to be held, a notice stating that such officer or officers are to be elected and that such public question is to be submitted to the voters of the entire State at the ensuing general election.

Section amended.

13. Section 19:12–2 of the Revised Statutes is amended to read as follows:

Notice of justices of the peace to be elected.

19:12–2. The Secretary of State shall not later than the sixtieth day preceding the primary election for the general election, certify to the county boards in counties of the first class and to the municipal clerks in the respective municipalities in all counties the number of justices of the peace to be elected for full terms or to fill vacancies in the municipalities at the next succeeding general election, if any are to be so elected.

Section amended.

14. Section 19:12–3 of the Revised Statutes is amended to read as follows:

Certification of political party by county clerk.

19:12–3. The clerk of each county shall immediately upon the receipt of the certificate from the Secretary of State setting forth that a political party has been created, forward a certified copy of such certificate to each municipal clerk of his county.

Notice of officers to be elected.

He shall also not later than the fiftieth day preceding the primary election for the general election in every year cause a copy of the notice received from the Secretary of State of the officer or officers to be elected at the ensuing general election, certified under his hand to be true and correct, to be de-

livered to the clerk of each municipality in the county.

Section amended.

15. Section 19:12–5 of the Revised Statutes is amended to read as follows:

Notice of offices to be filled in county.

19:12–5. The clerk of every county shall, not later than the fiftieth day preceding the primary election for the general election, immediately preceding the expiration of the term of office of all other officers who are voted for by the voters of the entire county or of more than one municipality within the county, direct and cause to be delivered to the clerk of each municipality and the county board in counties of the first class, a notice that such officer or officers, as the case may be, will be chosen at the ensuing general election.

Section amended.

16. Section 19:12–6 of the Revised Statutes is amended to read as follows:

Notice by municipal clerks.

19:12–6. All municipal clerks, not later than the fiftieth day preceding the primary election for the general election, shall make and certify under their hands and seals of office and forward to the clerk of the county in which the municipality is located a statement designating the public offices to be filled at such election, and the number of persons to be voted for each office. In counties of the first class such statement shall also be forwarded to the county board.

Section amended.

17. Section 19:13–9 of the Revised Statutes is amended to read as follows:

Filing petitions.

19:13–9. All such petitions and acceptances thereof shall be filed with the officer or officers to whom they are addressed at least forty days previous to the day of the holding of the primary election for the general election in this Title provided.

Public inspection.

All petitions when filed shall be opened under proper regulations for public inspection.

Certification to Secretary of State.

The county clerks shall certify to the Secretary of State within twenty days after the primary election for the general election, the names, places of residence and post-office addresses of the several candidates nominated for Senator and members of the General Assembly together with the designa-

tion of the party nominating the candidates, whether by petition or at the primary election and the dates of filing the certificates of nominations and petitions.

Section amended.

18. Section 19:13–11 of the Revised Statutes is amended to read as follows:

Determining validity of objection.

19:13–11. The officer with whom the original petition was filed shall in the first instance pass upon the validity of such objection in a summary way unless an order shall be made in the matter by a court of competent jurisdiction and for this purpose such officer shall have power to subpœna witnesses and take testimony or depositions. He shall file his determination in writing in his office at least thirty-four days before the primary election for the general election, which determination shall be open for public inspection.

Section amended.

19. Section 19:13–13 of the Revised Statutes is amended to read as follows:

Amending defective petition.

19:13–13. A candidate whose petition of nomination, or any affidavit or affidavits thereto, is defective, may cause such petition or the affidavit or affidavits thereto, to be amended in matters of substance or of form as may be necessary, but not to add signatures, or such amendment or amendments may be made by filing a new or substitute petition, or affidavit or affidavits, and the same when so amended shall be of the same effect as if originally filed in such amended form; but every amendment shall be made at least thirty-four days before the primary election for the general election. This provision shall be liberally construed to protect the interest of candidates.

Section amended.

20. Section 19:13–22 of the Revised Statutes is amended to read as follows:

Certification of nominees.

19:13–22. The Secretary of State, not later than fifty-one days before any election whereat any candidates nominated in any direct petition or primary certificate of nomination or State convention certificate filed with him are to be voted for, shall make and certify, under his hand and seal of office, and forward to the clerks of the several

counties of the State a statement of all such candidates for whom the voters within such county may be by law entitled to vote at such election. This statement, in addition to the names of the candidates for President and Vice-President of the United States, if any such have been included in any such certificate or petition filed with him, shall contain the names and residences of all other candidates, the offices for which they are respectively nominated, and the names of the parties by which or the political appellation under which they are respectively nominated. Candidates nominated directly by petition, without distinctive political appellation, shall be certified as independent candidates. Similar statements shall be made, certified and forwarded, when vacancies are filled subsequently, according to law.

Contents.

Section amended.

21. Section 19:14–12 of the Revised Statutes is amended to read as follows:

Drawing for column position.

19:14–12. The county clerk shall draw lots in his county to determine which columns the political parties which made nominations at the next preceding primary election shall occupy on the ballot in the county. The name of the party first drawn shall occupy the first column at the left of the ballot, and the name of the party next drawn shall occupy the second column, and so forth.

Method.

The manner of drawing the lots shall be as follows: paper cards, of the same size, substance and thickness, with the names of each political party written thereon, shall be placed in a covered box with an aperture in the top large enough to admit a man's hand and to allow the cards to be drawn therefrom. The box shall be well shaken and turned over to thoroughly intermingle the cards. The county clerk or his deputy shall at his office on the fiftieth day prior to the day of the general election at three o'clock in the afternoon, draw from the box each card separately without knowledge on his part as to which card he is drawing.

Position of candidates.

The position which the names of candidates, and bracketed groups of names of candidates nomi-

nated by petitions for all offices, shall have upon the general election ballot, shall be determined by the county clerks in their respective counties.

Time of drawing.

The drawing of names shall take place at three o'clock in the afternoon on the day following the last day for filing petitions for the general election at the office of the county clerk. The drawing shall be done by the county clerk or his deputy. The person making the drawing shall make public announcement at the drawing of each name, the order in which name is drawn and the office for which the drawing is made.

Procedure when only one office is to be filled.

Where there is but one person to be elected to an office, the names of the several candidates who have filed petitions for such office shall be written upon cards of the same size, substance and thickness. The cards shall be placed in a covered box with an aperture in the top large enough to admit a man's hand and to allow the cards to be drawn therefrom. The box shall be turned and shaken thoroughly to mix the cards and the cards shall be withdrawn one at a time.

Bracketing.

When there is more than one person to be elected to an office where petitions have designated that certain candidates shall be bracketed, the position of such bracketed names on the ballot (each bracketed group to be treated as a single name), together with individuals who have filed petitions for such office, shall be determined as above described.

Any legal voter of the county or municipality, as the case may be, shall have the privilege of witnessing the drawing.

The name or names of the candidate or bracketed group of candidates first drawn from the box shall be printed directly below the proper title of the office for which they were nominated, and the name or names of the candidate or bracketed group of candidates next drawn shall be printed next in order, and so on, until the last name or bracketed group of names shall be drawn from the box.

Arrangement of names.

The arrangement of names of any bracketed group of candidates for any office for which more than one are to be elected shall be printed in the same order on the ballot as they were arranged on the petition of nomination.

Section amended.

22. Section 19:23–1 of the Revised Statutes is amended to read as follows:

Notice of election of county committees by State chairman.

19:23–1. The chairman of the State committee of a political party shall, on or before the first day of February in the year when a governor is to be elected, notify in writing the chairman of each county committee of such party that a male and a female member of such State committee is to be elected from the county at the ensuing primary election for the general election, and each such chairman shall, on or before the first day of March of such year, send a copy of such notice to the clerk of each municipality within the county.

County committee to notify municipal clerk.

The chairman of each county committee shall also, on or before the first day of March in each year, file with the clerks of the several municipalities the number of committeemen to be elected at the ensuing primary for the general election to the county committee.

Section amended.

23. Section 19:23–14 of the Revised Statutes is amended to read as follows:

Filing petitions, time.

19:23–14. Petitions addressed to the Secretary of State shall be filed with such officer at least forty days prior to the primary election for the general election; in all counties petitions addressed to the county clerk shall be filed with such officer at least forty days prior to the primary; petitions addressed to the municipal clerk in all counties shall be filed with such officer at least forty days prior to the primary.

Names of nominees and slogans certified.

Within six days after the last day for filing the petitions for nominations at the primary election for the general election, the municipal clerk shall certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office and the name of the

political party of which such persons are candidates together with their slogan and designation.

Section amended.

24. Section 19:23–22 of the Revised Statutes is amended to read as follows:

Nominees certified by county clerk.

19:23–22. The county clerk shall certify all of the persons so certified to him by the Secretary of State and in addition the names of all persons indorsed in petitions filed in his office to the clerk of each municipality concerned thereby in his respective county at least thirty-three days prior to the time fixed by law for the holding of the primary election, specifying in such certificate the political party to which the person or persons so nominated belong.

C. 19:23-22.1. Section 1, chapter 68, laws 1945 amended.

25. Section one of chapter sixty-eight of the laws of one thousand nine hundred and forty-five is amended to read as follows:

Municipal clerk to certify nominees to county clerk.

1. In counties of the second class having a population of four hundred thousand or more where voting machines are used, each municipal clerk shall, on or before the sixth day following the last day for the filing of petitions for the primary election in each year, certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office, and the name of the political party of which such persons are candidates, together with their slogan and designation, and the order in which their names were drawn in accordance with the provisions of Title 19 of the Revised Statutes.

Section amended.

26. Section 19:23–40 of the Revised Statutes is amended to read as follows:

Primary date.

19:23–40. The primary election for the general election shall be held for all political parties upon the third Tuesday in April in each year, between the hours of seven ante meridian and eight post meridian, eastern standard time. It shall be held for all political parties in the same places as hereinbefore provided for the ensuing general election.

Section amended.

27. Section 19:24–1 of the Revised Statutes is amended to read as follows:

State committee to Secretary of State.

19:24–1. In every year in which primary elections are to be held as herein provided for the election of delegates and alternates to the national conventions of political parties, which primary elections are to be held on the third Tuesday in April as hereinbefore provided, the chairman of the State committee of each political party shall notify the Secretary of State, on or before February first of that year, of the number of delegates-at-large and the number of alternates-at-large to be elected to the next national convention of such party by the voters of the party throughout the State, and also of the number of delegates and alternates to be chosen to such convention in the respective congressional districts or other territorial subdivisions of the State as mentioned in such notification.

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

Section amended.

28. Section 19:24–2 of the Revised Statutes is amended to read as follows:

Certification by Secretary of State.

19:24–2. The Secretary of State shall, on or before March first of that year, certify to the county clerk and county board of each county the number of delegates and alternates-at-large to be chosen by each such party and the number of delegates and alternates to be chosen in each congressional district or other territorial subdivision of the State, composed in whole or in part of the county of such county clerk.

Construing.

Any provisions of this Title which pertain particularly to any election or to the general election or to the primary election for the general election shall apply to the primary election for delegates and alternates to national conventions in so far as they are not inconsistent with the special provisions of this Title pertaining to the primary elec-

tion for delegates and alternates to national conventions.

29. Section 19:24–4 of the Revised Statutes is amended to read as follows: Section amended.

19:24–4. Not less than one hundred members of each such political party may file with the Secretary of State at least forty days prior to the primary election for the general election in any year of a presidential election a petition requesting that the name of a person therein indorsed shall be printed on the primary ticket of such political party as candidate for the position of delegate-at-large or alternate-at-large, to be chosen by the party voters throughout the State to the national convention of that party, or as a delegate or alternate to be chosen to that convention by the voters of any congressional district. Delegates and alternate delegates.

The signers to the petition for any delegate-at-large or alternate-at-large shall be legal voters resident in the State; and the signers for any delegate or alternate from any congressional district shall be voters of such district. Signers.

The Secretary of State shall within six days thereafter certify to each county clerk and county board such nominations for delegates and alternates-at-large and the nominations for delegate or alternate for any congressional district. Certification of nominees.

30. "An act concerning elections, supplementing Title 19 of the Revised Statutes, and repealing 'An act concerning elections, and supplementing Title 19 of the Revised Statutes,' approved April fourteenth, one thousand nine hundred and forty-four (P. L. 1944, c. 141)," approved February fifth, one thousand nine hundred and forty-five, is repealed. Chapter 141, P. L. 1944, repealed.

31. "An act to amend 'An act concerning elections, supplementing Title 19 of the Revised Statutes, and repealing "An act concerning elections, and supplementing Title 19 of the Revised Statutes," approved April fourteenth, one thousand nine hundred and forty-four (P. L. 1944, c. 141),' approved February fifth, one thousand nine hun- Repealer.

dred and forty-five (P. L. 1945, c. 7),'' approved February twenty-first, one thousand nine hundred and forty-six, is repealed.

Repealer. 32. Sections one, two, three, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and seventeen of ''An act concerning elections, amending sections 19:2–1, 19:3–3, 19:5–3, 19:6–10, 19:8–2, 19:8–4, 19:9–2, 19:12–1, 19:12–2, 19:12–3, 19:12–5, 19:12–6, 19:23–1, 19:23–40, 19:24–1, of the Revised Statutes, and repealing sections 19:2–2, 19:30–3, 19:30–4, 19:30–5, 19:30–6, 19:30–7, 19:30–8, 19:30–9, 19:30–10 of the Revised Statutes, and supplementing Title 19 of the Revised Statutes,'' approved February twenty-first, one thousand nine hundred and forty-six, is repealed.

Saving clause. 33. The repeal of any act by this act shall not revive any acts repealed thereby.

34. This act shall take effect immediately.

Approved February 18, 1948.

CHAPTER 3

AN ACT providing for the striking or calculating of tax rates and the delivery of tax duplicates for the tax year one thousand nine hundred and forty-eight.

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

Delivery of tax duplicates. 1. The several county boards of taxation shall cause the corrected, revised and completed tax duplicates for the tax year one thousand nine hundred and forty-eight to be delivered to the proper municipal officers of the various taxing districts of the county, on or after May first, one thousand nine hundred and forty-eight, and no tax rate shall be

struck or calculated for any taxing district of this State prior to said date.

2. If any tax duplicate has been or shall be delivered to any municipal officer prior to said date, it shall be the duty of said municipal officer to return the same to the county board of taxation as soon as possible after the effective date of this act, and if any tax rate has been or shall be struck or calculated prior to said date the same shall be restruck or recalculated, and the tax duplicates shall be corrected, by the county board of taxation so as to reflect the effect of any legislation affecting the same which shall be enacted prior to said date. Tax rate to be recalculated.

3. This act shall take effect immediately.

Approved March 31, 1948.

CHAPTER 4

AN ACT concerning the definition of the words "general election" and other similar expressions when used in any statute and in the Revised Statutes, and amending section 1:1–2 of the Revised Statutes.

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

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

1:1–2. Unless it be otherwise expressly provided or there is something in the subject or context repugnant to such construction, the following words and phrases, when used in any statute and in the Revised Statutes, shall have the meaning herein given to them. Words and phrases defined.

Affirmation; affirmed. See "Oath; sworn," infra, this section. Affirmation, affirmed;

Assessor; Assessor. The word "assessor," when used in relation to the assessment of taxes or water rents or other public assessments, includes all officers, boards or commissions charged with the duty of making such assessments, unless a particular officer, board or commission is specified.

Census; Census. When used with reference to the population of this State, or of any subdivision thereof, the word "census" means the latest Federal census effective within this State.

Collector; Collector. The word "collector," when used in relation to the collection of taxes or water rents or other public assessments, includes all officers charged with the duty of collecting such taxes, water rents or assessments, unless a particular officer is specified.

Folio, sheet; Folio; sheet. A sheet or folio shall consist of one hundred words, and in all cases where an entry of any writing or copy is to be paid for, the sheet or folio shall consist of one hundred words.

Gender; Gender. See "Number; gender," infra, this section.

General election; General election. The words "general election" shall be taken to mean the annual election to be held on the first Tuesday after the first Monday in November and in any statute in which it is provided that any public officer shall be elected, or any public question shall be voted upon, at an election at which members of the General Assembly are to be voted for or elected, or words to that effect, shall be taken to mean, and shall be construed to be the equivalent of a provision, that said public officers shall be elected, or that said public question shall be voted upon, "at a general election."

He; He. See "Number; gender," infra, this section.

Inhabitants; Inhabitants. See "Population; inhabitants," infra, this section.

It; It. See "Number; gender," infra, this section.

Magistrate; Magistrate. The word "magistrate" includes any judge, justice, justice of the peace or recorder or officer or other person having the powers of a committing magistrate.

Masculine. See "Number; gender," infra, this section. Masculine;

Month; year. The word "month" means a calendar month, and the word "year" means a calendar year. Month, year;

Municipality; municipal corporation. The words "municipality" and "municipal corporation" include cities, towns, townships, villages and boroughs, and any municipality governed by a board of commissioners or an improvement commission. Municipality;

Neuter. See "Number; gender," infra, this section. Neuter;

Number; gender. Whenever, in describing or referring to any person, party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties as well as to one person or party and to females as well as males, and to bodies corporate as well as individuals, and to several matters and things as well as one matter or thing. Number;

Oath; sworn. The word "oath" includes "affirmation"; and the word "sworn" includes "affirmed." Oath;

Other property. See "Property; other property," infra, this section. Other property;

Person. The word "person" includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, unless restricted by the context to an individual as distinguished from a corporate entity or specifically restricted to one or some of the above enumerated synonyms and, when used to designate the owner of property which may be the subject of an offense, includes this State, the United States, any other State of the United States as defined infra and any foreign country or government lawfully owning or possessing property within this State. Person;

Personal property. "Personal property" includes goods and chattels, rights and credits, moneys and effects, evidences of debt, choses in Personal property;

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action and all written instruments by which any right to, interest in, or lien or encumbrances upon, property or any debt or financial obligation is created, acknowledged, evidenced, transferred, discharged or defeated, in whole or in part, and everything except real property as herein defined which may be the subject of ownership.

Plural; Plural. See "Number; gender," supra, this section.

Population, inhabitants; Population; inhabitants. The word "population," when used in any statute, shall be taken to mean the population as shown by the latest Federal census effective within this State, and shall be construed as synonymous with "inhabitants."

Property, other property; Property; other property. The words "property" and "other property," unless restricted or limited by the context to either real or personal property, includes both real and personal property.

Real estate; Real estate; real property. The words "real estate" and "real property" include lands, tenements and hereditaments and all rights thereto and interests therein.

Revised Statutes; Revised Statutes. The words "Revised Statutes" mean the Revised Statutes of 1937, unless some other revision is expressly indicated or referred to.

She; She. See "Number; gender," supra, this section.

Sheet; Sheet. See "Folio," supra, this section.

Ship; Ship. The word "ship" includes vessels, steamers, canal boats and every boat or structure adapted to navigation or movement from place to place, upon the ocean, lakes, rivers or artificial waterways, either by its own power or otherwise.

Singular; Singular. See "Number; gender," supra, this section.

State; State. The word "State" extends to and includes any State, territory or possession of the United States, the District of Columbia and the Canal Zone.

Sworn. See "Oath; sworn," supra, this section. Sworn;

Taxing district. The words "taxing district," when used in a law relating to the assessment or collection of taxes, assessments or water rates or water rents, include every political division of the State, less than a county, whose inhabitants, governing body or officers have the power to levy taxes, assessments or rates. Taxing district;

Territory. The word "territory" extends to and includes any territory or possession of the United States, the District of Columbia and the Canal Zone. Territory;

United States. The words "United States" extend to and include every State, territory and possession of the United States, the District of Columbia and the Canal Zone. United States;

Year. See "Month; year," supra, this section. Year.

2. This act shall take effect immediately.

Approved April 5, 1948.

CHAPTER 5

AN ACT concerning boards of chosen freeholders, and amending sections 40:20–16 and 40:20–18 of the Revised Statutes.

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

1. Section 40:20–16 of the Revised Statutes is amended to read as follows: Section amended.

40:20–16. The county clerk and the various municipal clerks shall give notice of the election by posting and publishing notice thereof in the manner required for posting and publishing notices of general elections. Notice of election.

2. Section 40:20–18 of the Revised Statutes is amended to read as follows: Section amended.

40:20–18. The district boards of registry and elections shall make returns of the election held Making election returns.

under sections 40:20–8 to 40:20–13 of this Title in the case of elections held on presidential primary day, in the manner provided by law for making returns in cases of special elections, and in the case of elections held on the day of a general election, in the manner provided by law for making returns of general elections.

Statement of results.

The statements of the results of each election held hereunder shall be transmitted by the district boards of registry and elections to the officers designated by law for the purpose, and the votes shall be canvassed and determined by the county board of elections in the manner provided by law, and it shall certify the result to the county clerk.

3. This act shall take effect immediately.

Approved April 5, 1948.

CHAPTER 6

AN ACT to amend the Municipal Manager Form of Government Law by amending section 40:80–5 of the Revised Statutes.

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

Section amended.

1. Section 40:80–5 of the Revised Statutes is amended to read as follows:

Election agents, designation.

40:80–5. Two agents for each election district may be designated by a petition signed by legal voters of the municipality equal in number to at least three per centum (3%) of the number of persons who voted in the municipality at the last preceding general election, held for the election of all of the members of the General Assembly. The petition shall name the agents designated and their respective districts, and shall be filed with the municipal clerk not later than the Tuesday next pre-

ceding the election. The petition shall bear on its face the name of a representative authorized to act for the petitioners in filling vacancies in the designation of any agent or agents named therein which may arise after the filing of said petition. Upon the filing of the petition the municipal clerk shall forthwith issue, under his hand, to each person designated therein a permit for him to act as agent in the election district specified in the petition. The permit shall be evidence of the right of the person named therein to be present in the polling place of the election district for which he has been designated and to challenge the right to vote therein of any person claiming such right and to be present while the ballots cast are being counted and to hear and see such ballots counted. The grounds for challenge and the procedure for disposition thereof shall be the same as prescribed by the laws regulating general elections. No signature shall be counted as valid for more than one petition and should any voter sign two or more petitions his signature shall be void as to the petition or petitions last filed. A vacancy arising with respect to any agent shall be filled by the representative appointed in the petition designating such agent. Such appointment shall be certified to the municipal clerk, who shall forthwith issue a permit in the manner hereinbefore prescribed for agents designated by petition.

Permit.

Grounds for challenge.

Signature void.

Vacancies.

2. This act shall take effect immediately.

Approved April 5, 1948.

CHAPTER 7

AN ACT concerning elections for borough officers, and amending section 40:87–14 of the Revised Statutes.

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

Section amended.

1. Section 40:87–14 of the Revised Statutes is amended to read as follows:

Annual election.

40:87–14. There shall be held annually, at the time provided by law for holding general elections, an election for borough officers. All persons qualified to vote in such borough for members of the General Assembly, shall be entitled to vote at such election.

2. This act shall take effect immediately.

Approved April 5, 1948.

CHAPTER 8

AN ACT concerning township elections, and amending sections 40:143–1, 40:144–2 and 40:144–12 of the Revised Statutes.

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

Section amended.

1. Section 40:143–1 of the Revised Statutes is amended to read as follows:

Annual election.

40:143–1. The annual township election for township officers shall be held at the same time and places as the general election.

Section amended.

2. Section 40:144–2 of the Revised Statutes is amended to read as follows:

Petition and referendum.

40:144–2. The qualified voters of any such township, in number not less than ten per centum

(10%), as evidenced by the total number of votes cast at the then next preceding general election in such township, may file with the township clerk a petition or petitions requesting said clerk to submit the question of the division of the township into wards to the qualified voters thereof at the next general election, which shall occur not less than sixty days after the filing of said petition or petitions. All the names of voters need not be signed to one petition, but duplicate copies thereof may be used. There shall be annexed to each petition or copy thereof the affidavit of one of the signers that the petition has been signed by the persons whose names are affixed thereto for the purposes therein stated.

Section amended.

3. Section 40:144–12 of the Revised Statutes is amended to read as follows:

Township committee, first election.

40:144–12. The first election for members of the township committee in any township after the same shall have been divided into wards under the provisions of this chapter, shall be held at the time of the first general election occurring after such division into wards. At such election there shall be elected a member at large, and in each ward one member of the township committee for one year and one member for two years, and the ballots voted shall designate which one is to serve for one year and which one for two years.

4. This act shall take effect immediately.

Approved April 5, 1948.

CHAPTER 9

AN ACT concerning certain villages, and amending section 40:158–1 of the Revised Statutes.

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

Section amended.

1. Section 40:158–1 of the Revised Statutes is amended to read as follows:

Annual election.

40:158–1. The annual election for trustees and other elective officers shall be held at the same time and at the same place or places as the annual general election. Their terms shall commence at noon on January first next succeeding their election. The names of the persons to be voted for as trustees and other elective officers shall be printed upon the ballots prepared for the general election in said village. This section shall not apply in villages where the date of the annual election has been changed in accordance with the provisions of chapter one hundred sixty-one of this Title (§40:161–1 et seq.).

Not to apply.

2. This act shall take effect immediately.

Approved April 5, 1948.

CHAPTER 10

AN ACT to amend "An act to authorize any city, borough, village, town, township, or other municipality, other than a county or school district, to provide temporary or permanent safe and sanitary dwellings for citizens of this State, and to manage and maintain the same, to borrow funds for such purpose and to issue municipal

obligations therefor, and to make appropriations for such purpose," approved April twelfth, one thousand nine hundred and forty-six (P. L. 1946, c. 79), as said title was amended by chapter three hundred and twenty-one of the laws of one thousand nine hundred and forty-six, and to amend "An act to amend the title of 'An act to authorize any city, borough, village, town, township, or other municipality, other than a county or school district, to provide temporary or permanent safe and sanitary dwellings for citizens of this State, and to manage and maintain the same to borrow funds for such purpose and to issue municipal obligations therefor,' approved April twelfth, one thousand nine hundred and forty-six (P. L. 1946, c. 79), so that the same shall read 'An act to authorize any city, borough, village, town, township, or other municipality, other than a county or school district, to provide temporary or permanent safe and sanitary dwellings for citizens of this State, and to manage and maintain the same, to borrow funds for such purpose and to issue municipal obligations therefor, and to make appropriations for such purpose,' and to amend and supplement the body of said act," approved October first, one thousand nine hundred and forty-six (P. L. 1946, c. 321).

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

Section amended.

1. Section nine of chapter seventy-nine of the laws of one thousand nine hundred and forty-six is amended to read as follows:

C. 55:14F-9. Limitations of powers.

9. None of the powers granted by section four of this act shall be exercised except by resolution passed prior to July first, one thousand nine hundred and forty-nine.

Section amended.

2. Section four of chapter three hundred and twenty-one of the laws of one thousand nine hundred and forty-six is amended to read as follows:

C. 55:14F-4.1. Local ordinances nonoperative.

4. Notwithstanding the provisions of any zoning or other municipal ordinance or building code to the contrary, the governing body of any municipality may, in its discretion, provide by resolution for the erection or reconstruction of any portable or temporary or movable dwelling unit or units, whether purchased or acquired from the Federal Government, or from the State Government, or otherwise, in or upon any area within such municipality, including any lands of such municipality held by it for park or other public use.

Tenement house regulations.

Any provisions of subtitle 1, of Title 55, of the Revised Statutes, relating to Tenement Houses, or of the regulations of the board of tenement house supervision of the State of New Jersey, to the contrary notwithstanding, any such municipality may, in its discretion, provide by resolution, for such erection or reconstruction of any such dwelling units on any such property; *provided, however,* that such units do not exceed two stories in height.

Proviso.

Exercise of power.

None of the powers granted by this section shall be exercised except by resolution passed prior to July first, one thousand nine hundred and forty-nine.

Time limit on temporary housing.

Any portable or temporary or movable dwelling unit or units erected, constructed or reconstructed by any municipality in violation of any zoning or other municipal ordinance or building code, or in violation of the provisions of subtitle 1, of Title 55, of the Revised Statutes, relating to Tenement Houses, or of the regulations of the board of tenement house supervision of the State of New Jersey, as authorized by this section, may be rented, leased, managed, operated or maintained for a period not in excess of five years from the date of the acquisition of such dwelling unit or units.

3. This act shall take effect immediately.

Approved April 5, 1948.

CHAPTER 11

AN ACT relating to the protection of forests, woodlands and open lands from fire, and supplementing chapter nine of Title 13 of the Revised Statutes.

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

C. 13:9-52. Governor authorized to issue proclamation.

1. Notwithstanding the provisions of any other law to the contrary:

Whenever, by reason of drought, the forests of the State are in danger of fires, the Governor shall have the authority to forbid by proclamation any person or persons, except those authorized by such proclamation, from entering forests, woodlands or open lands in such parts of the State as he deems the public interest requires, and may by such proclamation suspend or curtail any open season for taking fish, game birds, game animals and fur-bearing animals, or any of them, therein. Such proclamation shall be in full force and effect at the expiration of twenty-four hours after notice is given in the manner the Governor may determine and remain in force and effect until rescinded by the Governor. It shall be unlawful for any person or persons, except those authorized by such proclamation, to enter such forests, woodlands or open lands while such proclamation shall be in force and effect.

Proclamation operative.

2. This act shall take effect immediately.

Approved April 5, 1948.

CHAPTER 12

AN ACT to amend "An act providing for housing for veterans of World War II and other people of the State and declaring an emergency in respect thereto," approved October first, one thousand nine hundred and forty-six (P. L. 1946, c. 323).

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

Section amended.

1. Section twenty-six of the act of which this act is amendatory is amended to read as follows:

C. 55:14G-26. Act operative.

26. This act shall take effect immediately and, except as provided in sections twelve, thirteen, fifteen, sixteen and twenty-one, shall continue in full force and effect only until July first, one thousand nine hundred and forty-nine, unless extended by act of the Legislature.

2. This act shall take effect immediately.

Approved April 5, 1948.

CHAPTER 13

AN ACT concerning the disposition of legislative bills and joint resolutions in certain cases, and amending sections 1:2–5 and 1:2–6 of the Revised Statutes.

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

Section amended.

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

Disposition of passed and approved legislation.

1:2–5. On the passage of any bill, or the adoption of any joint resolution, by both Houses of the

Legislature, the same shall be delivered to the Governor or person administering the government, who, if he shall approve such bill or joint resolution, shall sign and deliver the same to the Secretary of State, to be filed in his office, in such order that the laws and joint resolutions of each sitting of the Legislature shall be kept separately, according to the year in which they shall be passed, and not delivered to any person whatsoever, but safely kept by the Secretary of State in his office, and not suffered to be taken or removed therefrom on any pretext whatsoever.

Section amended.

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

Disposition of legislation not signed or vetoed.

1:2–6. If any bill shall pass both Houses of the Legislature, and be presented to the Governor pursuant to Article V, Section I, paragraph 14, of the Constitution of this State, and the same shall not be returned to the house in which it originated within the time limited by the Constitution, whereby the same has become a law, in like manner as if the Governor had signed the same, the Governor shall indorse thereon, and sign, a certificate of the true time the same was presented to him, and deliver the same to the Secretary of State, who shall indorse thereon, and sign, a certificate of the time it was delivered to him, and file and keep the same in his office, to be there safely kept, with the other laws of the same sitting, as directed by section 1:2–5 of this Title.

Approved April 5, 1948.

CHAPTER 14

AN ACT authorizing and empowering the State Board of Education to purchase land in the county of Passaic for State teachers college and other authorized educational purposes; to purchase equipment for such purposes; to construct or alter buildings upon such land, and to improve such land, and supplementing article three of chapter sixteen of Title 18 of the Revised Statutes.

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

C. 18:16-32. Authorized to acquire property.

1. The State Board of Education is hereby authorized and empowered to purchase land in the county of Passaic for State teachers college and other authorized educational purposes; to purchase equipment for such purposes; to construct or alter buildings upon such land, and to improve such land.

2. This act shall take effect immediately.

Approved April 5, 1948.

CHAPTER 15

AN ACT concerning county vocational schools, and amending section 18:15–46 of the Revised Statutes.

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

1. Section 18:15–46 of the Revised Statutes is amended to read as follows: Section amended.

18:15–46. For each county system of vocational schools established in accordance with this article, there shall be a board of education consisting of the county superintendent of schools and four persons to be appointed. Boards of education, vocational schools.

In counties of the first class the four appointive members of such board shall be appointed by the county supervisor. In all counties of the second class, and in counties of the third and fifth classes having populations in excess of one hundred sixty thousand, the four appointive members of the board shall be appointed by the director of the board of chosen freeholders, with the advice and consent of that board. Not more than two members appointed in any such county of the second, third, or fifth class shall be members of the same political party, but no changes for adjustment of party representation shall be made in a board except as vacancies occur. In other counties, the four appointive members of the board shall be appointed by the judge of the court of common pleas or in counties where there is more than one judge by a majority of them.

In making the first appointments to a board, one person shall be appointed to serve for one year, one for two years, one for three years and one for four years from November first next succeeding the date of their respective appointments. The persons so appointed shall also serve from the date of their respective appointments until November first next ensuing. Terms.

Annual appointments.

Annually during the month of October a member of the board shall be appointed to serve for a term of four years, and until the appointment and qualification of his successor, to take the place of the member whose term shall expire on November first then next ensuing.

Vacancies.

A vacancy in the board caused by the death, resignation or removal of a member shall be reported forthwith by the secretary of the board to the county supervisor, director of the board of chosen freeholders, or the judge or judges, as the case may be, who, within thirty days thereafter, and in the manner herein prescribed for making appointments for a full term, shall appoint a person to fill the vacancy for the unexpired term.

C. 18:15-46.1. Members to continue.

2. The members of the board of education for each county system of vocational schools, in office when this act takes effect, shall continue in office until the expiration of their respective terms of office.

3. This act shall take effect immediately.

Approved April 9, 1948.

CHAPTER 16

AN ACT fixing the annual compensation of members of the Senate and General Assembly and providing for the payment thereof and for the payment of an additional allowance to the President of the Senate and the Speaker of the General Assembly.

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

C. 52:10A-1. Salaries, legislators.

1. Members of the Senate and General Assembly shall receive annually, during the term for which they shall have been elected and while they shall

hold their office, compensation in the sum of three thousand dollars ($3,000.00) each. The President of the Senate and the Speaker of the General Assembly, each by virtue of his office, shall receive an additional allowance, equal to one-third of his compensation as a member. The compensation herein provided shall be paid to each member upon his qualifying into office as such member, and the additional allowance herein provided to the President of the Senate and the Speaker of the General Assembly shall be paid upon his qualifying into office as such officer.

2. This act shall take effect immediately.

Approved April 9, 1948.

CHAPTER 17

AN ACT concerning the wages of prisoners in county penitentiaries, and amending section 30:8–43 of the Revised Statutes.

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

1. Section 30:8–43 of the Revised Statutes is amended to read as follows: Section amended.

30:8–43. When a prisoner has a wife, child or children or others legally dependent upon him, or her, for support, the earnings of such prisoner shall be disbursed through the county probation office to such dependents, or to the society or institution having the care or custody of such dependents, or any of them, as the court may direct, and the order of the court relative to payments of such earnings may be modified at any time thereafter as the court may determine, but the court may order that the fines and costs may be first charged against and deducted from the earnings of such Disposition of earnings.

prisoner. The board of chosen freeholders shall make rules and regulations relative to the disposition of the earnings of all prisoners, and may designate an officer or employee of the county as the disbursing agent of such funds.

Unclaimed earnings.

When the earnings of any such prisoner have been unclaimed for a period of one year after the discharge of any such prisoner from imprisonment, the county probation officer shall pay to the county treasurer of the county such unclaimed sums of money, for the use of the county; *provided, however,* that at any time within two years after such moneys have been turned over to the use of the county, any person or persons claiming to own the said money, in addition to any other remedy now provided by law, may make application, upon giving ten days' prior notice thereof to the county treasurer, to a judge of the court of oyer and terminer or quarter sessions for an order declaring such moneys to be the property of such person or persons, and ordering the same to be returned to such person or persons by the county treasurer. Upon proof that such person or persons are entitled to said moneys, the judge shall issue an order directing the county treasurer to pay such moneys over to such person, which order and payment shall be a valid and sufficient release and discharge of the county treasurer.

Proviso.

2. This act shall take effect immediately.

Approved April 9, 1948.

CHAPTER 18

AN ACT to amend "An act to provide for temporary bonus for certain persons holding public office, position, or employment, whose compensation is paid by any county, municipality, school district, or other political subdivision of this State, or by any board, body, agency, or commission of any county, municipality, or school district of this State," approved December twenty-seventh, one thousand nine hundred and forty-one (P. L. 1941, c. 404), as said title was amended by chapter thirty-one of the laws of one thousand nine hundred and forty-three.

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

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

1. Every board of chosen freeholders, common council, governing body, board of education, board, body and officer by whatsoever name, of any county, municipality, school district, or other political subdivision of this State, now having the power or charged with the duty of paying, on behalf of such county, municipality, school district, or other political subdivision of this State, or of such board, body, agency, or commission of any county, municipality, or school district of this State, the salary or pay of persons holding office, position, or employment, shall have the right and power in the discretion of such body, board, or officer, to grant and order paid in monthly or other installments, to any persons holding such office, position, or employment, such sum, in addition to the regular salary or pay of such persons holding office, position, or employment, by way of bonus for the fiscal year in which such order is made, as such body, board Empowered to pay bonus.

or officer may determine, not exceeding twenty per centum (20%) of the regular annual rate of such usual or regular salary or pay of such persons holding such office, position, or employment; *provided,* that where such annual rate of such usual or regular salary or pay is not in excess of seven hundred dollars ($700.00) per annum, such bonus payments limitation shall be forty per centum (40%) of such regular salary or pay; *and provided,* that where such annual rate of such usual or regular salary or pay is not in excess of twelve hundred dollars ($1,200.00) per annum, such bonus payments limitation shall be thirty per centum (30%) of such regular salary or pay; *and provided,* that where such annual rate of such usual or regular salary or pay is in excess of twelve hundred dollars ($1,200.00), but not more than fifteen hundred dollars ($1,500.00) per annum, such bonus payments limitation shall be twenty-five per centum (25%) of such regular salary or pay; *and provided,* that nothing in this act shall be held or construed to permit such body, board or officer to grant or order paid any such bonus to any member of such board, or body, or to himself, or to grant or pay any such bonus to any person whomsoever after the thirty-first day of December, one thousand nine hundred and forty-nine; *and provided further,* that no grant or payment of any bonus under this act shall be made to any such person if the regular annual rate of the usual or regular salary or pay of such person holding such office, position or employment is more than five thousand dollars ($5,000.00) per annum; *and provided further,* that no person whose regular annual rate of the usual or regular salary or pay in such office, position or employment is more than three thousand dollars ($3,000.00) shall receive any grant or payment of any bonus under this act greater in amount than that to which persons whose regular annual rate of the usual or regular salary or pay is three thousand dollars ($3,000.00) would be entitled; *and provided,* that the provisions of this act shall extend to State em-

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Proviso.

ployees whose compensation is paid in full by such county, municipality, school district or other political subdivision of this State; *and provided further,* that no grant or payment of any bonus under this act shall be held or construed as an increase in the salary or pay of any person receiving the same; neither shall the cessation of any such bonus, or any part thereof, be held or construed to amount to a reduction in the salary or pay of any persons holding office, position, or employment, nor shall the amount of any such bonus be taken into consideration or included in any calculation respecting any amount to be paid into or out of any pension, retirement or other similar fund or in any similar connection. Proviso.

Whenever the boards of chosen freeholders having joint control over any bridge over a navigable river between two or more counties are unable to agree upon granting or ordering paid any sums in addition to the regular salary or pay of joint bridge employees, employed on such bridges, by way of bonus, each such board of chosen freeholders shall have the right and power, in its discretion, to grant and order paid, to such of said employees as are residents of the county over which such board of chosen freeholders has jurisdiction, such sums in addition to their salary or pay, by way of bonus, as said board of chosen freeholders shall determine, in accordance with the provisions of the act to which this act is an amendment. For the purposes of computing the twenty per centum (20%) bonus limitation in the act to which this is an amendment, the total joint salary received by each such bridge employee from the two or more counties by which he is employed shall be used as his regular annual rate of usual or regular salary or pay. In any county where the board of chosen freeholders has reserved from the one thousand nine hundred and forty-three appropriations a sum sufficient therefor, it shall be lawful for such board to grant and order paid such sums by way of bonus Bridge employees.

for the fiscal year ending December thirty-first, one thousand nine hundred and forty-three.

2. This act shall take effect immediately.

Approved April 9, 1948.

CHAPTER 19

AN ACT to amend "An act concerning State aid for schools, and supplementing Title 18 of the Revised Statutes," approved April eleventh, one thousand nine hundred and forty-six (P. L. 1946, c. 63).

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

Section amended.

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

C. 18:10-29.8. State aid for schools.

8. Each regional school district shall be entitled to receive in each school year the following:

(a) Four hundred dollars ($400.00) for each of its full-time teachers and for its principal;

(b) Three hundred dollars ($300.00) for each of its full-time nurses;

(c) One hundred dollars ($100.00) for each of its part-time nurses;

(d) Seventy-five per centum (75%) of the cost of transportation of its pupils when the necessity for such transportation and the cost and method thereof have been approved by the county superintendent of schools of the county in which the district paying the cost of such transportation is situated;

(e) Three cents ($0.03) a day for the attendance of each person of school age within such regional school district in such year; and

(f) Sixty dollars ($60.00) for each of its pupils in any district within the regional high school district.

2. This act shall take effect immediately.
Approved April 9, 1948.

CHAPTER 20

AN ACT concerning municipal referenda in connection with the sales of alcoholic beverages, and amending sections 33:1–44, 33:1–45, 33:1–46, 33:1–47 and 33:1–47.1 of the Revised Statutes.

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

1. Section 33:1–44 of the Revised Statutes is amended to read as follows: Section amended.

33:1–44. Whenever a petition, signed by at least fifteen per centum (15%) of the qualified electors of any municipality as evidenced by the total number of votes cast for members of the General Assembly, at the then next preceding general election held for the election of all of the members of the General Assembly, in such municipality, shall be presented to the governing board or body thereof, requesting a referendum on the question hereinafter stated, such governing board or body shall adopt forthwith a resolution directing the clerk of the county in which such municipality is situated to print, pursuant to Title 19, Elections, hereinafter referred to as the "general election law," upon the official ballot to be used in such municipality at the next ensuing general election a question to read: "Shall the retail sale of alcoholic beverages, other than brewed malt alcoholic bev- Referendum on sale of beverages excepting malt and wine. Question.

erages and naturally fermented wine, for consumption on the licensed premises by the glass or other open receptacle pursuant to chapter one of the Title Intoxicating Liquors of the Revised Statutes (§33:1–1 et seq.), be permitted in this municipality?'' Thereupon the clerk or secretary of said governing board or body shall forthwith deliver to the county clerk a certified copy of such resolution. If the copy shall be delivered to the county clerk not less than thirty days before such general election, he shall cause such question to be printed in an appropriate place on the ballot to be used in such municipality at the next ensuing general election pursuant to the general election law and thereupon all proceedings with respect to the referendum on such question shall be subject to and governed by the general election law as in other cases of the submission of public questions to the electorate.

Notification of results.

If a majority of the legal voters voting upon the question shall vote ''Yes,'' the clerk of the governing board or body of such municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of such municipality and the retail sales as aforesaid of such alcoholic beverages and the issuing of licenses pursuant to this chapter shall be permitted in such municipality.

If a majority of the legal voters voting upon the question shall vote ''No,'' then the clerk of the governing board or body of the municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of the municipality, and after thirty days have elapsed after the date of such vote the retail sale of alcoholic beverages, other than brewed malt alcoholic beverages and naturally fermented wines, for consumption on the licensed premises by the glass or other open receptacle (such retail sale being sometimes hereinafter called ''prohibited

sale''), shall be unlawful in such municipality and constitute a violation of this chapter, and it shall forthwith upon such vote be unlawful for the other issuing authority of the municipality, having authority to issue licenses, to issue any license in respect to such municipality which shall permit such prohibited sale, and all licenses theretofore issued in respect to such municipality which shall have licensed such prohibited sale shall, to the extent that they permitted such prohibited sale, become void and inoperative thirty days after the date of such vote.

Limitation.

Whenever a referendum shall have been had in any municipality pursuant to this section, no further referendum on the same question shall be held therein prior to the general election to be held in such municipality in the third year thereafter and so long as such referendum remains effective, all ordinances, resolutions or regulations inconsistent with the result of such referendum shall have no effect within such municipality.

Section amended.

2. Section 33:1–45 of the Revised Statutes is amended to read as follows:

Referendum on sale of all alcoholic beverages.

33:1–45. Whenever a petition signed by at least fifteen per centum (15%) of the qualified electors of any municipality as evidenced by the total number of votes cast for members of the General Assembly, at the then next preceding general election held for the election of all of the members of the General Assembly, in such municipality, shall be presented to the governing board or body thereof, requesting a referendum on the question hereinafter stated, such governing board or body shall adopt forthwith a resolution directing the clerk of the county in which such municipality is situated to print, pursuant to Title 19, Elections, hereinafter referred to as the ''general election law,'' upon the official ballot to be used in such municipality at the next ensuing general election a question to read: ''Shall the retail sale of all kinds of alcoholic beverages, for consumption on the licensed premises by the glass or other open re-

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ceptacle pursuant to chapter one of the Title Intoxicating Liquors of the Revised Statutes (§33:1–1 et seq.), be permitted in this municipality?" Thereupon the clerk or secretary of such governing board or body shall forthwith deliver to such county clerk a certified copy of the resolution. If the copy shall be delivered to the county clerk not less than thirty days before such general election, he shall cause such question to be printed in an appropriate place on the ballot to be used in such municipality at the next ensuing general election pursuant to the general election law and thereupon all proceedings with respect to the referendum on such question shall be subject to and governed by the general election law as in other cases of the submission of public questions to the electorate.

Notification of result.

If a majority of the legal voters voting upon the question shall vote "Yes," the clerk of the governing board or body of such municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of such municipality and the retail sales as aforesaid of such alcoholic beverages and the issuing of licenses pursuant to this chapter shall be permitted in such municipality.

If a majority of the legal voters voting upon the question shall vote "No," then the clerk of the governing board or body of such municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of the municipality, and after thirty days have elapsed after the date of such vote, the retail sale of all kinds of alcoholic beverages for consumption on the licensed premises by the glass or other open receptacle (such retail sale being sometimes hereinafter called "prohibited sale"), shall be unlawful in such municipality and constitute a violation of this chapter, and it shall forthwith upon such vote be unlawful for the other issuing authority of

such municipality having authority to issue licenses to issue any license in respect to such municipality which shall permit such prohibited sale and all licenses theretofore issued in respect to such municipality which shall have licensed such prohibited sale shall, to the extent that they permitted such prohibited sale, become void and inoperative thirty days after the date of such vote.

Limitation.

Whenever a referendum shall have been had in any municipality pursuant to this section, no further referendum on the same question shall be held therein prior to the general election to be held in such municipality in the third year thereafter and so long as such referendum remains effective, all ordinances, resolutions or regulations inconsistent with the result of such referendum shall have no effect within such municipality.

Section amended.

3. Section 33:1–46 of the Revised Statutes is amended to read as follows:

Referendum on sale, excepting on trains, etc.

33:1–46. Whenever a petition, signed by at least fifteen per centum (15%) of the qualified electors of any municipality as evidenced by the total number of votes cast for members of the General Assembly, at the then next preceding general election held for the election of all of the members of the General Assembly, in such municipality, shall be presented to the governing board or body thereof, requesting a referendum on the question hereinafter stated, such governing board or body shall adopt forthwith a resolution directing the clerk of the county in which such municipality is situated to print, pursuant to Title 19, Elections, hereinafter referred to as the "general election law," upon the official ballot to be used in such municipality at the next ensuing general election, a question to read: "Shall the sale of all alcoholic beverages at retail, except for consumption on railroad trains, airplanes and boats, and the issuance of any retail licenses, except as aforesaid, pursuant to chapter one of the Title Intoxicating Liquors of the Revised Statutes (§33:1–1 et seq.), be permitted in this municipality?" Thereupon the clerk or sec-

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retary of the governing board or body of such municipality, shall forthwith deliver to such county clerk a certified copy of such resolution. If the copy shall be delivered to the county clerk not less than thirty days before such general election, he shall cause such question to be printed in an appropriate place on the ballot to be used in such municipality at the next ensuing general election, pursuant to the general election law and thereupon all proceedings with respect to the referendum on such question shall be subject to and governed by the general election law as in other cases of the submission of public questions to the electorate.

Notification of result.

If a majority of the legal voters voting upon the question shall vote "Yes," the clerk of the governing board or body of such municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of such municipality and retail sales of alcoholic beverages and the issuing of retail licenses pursuant to this chapter shall be permitted in such municipality.

If a majority of the legal voters voting upon the question shall vote "No," then the clerk of the governing board or body of such municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of such municipality and thereupon it shall be unlawful for the other issuing authority of such municipality, having authority to issue plenary retail consumption, plenary retail distribution and limited retail consumption licenses, to issue any such licenses in respect to such municipality, and all such licenses theretofore issued in respect to such municipality shall become void and inoperative thirty days after the date of such vote, and thereupon the municipal board of such municipality shall be dissolved, and the offices of its members shall terminate and all its activities hereunder shall cease; but if in a later referendum held pur-

suant to this chapter a majority of the legal voters voting upon the same question last above stated shall vote "Yes," a municipal board for such municipality may forthwith be appointed in the same manner and with the same effect as when this chapter first became effective. Whenever any such license shall become void and inoperative by virtue of such referendum there shall be returned to the licensee the prorated license fee for the unexpired term.

Limitation.

Whenever a referendum shall have been had in any municipality pursuant to this section, no further referendum on the same question shall be held therein prior to the general election to be held in such municipality in the third year thereafter and so long as such referendum remains effective, all ordinances, resolutions or regulations inconsistent with the result of such referendum shall have no effect within such municipality.

Section amended.

4. Section 33:1–47 of the Revised Statutes is amended to read as follows:

Referendum on Sunday sale.

33:1–47. Whenever a petition, signed by at least fifteen per centum (15%) of the qualified electors of any municipality as evidenced by the total number of votes cast for members of the General Assembly, at the then next preceding general election held for the election of all of the members of the General Assembly, in such municipality, shall be presented to the governing board or body thereof, requesting a referendum on the question hereinafter stated, such governing board or body shall adopt forthwith a resolution directing the clerk of the county in which such municipality is situated to print, pursuant to Title 19, Elections, hereinafter referred to as the "general election law," upon the official ballot to be used in such municipality at the next ensuing general election, a question to read: "Shall the sale of alcoholic beverages be permitted on Sundays in this municipality?" Thereupon the clerk or secretary of the governing board or body of such municipality shall forthwith deliver to such county clerk a certified copy of such

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resolution. If such copy shall be delivered to the county clerk not less than thirty days before such general election, he shall cause such question to be printed in an appropriate place on the ballot to be used in such municipality at the next ensuing general election, pursuant to the general election law and thereupon all proceedings with respect to the referendum on such question shall be subject to and governed by the general election law as in other cases of the submission of public questions to the electorate.

Notification of result.

If a majority of the legal voters voting upon the question shall vote "Yes," the clerk of the governing board or body of such municipality shall forthwith in writing notify the commissioner and municipal board, if any, having authority to issue such licenses, of the action taken by the legal voters of such municipality and the sale of alcoholic beverages on Sundays pursuant to the provisions of this chapter shall be permitted in such municipality.

If a majority of the legal voters voting upon the question shall vote "No," then the clerk of the governing board or body of such municipality shall forthwith in writing notify the commissioner and municipal board, if any, as the case may be, having authority to issue such licenses of the action taken by the legal voters of such municipality, and thereupon it shall be unlawful for any person to sell alcoholic beverages in such municipality on Sundays and such sale shall constitute a violation of this chapter.

Limitation.

Whenever a referendum shall have been had in any municipality pursuant to this section, no further referendum on the same question shall be held therein prior to the general election to be held in such municipality in the third year thereafter and so long as such referendum remains effective, all ordinances, resolutions or regulations inconsistent with the result of such referendum shall have no effect within such municipality.

5. Section 33:1–47.1 of the Revised Statutes is amended to read as follows: Section amended.

33:1–47.1. Whenever a petition, signed by at least fifteen per centum (15%) of the qualified electors of any municipality as evidenced by the total number of votes cast at the then next preceding general election, held for the election of all of the members of the General Assembly in such municipality, shall be presented to the governing board or body thereof, requesting a referendum on any proposed questions as to whether the hours between which the sale of alcoholic beverages at retail may be made in such municipality on week days, Sundays, either or both, shall be fixed as provided in such petition, which questions shall be specifically and separately set forth in the petition, such governing board or body shall adopt forthwith a resolution directing the clerk of the county in which such municipality is situated to print such question or questions stated in the petition pursuant to Title 19. Elections, hereinafter referred to as the "general election law," upon the official ballot to be used in such municipality at the next ensuing general election. Thereupon the clerk or secretary of such governing board or body shall forthwith deliver to such county clerk a certified copy of such resolution. If such copy shall be delivered to such county clerk not less than thirty days before such general election, he shall cause such question or questions to be printed in an appropriate place on the ballot to be used in such municipality at the next ensuing general election, pursuant to the general election law, and shall cause to be printed on the ballot immediately below the printed question or questions the following: "EXPLANATORY STATEMENT—A 'Yes' is a vote to permit sales only within the hours set forth in the question or questions printed above. A 'No' vote is a vote against changing the hours during which sales of alcoholic beverages are now permitted in this municipality," and thereupon all proceedings with respect to the referendum on such question or questions shall be subject to and governed by Referendum on hours of sale. Instructions to voter.

the general election law as in other cases of the submission of public questions to the electorate.

Notification of result.

If a majority of the legal voters shall vote affirmatively on the question of whether the hours of sale shall be fixed in the manner set forth in such question or questions, the clerk of the governing board or body of such municipality shall forthwith in writing notify the commissioner and municipal board, if any, of the action taken by the legal voters of such municipality and thereafter the retail sale of alcoholic beverages may be made only within the hours fixed by such referendum. Such sale at any other time within such municipality shall be unlawful and constitute a violation of this chapter.

If a majority of legal voters voting upon such question or questions shall vote in the negative on the question of whether the hours of sale shall be fixed in the manner set forth in such question or questions, the clerk of the governing board or body of such municipality shall forthwith in writing notify the commissioner and municipal board, if any, of the action taken by the legal voters of such municipality and thereafter the hours between which the sale of alcoholic beverages at retail may be made may be regulated as theretofore in such municipality.

Not to accept petition.

No petition under this section shall be received by the governing board or body while any other petition covering the same subject matter which has theretofore been presented hereunder has not been voted upon.

Limitation.

Whenever a referendum shall have been had in any municipality pursuant to this section, no further referendum on the same question shall be held therein prior to the general election to be held in such municipality in the third year thereafter and so long as such referendum remains effective, all ordinances, resolutions or regulations inconsistent with the result of such referendum shall have no effect within such municipality.

6. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 21

AN ACT to amend the Commission Form of Government Law by amending sections 40:70–2, 40:72–1 and 40:75–22 of the Revised Statutes.

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

1. Section 40:70–2 of the Revised Statutes is amended to read as follows: Section amended.

40:70–2. As used in chapters seventy to seventy-six of this Title (§40:70–1 et seq.): Terms defined:

"General election" means the annual election to be held on the first Tuesday after the first Monday in November. General election;

"Last general election" means the last preceding annual election held on the first Tuesday after the first Monday in November. Last general election;

"Electors" mean such citizens of the municipality as were registered as voters at the last general election. Electors;

"Voters" mean such citizens of the municipality as were registered as voters at the last general election and also those citizens who may register in time to vote at the special election. Voters;

"Municipal clerk" means the officer acting under the provisions hereof as the clerk of the municipality. Municipal clerk;

"Agent" or "agents" mean a person or persons designated in a petition to file the petition and to act on behalf of the petitioners. Agent;

"Municipality" means any city, town, township, borough, village or other municipality which has heretofore adopted the provisions of the act entitled "An act relating to, regulating and providing for the government of cities, towns, townships, boroughs, villages and municipalities governed by boards of commissioners or improvement commissioners in this State" (title as amended), approved Municipality;

April twenty-fifth, one thousand nine hundred and eleven, or which shall hereafter adopt the provisions of said chapters seventy to seventy-six of this Title.

Majority.

"Majority of ballots cast" means more than one-half of the total number of valid ballots cast at such election.

Section amended.

2. Section 40:72–1 of the Revised Statutes is amended to read as follows:

Members of commission.

40:72–1. The commission shall consist of three members in municipalities having less than ten thousand inhabitants; and five members in municipalities having ten thousand inhabitants or more, subject to the provisions of sections 40:72–1.1 to 40:72–1.3 of this Title.

Qualifications.

Each member shall have been a citizen and resident of the municipality for at least two years immediately preceding his election, or shall have voted in such municipality at the two general elections immediately preceding his election.

Section amended.

3. Section 40:75–22 of the Revised Statutes is amended to read as follows:

Canvass of votes.

40:75–22. The district boards of registry and election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such election district for each of the candidates in the manner provided by law at the general election, and make return thereof to the city clerk immediately upon the completion of the count of such ballots, upon proper blanks to be furnished by the said clerk. In counties of the first class one of said returns shall be made available immediately to the superintendent of elections. The superintendent may arrange to accept such statement of returns in each municipality within the county at the office of the clerk of such municipality or some other convenient place. Any municipal clerk who shall refuse to permit such superintendent or his deputies or assistants access to his office for the purpose of collecting such statement of returns or any municipal clerk or other person who shall interfere or obstruct the super-

intendent, his deputies or assistants in the collection of such statement of returns, or any member of a district board who shall willfully fail or refuse to deliver such statement to the superintendent, his deputies or assistants as the case may be, shall be guilty of a misdemeanor. On the day following the municipal election, the city clerk shall canvass said returns so received from all the election districts, and immediately make and file in his office the result thereof. Said canvass by the city clerk shall be publicly made.

4. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 22

AN ACT concerning certain towns, and amending sections 40:124–1 and 40:125–19 of the Revised Statutes.

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

1. Section 40:124–1 of the Revised Statutes is amended to read as follows: Section amended.

40:124–1. The annual election for town officers shall be held at the same time and places as the general election. No person shall be permitted to vote at any such election unless he is an actual resident of the election district in which he offers his vote. Annual election.

2. Section 40:125–19 of the Revised Statutes is amended to read as follows: Section amended.

40:125–19. The election shall be by ballot and shall be conducted by the officers who conducted the last preceding general election in the several election districts of the town, upon the day and at the places in such town designated by the council in the resolution providing for the election. Conducting election.

3. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 23

AN ACT to amend "An act to provide for the appointment, term of office, and salary of the comptroller in cities of this State where the comptroller is now elected by the people at the general election," approved April ninth, one thousand nine hundred and ten (P. L. 1910, c. 196).

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

Section amended.

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

C. 40:171-39. Appointment of comptroller, term and salary.

1. In any city of this State where the comptroller is now elected by the legal voters of said city at the general election, it shall and may be lawful for the governing body of such city to adopt an ordinance providing for the appointment of such comptroller by the governing body of such city, making the term of office three years, and fixing his salary, which shall not exceed in amount the sum of fifty dollars ($50.00) for each thousand of population of said city.

2. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 24

AN ACT to amend "An act authorizing cities in this State to lay out and open highways over and along nonnavigable natural streams, to alter the course of such streams, to acquire lands therefor by purchase or condemnation, to improve the same when acquired, to assess the benefits conferred thereby, and to raise funds for such purposes by the issuance of bonds," approved March seventeenth, one thousand nine hundred and sixteen (P. L. 1916, c. 161), as the same was amended by chapter eighty-two of the laws of one thousand nine hundred and twenty.

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

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

17. This act shall take effect immediately, but its provisions shall remain inoperative in any city of this State until the legal voters of such city have adopted its provisions at a general election. C. 40:178-19. Act operative.

2. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 25

AN ACT concerning the election of members of district sewerage boards, and amending section 58:12–10 of the Revised Statutes.

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

Section amended.

1. Section 58:12–10 of the Revised Statutes is amended to read as follows:

Election of members.

58:12–10. After the establishment of any sewerage district as aforesaid, an election shall be held therein at the same time as the next annual general election, which district election shall be held and conducted between the same hours, at the same place and by the same officers as the annual general election. At such first election the legal voters resident in the district shall elect five persons, resident in the district, to be members of and compose the "sewerage board of district number .....," as the case may be, and annually thereafter, at an election to be held and conducted at the same time and place and by the same officers as said annual general election, the legal voters resident in the district shall elect one person, resident in the district, to be a member of said sewerage board, to serve for the term of five years as hereinafter provided.

Vacancies.

Any vacancy in any such board, occurring otherwise than by expiration of term of office, shall be filled by appointment of the Governor, if he shall deem it necessary to fill such vacancy, the appointee to serve until the second Tuesday in December next succeeding his appointment, and his successor shall be elected at said annual general election next preceding such second Tuesday in December in the manner hereinbefore provided.

2. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 26

AN ACT to provide for the distribution of the Revised Statutes and the purchase and distribution of the Revised Statutes Cumulative Supplements.

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

Distribution of Revised Statutes.

1. The Secretary of State hereby is directed to distribute to the Clerk of the House of Assembly one complete set of the Revised Statutes (including volumes four and five), and to each member of the Senate and House of Assembly of the one hundred seventy-second session of the New Jersey Legislature such of the following as such member has not already received by distribution by the State; that is to say:

One complete set of the Revised Statutes (including volumes four and five).

One volume, Revised Statutes Cumulative Supplement, 1938 to 1940.

One volume, Revised Statutes Cumulative Supplement, 1941 to 1944 and

One volume, Revised Statutes Cumulative Supplement, 1945 to 1947.

2. The Secretary of State hereby is authorized to purchase such number of volumes of the said Revised Statutes Cumulative Supplements as shall be requisite to carry out the purposes of this act; *provided, however,* that such purchase shall be made with moneys heretofore or hereafter appropriated to, or for the use of, the Secretary of State.

Proviso.

3. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 27

AN ACT concerning education, and amending sections 18:2–9, 18:16–8 and 18:16–10 of the Revised Statutes.

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

Section amended.

1. Section 18:2–9 of the Revised Statutes is amended to read as follows:

Control of schools.

18:2–9. The State Board shall, through the commissioner, have control and management of the New Jersey school for the deaf and the manual training and industrial school for youth.

Section amended.

2. Section 18:16–8 of the Revised Statutes is amended to read as follows:

Control of school by commissioner.

18:16–8. "The manual training and industrial school for youth," located at Bordentown, shall be conducted and managed by the Commissioner of Education subject to the approval of the State Board, and the commissioner, subject to the approval of the board shall have:

a. The full management and control thereof;

b. The care and charge of the buildings and property thereof;

c. The application and expenditure of the funds provided or appropriated for the support thereof;

d. The appointment and removal of a principal, teachers and other employees, and the fixing of their compensation subject to the provisions of Title 11, Civil Service, except where otherwise provided by statute; and

e. The power to prescribe the studies and exercises of the school and rules for its management and the admission of pupils.

Tuition in the school shall be free.

3. Section 18:16–10 of the Revised Statutes is amended to read as follows: Section amended.

18:16–10. The Legislature may make an annual appropriation for the maintenance of the manual training and industrial school for youth in lieu of all claims, rights, and title which the school may have upon the annual appropriation coming to this State from Congress under the provision of the supplement to the Act of Congress of August thirtieth, one thousand eight hundred and ninety. May make annual appropriation.

3. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 28

AN ACT concerning the registration of certain motor vehicles in the State, and supplementing chapter three, Title 39, of the Revised Statutes.

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

1. No fee shall be charged for the registration of a motor vehicle owned by any resident of the State of New Jersey who may qualify under the provisions of Public Law 663—79th Congress of the United States of America (August 8th, 1946); *provided,* this act shall apply only to one vehicle of passenger type for each eligible individual and shall not apply to vehicles used for hire. C. 39:3-27.1. Not to charge fee. Proviso.

2. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 29

AN ACT concerning the State Auditor, amending sections 52:24–2, 52:24–4 and 52:24–6, and repealing sections 52:24–19 and 52:24–19.1 of the Revised Statutes.

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

Section amended.

1. Section 52:24–2 of the Revised Statutes is amended to read as follows:

Appointment of State Auditor.

52:24–2. The State Auditor shall be appointed by the Senate and General Assembly in joint meeting for a term of five years and until his successor shall be appointed and qualify. The State Auditor shall receive annual compensation as shall, from time to time, be fixed by law, which shall be paid out of the State treasury as other officers are paid.

Section amended.

2. Section 52:24–4 of the Revised Statutes is amended to read as follows:

Duties.

52:24–4. It shall be the duty of the State Auditor to conduct post-audits of all transactions and accounts kept by or for all departments, offices and agencies of the State Government, to report to the Legislature or to any committee thereof and to the Governor, as provided by this chapter and as shall be required by law, and to perform such other similar or related duties as shall, from time to time, be required of him by law.

The State Auditor shall personally or by any of his duly authorized assistants, examine and post-audit all the accounts, reports and statements and make independent verifications of all assets, liabilities, revenues and expenditures of the State, its departments, institutions, boards, commissions, officers, and any and all other State agencies, now in existence or hereafter created, hereinafter in this article called "accounting agencies." The officers and employees of each accounting agency

shall assist the State Auditor, when and as required by him, for the purpose of carrying out the provisions of this article.

3. Section 52:24–6 of the Revised Statutes is amended to read as follows: Section amended.

52:24–6. The State Auditor shall report in writing to the Legislature or to any committee thereof, when so required, and to the Governor the findings of any special condition disclosed by his audit of the accounts of the State and of each accounting agency. Report.

Such report shall be made by him to the Legislature and the Governor as promptly as possible after the conclusion of every audit and investigation made or caused to be made by him.

4. Sections 52:24–19 and 52:24–19.1 of the Revised Statutes are repealed. Sections repealed.

5. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 30

AN ACT concerning county and municipal finances.

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

1. The director of the division of local government in the State Department of Taxation and Finance is hereby given authority, and it shall be his duty, to receive for examination and certification the budget of any county or municipality for the year one thousand nine hundred and forty-eight not filed within the time limit prescribed by statute, even though such budget may not have been introduced or approved within the time limits prescribed; *provided,* such budget be accompanied by a statement setting forth the reason for such delay in introduction or approval within the statutory Authorized to receive and examine budgets. Proviso.

period. All actions subsequently taken by said director and the county or municipality with respect to certification, public hearing and adoption are to be taken forthwith and as if the introduction, approval or filing was within the date prescribed by statute.

2. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 31

AN ACT to amend "An act concerning health and accident insurance, supplementing chapter thirty-eight of Title 17 of the Revised Statutes, and repealing section 17:18–7 of the Revised Statutes," approved August second, one thousand nine hundred and thirty-nine (P. L. 1939, c. 305).

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

Section amended.

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

C. 17:38-15. Requirements for group policy.

2. Eligible groups. No policy of group accident, group health or group accident and health insurance shall be issued or delivered in this State unless the policy conform to the description and complies with the requirements contained in one of the following paragraphs:

(a) A policy issued to an employer, who shall be deemed the policyholder, covering not less than twenty-five employees of such employer, and covering, except as hereinafter provided, only all employees of such employer or all of any class or classes thereof determined by conditions pertaining to employment, for amounts of insurance based upon some

plan which will preclude individual selection. For the purposes of this paragraph, the term "employer" shall include the trustee or trustees of a fund, established by employer members of a trade or business association, and maintained by contributions of such employers for the sole benefit of employees of such contributing employers. If the premium is paid by the employer and employees jointly, or by the employees, the group shall comprise not less than seventy-five per centum (75%) of all employees or not less than seventy-five per centum (75%) of any class or classes of employees determined by conditions pertaining to the employment;

(b) A policy issued to and in the name of an incorporated or unincorporated association of employees, which shall be deemed the policyholder, and which association has a constitution and by-laws and is organized and maintained in good faith for purposes other than that of obtaining insurance, and has been so organized and maintained for a period of not less than two years prior to the issuance of such policy or contract, and where the members covered by such contract are at least twenty-five in number but not less than seventy-five per centum (75%) of all the members of such association or of all of any class or classes thereof determined by conditions pertaining to their employment or membership in the association, or both. If membership in such association is confined to employees of one employer, its affiliates or subsidiaries, no policy or contract of group accident, group health or group accident and health insurance may be issued to such association unless the qualifications for membership in such association are determined by conditions pertaining to the employment, the amounts of insurance are based on a plan precluding individual selection, and the members insured are at least twenty-five

in number but not less than seventy-five per centum (75%) of all employees eligible for membership in such association or of all of any class or classes thereof determined by conditions pertaining to their employment.

Employee defined.

The term "employees" as used in this section shall be deemed to include, for the purposes of insurance hereunder, as employees of a single employer, the officers, managers and employees of the employer and of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors, partners and employees of individuals and firms of which the business is controlled by the insured employer through stock ownership, contract or otherwise; *provided,* that in the case of a policy issued pursuant to paragraph (a) to a trustee or trustees of a fund established by employer members of a trade or business association, the term "employees" shall be deemed to include only those persons who bear any of the aforesaid relationships to the contributing employers or any of them, rather than persons who bear any such relationship to such trustee or trustees. The term "employer" as used herein may be deemed to include any municipal corporation or the proper officers, as such, of any unincorporated municipality, or any department of such corporation or municipality determined by conditions pertaining to the employment.

Proviso.

Employer defined.

2. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 32

AN ACT concerning school elections, and amending sections 18:7–30, 18:7–31, 18:7–32 and 18:7–47, of the Revised Statutes.

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

1. Section 18:7–30 of the Revised Statutes is amended to read as follows: Section amended.

18:7–30. All elections for members of the board shall be by ballot. Each ballot shall have at the top thereof a coupon at least one inch deep extending across the ballot above a perforated line. The coupons shall be numbered consecutively from one to the number of ballots prepared for use in such election district. Upon the coupon and above the perforated line shall be the word "To be torn off by the judge of election" and "Fold to this line." Below the perforated line shall be printed the words "School Election Ballot," and below which and extending across the ballot in one or more lines shall be the name of the municipality or municipalities comprising the district, the date of the election, and if the district is divided into two or more polling places, the number, name, or other mark or designation to distinguish the polling place, and the printed facsimile signature of the district clerk. The heading shall be set apart from the body of the ballot by a heavy diagram rule. Below this rule shall be printed the following directions instructing the voter how to indicate his choice for the person for whom he may desire to vote and stating the maximum number of candidates he may vote for: "To vote for any person whose name appears on this ballot mark a cross (×), plus (+) or check (√) mark with black ink or black pencil in the place or square at the left of the name of such person. To vote for any person whose name is not printed upon this ballot write or paste the Description of ballot.

name in the blank space and mark a cross (×), plus (+) or check (√) mark with black ink or black lead pencil in the space or square at the left of the name of such person. Do not vote for more candidates than are to be elected." Below these instructions shall be printed a heavy diagram rule below which shall be printed such directions to the voter as may be necessary as "Vote for one," or "Vote for two," or a greater number as the case may be, immediately after which shall be printed the names of the candidates duly nominated by petition as they appear signed to the certificate of acceptance in the alphabetical order of their surnames, but no candidate who has failed to file a certificate of acceptance shall have his name printed upon the ballot. The grouping of two or more candidates upon any ballot to be used for the election of members of the board is hereby prohibited. The same size and style of type shall be used in printing the name of each candidate and between the name of each candidate shall be printed a heavy diagram rule and the space between each of the rules shall be exactly equal. Immediately after the space allotted to the names of candidates there shall be as many ruled blank spaces as there are members to be voted for. Immediately to the left and on the same line with the name of each candidate and blank space there shall be printed a square the same size of type in which the name of the candidate is printed, which type shall, in no case, be larger than twenty-four point. In case a member of a board is to be elected for a full term, and a member is to be elected to fill an unexpired term, the ballots shall designate which of the persons to be voted for is to be elected for the full term and which for the unexpired term.

2. Section 18:7–31 of the Revised Statutes is amended to read as follows: Section amended.

18:7–31. The following is an illustration of the form of ballot: Illustration of ballot.

No....

To be torn off by the Judge of Election.

Fold to this line

SCHOOL ELECTION BALLOT

TOWNSHIP OF WEBSTER

February 14, 1922

Polling District No. 1
Main Street School

JOHN HENRY DOE,
District Clerk.

To vote for any person whose name appears on this ballot mark a cross (×), plus (+) or check (√) mark with black ink or black pencil in the place or square at the left of the name of such person.

To vote for any person whose name is not printed upon this ballot write or paste the name in the blank space and mark a cross (×), plus (+) or check (√) mark with black ink or black lead pencil in the space or square at the left of the name of such person. Do not vote for more candidates than are to be elected.

For Membership to Board of Education, Full Term. Vote for three.
☐ RUTHERFORD B. FALLON
☐ WILLIAM F. SEIBEL
☐ JAMES A. STEPHENS
☐ THOMAS TEMPLETON
☐
☐
☐

For Membership to Board of Education, Unexpired Two-Year Term. Vote for one.
☐ HENRY JONES
☐ JOHN SMITH
☐

For Membership to Board of Education, Unexpired One-Year Term. Vote for one.
☐ FRANCIS R. LOORI
☐ ARTHUR H. PATTERSON
☐

using as much of the said form as may be applicable to the current school board election and extending the same to provide for cases not herein specified.

Section amended.

3. Section 18:7–32 of the Revised Statutes is amended to read as follows:

Questions on ballot.

18:7–32. All questions to be voted upon at the annual school election or any other proposition or question that may be required shall be placed upon the official ballot immediately following the names

of the candidates for election to the board of education in the following form:

	YES	(Question to be voted on.)
	NO	

If the voter makes a cross (×), plus (+) or check (√) mark in black ink or black pencil in the square to the left of and opposite the word "Yes," it shall be counted as a vote in favor of the proposition.

If the voter makes a cross (×), or plus (+) or check (√) mark in black ink or black pencil in the square to the left of and opposite the word "No," it shall be counted as a vote against the proposition. In case no marks are made in the square to the left of and opposite either the word "Yes" or "No," it shall not be counted as a vote either for or against the proposition.

Section amended.

4. Section 18:7–47 of the Revised Statutes is amended to read as follows:

Form of ballot at special election on bond issue.

18:7–47. The form of ballot and the manner of expressing the voter's vote at a special election to authorize the board to issue bonds or other evidences of indebtedness under sections 18:7–85 to 18:7–99 of this Title shall be as follows:

Underneath the text of the proposal and the resolutions shall appear a rule extending across the ballot, underneath which shall appear these words: "To vote in favor of the proposal, place a cross (×), plus (+) or check (√) mark in the space opposite the word 'Yes'; to vote against the proposal, place a cross (×), plus (+) or check (√) mark in the space opposite the word 'No.'" Immediately underneath these words there shall be a parallelogram one and a half inches wide by one inch high. This parallelogram shall be divided by a cross and a vertical line dividing the parallelogram into four equal parts. In the upper right-

hand part there shall be printed the word "Yes" and in the space immediately below, the word "No." The voter, in registering his vote or choice, if in favor of the proposal, shall put a cross (×), plus (+) or check (√) mark in the upper left-hand space, opposite the word "Yes." If opposed, the voter shall put a like mark opposite the word "No."

5. This act shall take effect immediately.

Approved April 12, 1948.

CHAPTER 33

AN ACT to amend "An act creating the New Jersey Racing Commission and defining its powers and duties; providing for the granting of permits and licenses for the operation of race meetings whereat the running, steeplechase racing or harness racing of horses only may be conducted; providing for the licensing of concessionaires and operators and their employees; regulating the system of pari-mutuel betting and fixing the license fees, taxes and revenues imposed hereunder and fixing penalties for violations of the provisions of this act," approved March eighteenth, one thousand nine hundred and forty (P. L. 1940, c. 17), as said title was amended by chapter one hundred thirty-seven of the laws of one thousand nine hundred and forty-one.

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

Section amended.

1. Section forty-four of the act of which this act is amendatory is amended to read as follows:

C. 5:5-64. Distribution of winnings.

44. Each holder of a permit shall distribute all sums deposited in any pool to the winners thereof,

less an amount which in harness races shall not exceed sixteen per centum (16%) of the total deposits plus the breaks and which in other races shall not exceed twelve per centum (12%) of the total deposits plus the breaks. The breaks are hereby defined as the odd cents over any multiple of ten cents ($0.10), calculated on the basis of one dollar ($1.00) otherwise payable to a patron. Every permit holder engaged in the business of conducting running race meetings under this act shall pay to the commission for the use of the State the breaks as herein defined. Payment of such breaks shall be made every seventh day of any and every race meeting and shall be accompanied by a report under oath showing the daily and total amount of such breaks together with such other information as the commission may require. All sums held by any permit holder for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto within sixty days from the time such tickets are issued shall be paid to the commission upon the expiration of such sixty-day holding period.

Breaks.

Unclaimed sums.

2. Section forty-six of the act of which this act is amendatory is amended to read as follows:

Section amended.

46. Every permit holder engaged in the business of conducting horse race meetings under this act shall pay to the commission in each calendar year a sum equal to six per centum (6%) of so much of the total contributions to all pari-mutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act as does not exceed forty million dollars ($40,000,000.00); seven per centum (7%) of so much of such total contributions as exceeds forty million dollars ($40,000,000.00) but does not exceed fifty million dollars ($50,000,000.00); eight per centum (8%) of so much of such total contributions as exceeds fifty million dollars ($50,000,000.00) but does not exceed fifty-two million five hundred thousand dollars ($52,500,000.00); nine per centum (9%) of so much of such total

C. 5:5-66. Rates of payments to commission.

contributions as exceeds fifty-two million five hundred thousand dollars ($52,500,000.00) but does not exceed fifty-five million dollars ($55,000,000.00); and ten per centum (10%) of so much of such total contributions as exceeds fifty-five million dollars ($55,000,000.00). Payment on account of such sum shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. No admission or amusement tax, excise tax, license or horse racing fee of any kind, except as expressly provided in this act, shall be assessed or collected from any permit holder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

3. This act shall take effect immediately.

Approved April 14, 1948.

CHAPTER 34

AN ACT regulating the practice of dental hygiene in this State, and supplementing chapter six of Title 45 of the Revised Statutes.

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

C. 45:6-33. Practice of dental hygiene defined.

1. A person shall be regarded as practicing dental hygiene within the meaning of this act who removes or attempts to remove calcareous deposits, accretions or stains from the exposed surfaces of the teeth or uses disclosing solutions in the performance of prophylactic treatment, for hire, compensation, or profit, either directly or indirectly therefor.

C. 45:6-34. License required.

2. A person other than a licensed dentist desiring to practice dental hygiene in this State shall first obtain from the State Board of Registration and Examination in Dentistry, hereinafter in this act designated as the "board," a license so to do, as hereinafter provided. The board shall execute and enforce the provisions of this act and shall hold at least two meetings annually for examining and licensing persons to practice dental hygiene.

Enforcement.

C. 45:6-35. Application and examination.

3. The board shall examine all qualified applicants for a license to practice dental hygiene. Every applicant shall present to the secretary of the board, a written application for admission to the examination on a form provided by the board, together with satisfactory proof that he is at least eighteen years of age, of good moral character and a citizen of the United States. He shall also present to the board a certificate of the Commissioner of Education of this State, showing that, before entering a dental school or college, he had obtained an education consisting of a four-years' course of study in an approved public or private high school or the equivalent thereof. Every applicant shall also present a diploma or certificate from a dental school or college approved by the board, showing that such applicant was graduated or satisfactorily completed a course in dental hygiene. Applications must be indorsed by a licensed and registered dentist of this State.

Qualifications.

C. 45:6-36. Fees.

4. The fee for all examinations provided for by this act shall accompany every application and shall be as follows: for the first examination, ten dollars ($10.00), and for every re-examination, five dollars ($5.00). Such fee shall not be refunded, unless from sickness or other good cause appearing to the satisfaction of the board, such applicant was prevented from attending and completing such examination. Upon the approval of the application for examination, such applicant shall thereupon be entitled to admission to such examination. If said applicant fails to pass the examination, he may be re-examined at the next regular examination.

C. 45:6-37. Rules on scope of examination.

5. The board may from time to time adopt rules for the examination of candidates for licenses to practice dental hygiene. Any rule altering the nature or increasing the severity of the examination or the subject to be included therein shall not be enforced until three months after its adoption and promulgation. The examination of applicants shall be in the English language and shall be confined to written or oral, or both written and oral, examinations upon subjects taught in reputable schools or colleges of dental hygiene approved by the board, which examinations shall be such as in its judgment will determine the qualifications and fitness of applicants to practice dental hygiene. The board may also require from applicants as part of the examination, demonstration of their skill in dental hygiene. All application and examination papers shall be retained in the files of the board for a period of five years, and shall be prima facie evidence of all matters therein contained.

C. 45:6-38. Issuing license.

6. The board shall issue a license to any person qualified under the provisions of this act, who shall successfully pass the examination prescribed by the board, which license shall permit the holder thereof to practice dental hygiene as defined in this act, under the direction or control of a licensed dentist; but the license shall not authorize the holder to perform any other operation or diagnose, treat or attempt to treat any pathological conditions of the teeth or tissues of the mouth. All licenses shall be signed by the president and secretary of the board and attested by the seal thereof.

Annual registration.

Every person licensed to practice dental hygiene shall procure from the secretary-treasurer of the board annually on or before January first a certificate of registration, which shall be issued by said secretary upon the payment of a fee of two dollars ($2.00). The certificate of registration shall be displayed in the office or place in which the holder thereof practices dental hygiene. Where a dental hygienist practices dental hygiene at more than one office or place, a duplicate registration

Certificate displayed.

certificate shall be issued upon the payment of an additional fee of one dollar ($1.00) for each such certificate. Said fees shall be used by the board in the same manner as similar fees received by it under the provisions of chapter six, Title 45, of the Revised Statutes.

C. 45:6-39. Penalty for violating act.

7. Any person practicing dental hygiene in this State without first having obtained a license as provided in this act, or without the current annual certificate of registration, or contrary to any of the provisions of this act, or who practices dental hygiene under a false or assumed name, or buys, sells or fraudulently obtains a diploma or certificate showing or purporting to show graduation or completion of a course in dental hygiene, or who violates any of the provisions of this act, shall be liable to a penalty of three hundred dollars ($300.00) for the first offense and of five hundred dollars ($500.00) for the second and each subsequent offense.

C. 45:6-40. Grounds for refusal or revoking license.

8. The board may refuse to grant or may suspend or revoke a license to practice dental hygiene upon proof to the satisfaction of the board that the holder of such license (a) has secured such license through deceit, fraud or willful misrepresentation, or (b) has been convicted of crime involving moral turpitude. or has pleaded nolo contendere, non vult contendere or non vult to an indictment, information or complaint alleging the commission of crime involving moral turpitude, or (c) habitually uses drugs or intoxicants, or (d) has been guilty of malpractice or willful or gross neglect in the practice of dental hygiene, or (e) has violated more than once any of the provisions of this act. Before any license shall be suspended or revoked, the accused person shall be furnished with a copy of the complaint and be given a hearing before said board in person or by attorney, and any person whose license shall be suspended or revoked, in accordance with this section, shall be deemed an unlicensed person during the period of such suspension or revocation, and shall be subject to the penalties

prescribed in this act for persons who practice dental hygiene without first having obtained a license so to do. Any person whose license shall be suspended or revoked under the authority of this act may, in the discretion of the board, be relicensed at any time to practice without an examination on application being made to the board.

C. 45:6-41. Fines for violations.

9. Any person, company or association shall be guilty of a misdemeanor, and upon every conviction thereof shall be punished with a fine of not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00) or by imprisonment for not less than thirty days nor more than ninety days, or by both fine and imprisonment, who

a. Shall sell or barter, or offer to sell or barter, any diploma or document showing or purporting to show graduation as a dental hygienist; or

b. Shall purchase or procure by barter any such diploma, certificate or transcript with intent that the same shall be used as evidence of the qualifications of the holder to practice dental hygiene, or in fraud of the laws regulating such practice; or

c. Shall, with fraudulent intent, alter in a material regard, such diploma, certificate or transcript; or

d. Shall use or attempt to use such diploma, certificate or transcript which has been purchased, fraudulently issued, and counterfeited or materially altered, either as a license or color of license to practice dental hygiene, or in order to procure registration as a dental hygienist; or

e. Shall practice dental hygiene under a false or assumed name; or

f. Shall in any affidavit or examination required of an applicant for examination, license or registration under the laws regulating the practice of dental hygiene, make willfully a false statement in a material regard, or impersonate another applicant at an examination.

C. 45:6-42. Guilty of malpractice.

10. Any licensed dentist who shall permit any unlicensed person to practice dental hygiene under his direction or control or shall permit or direct

a licensed dental hygienist to perform any act not authorized in this act shall be guilty of a violation of this act and of conduct constituting willful and gross malpractice or willful and gross neglect in the practice of dentistry.

C. 45:6-43. May practice in State institutions.

11. Any person who has graduated from an approved school or college of dental hygiene and has been licensed to practice dental hygiene in this State may, subject to approval by the board, practice dental hygiene in an institution in this State.

C. 45:6-44. Limits number.

12. No more than one dental hygienist for each licensed dentist shall practice dental hygiene in a private dental office.

C. 45:6-45. Prohibitory provisions not to apply.

13. The prohibitory provisions of this act shall not apply to the following:

(a) The practice of dentistry by any legally qualified, licensed and registered dentist of the State of New Jersey.

(b) The treatment of diseases of the mouth or performance of operations in oral surgery by duly licensed physicians.

C. 45:6-46. Recovery of penalty.

14. Any penalty incurred by violation of any provision of this act, except by any violation specifically made a misdemeanor, shall be sued for and recovered by and in the name of the board. Every district court in any city or judicial district in any county, and every court of common pleas in any county, shall have jurisdiction of actions brought under the provisions of this act, except the provisions regarding misdemeanor. Proceedings for recovery of penalties under the provisions of this act shall conform to the practice and procedure set forth in sections 45:6–25 to 45:6–32, inclusive, of the Revised Statutes.

C. 45:6-47. Act effective.

15. This act shall take effect immediately, except sections seven and ten shall take effect three months after the approval of this act.

Approved April 15, 1948.

CHAPTER 35

AN ACT to amend the title of "An act for the protection of striped bass, and providing for the licensing of nets for taking same, and repealing section 23:5–5, and amending section 23:5–8 of the Revised Statutes, inconsistent herewith," approved June fourteenth, one thousand nine hundred and thirty-eight (P. L. 1938, c. 318), so that the same shall read "An act for the protection of striped bass, repealing section 23:5–5 and amending section 23:5–8 of the Revised Statutes, inconsistent herewith," to amend the body and to repeal sections four, five and six of said act.

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

Title amended.

1. The title of "An act for the protection of striped bass, and providing for the licensing of nets for taking same, and repealing section 23:5–5, and amending section 23:5–8 of the Revised Statutes, inconsistent herewith," approved June fourteenth, one thousand nine hundred and thirty-eight, is amended to read "An act for the protection of striped bass, repealing section 23:5–5 and amending section 23:5–8 of the Revised Statutes, inconsistent herewith."

Section amended.

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

C. 23:5-5.1. Open season.

No person shall take in any manner whatsoever from or in any of the fresh or salt waters of this State, including the waters of the Atlantic ocean within three nautical miles of the coast line, or have in possession, any striped bass, commonly called rockfish, between the first day of December and the thirty-first day of March, both dates inclusive; *provided, however,* that striped bass, measuring eighteen inches or over, which have been

legally taken within or beyond the jurisdictional limits of this State, may be sold or had in possession at any time.

Section amended.

3. Section two of the act of which this act is amendatory is amended to read as follows:

C. 23:5-5.2. Size and maximum catch.

2. No person shall take, catch, kill, or have in possession at any time any striped bass measuring less than eighteen inches in length, or take, catch or kill in any one day more than ten striped bass.

Section amended.

4. Section three of the act of which this act is amendatory is amended to read as follows:

C. 23:5-5.3. Prohibits taking by net.

3. No person shall take, catch or kill any striped bass from or in any of the waters heretofore mentioned, by means of a net, of any description, or by any method other than hook and line.

Section amended.

5. Section eight of the act of which this act is amendatory is amended to read as follows:

C. 23:5-5.8. Penalty.

8. Any person, or persons, company or corporation violating any of the provisions of this act shall be liable to a penalty of twenty dollars ($20.00) for each fish so unlawfully taken, caught, killed, possessed or sold, and upon failure to pay the penalty imposed, be committed to the common jail of the county in which the conviction was secured, for a period not exceeding ninety days, or until the fine and costs are paid.

Repealer.

6. Sections four, five and six of "An act for the protection of striped bass, and providing for the licensing of nets for taking same, and repealing section 23:5–5, and amending section 23:5–8 of the Revised Statutes, inconsistent herewith," approved June fourteenth, one thousand nine hundred and thirty-eight, are repealed.

7. This act shall take effect immediately.

Approved April 16, 1948.

CHAPTER 36

AN ACT to repeal section 24:13–4 of the Revised Statutes.

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

Repealer. 1. Section 24:13–4 of the Revised Statutes is repealed.

2. This act shall take effect immediately.

Approved April 22, 1948.

CHAPTER 37

AN ACT concerning investments in bonds secured by mortgage on leasehold of camp meeting associations, and amending section 17:2–1 of the Revised Statutes.

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

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

Legal investment. 17:2–1. All banks, trust companies, savings banks, savings and loan associations, building and loan associations, title and mortgage guaranty companies and insurance companies may invest funds in bonds, secured by first mortgage, on leasehold estates of real estate in this State of camp meeting associations, to the giving of which bond and mortgage the camp meeting association has consented, subject to the conditions of the lease. The real estate, except as to the leasehold, shall be free and clear of all liens and encumbrances of every kind whatsoever, and the lease-

hold at the time of the giving of the bond and mortgage shall have an unexpired term of not less than twenty-five years, or shall be renewable to the lessee, his heirs and assigns, for a term of not less than twenty-five years, and be a lease of the entire interest in the real estate except the reversion. No investment shall be made in excess of sixty per centum (60%) of the appraised value of the leasehold estate and the improvements thereon; *provided, however,* that such limitation shall not apply to any loan which is wholly or partially guaranteed or insured by the United States of America, the State of New Jersey or any instrumentality or agency of either, but in case any such loan is only partially guaranteed or insured, then the unguaranteed or uninsured portion of the loan shall not exceed sixty per centum (60%) of the appraised value of the leasehold estate and improvements thereon. The appraisement may be made by a committee of the bank, trust company, savings bank, savings and loan association, building and loan association, title and mortgage guaranty company, insurance company, and, in the case of an individual, by two persons appointed by the individual for that purpose. No such investment shall be made until the camp meeting association shall first have been approved for the purpose by the commissioner. For the purposes of this section real estate upon which there is a building in process of construction, which when completed, will constitute a permanent improvement, shall be construed as improved and productive real estate. Proviso.

2. This act shall take effect immediately.

Approved April 23, 1948.

CHAPTER 38

AN ACT relating to the protection of forests, woodlands and open lands from fire, and amending section 13:9–26 of the Revised Statutes.

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

Section amended.

1. Section 13:9–26 of the Revised Statutes is amended to read as follows:

Penalties.

13:9–26. Any person violating any of the provisions of this chapter or of any supplement thereto shall be liable to a penalty of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), if the violation be not willful, and to a penalty of not less than two hundred dollars ($200.00) nor more than four hundred dollars ($400.00), if the violation be willful, except as otherwise provided in this chapter. The court or magistrate before whom a proceeding for the recovery of a penalty shall be brought under this chapter shall determine from the proof produced whether or not the violation is willful and shall fix the penalty accordingly, as above provided.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 39

AN ACT concerning fish and game, and supplementing Title 23 of the Revised Statutes.

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

C. 23:2-2.1. May provide for new open season.

1. Whenever pursuant to law the Governor shall, by proclamation, close any forests, woodlands or open lands to entry, and any open season for taking fish, game birds, game animals or fur-bearing animals or any of them, shall have been suspended or curtailed thereby, the Fish and Game Council, at the expiration of the period of such closure, may, subject to the approval of the State Commissioner of Conservation, by order provide for a new open season or for an extension of such open season curtailed, within the limits of the area affected by the Governor's proclamation, for a period not exceeding that during which said open season was suspended or curtailed.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 40

AN ACT relating to taxation of railroads, amending and supplementing "An act relating to taxation of railroads, and repealing chapters nineteen through twenty-nine, inclusive, of Title 54 of the Revised Statutes, chapter ninety-one of the laws of one thousand eight hundred and eighty-five, chapter two hundred seventy-five of the laws of one thousand eight hundred and eighty-six, chapter three hundred thirty-three of the laws of one thousand nine hundred and twenty-one, and chapter four hundred twenty-three of the laws of one thousand nine hundred and thirty-three," approved July twenty-second, one thousand nine hundred and forty-one (P. L. 1941, c. 291), and repealing "An act relating to taxation, supplementing chapter four of Title 54, and amending section 54:4–52 of the Revised Statutes," approved July twenty-second, one thousand nine hundred and forty-one (P. L. 1941, c. 293).

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

Section amended.

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

C. 54:29A-1. Short title.

1. Short title. This act shall be known as the "railroad tax law of 1948."

C. 54:29A-2. Section amended.

2. In order to preserve the present administrative practice in the assessment of Class I property, section two of the act of which this act is amendatory is amended to read as follows:

Terms defined:

2. Definitions. As used in this act, unless the context clearly requires a different meaning:

"Railroad" means any common carrier by railroad engaged in, owning or constructing facilities for, the transportation of persons or property in or through this State, other than a street railway or traction company using or occupying the public streets, highways, roads or other public places, the taxation of which is otherwise provided by law. Railroad;

"System" means any independently operating railroad which operates its facilities and those of one or more other railroads as a single utility for furnishing transportation service. A system shall include all companies the property of which is so operated either by virtue of control through direct or indirect ownership of a majority or more of capital stock, or under lease, trackage rights or under any other form of contract, and for which separate operating accounts are not maintained. System;

"Main stem" of a railroad means the roadbed not exceeding one hundred feet in width, as measured horizontally at the elevation of the base of the rail, including the full embankment or excavated area, with slopes, slope ditches, retaining walls or foundations necessary to provide a width not to exceed one hundred feet at base of rail, together with all tracks, appurtenances, ballast and all structures erected thereon and used in connection therewith, but not including passenger or freight buildings erected thereon. Main stem;

"Tangible personal property" means the rolling stock, cars, locomotives, ferryboats, all machinery, tools and other tangible personal property of a railroad company, and also the locomotives and cars not belonging to such railroad company but built for its use and actually used in this State, or run under its control in this State by a sleeping car company or other company; but the rolling stock of other persons or corporations temporarily used on any such road, but not forming part of the equipment of such road, shall not be included in the term. Tangible personal property;

Taxpayer; "Taxpayer" shall mean any person, railroad or system subject to taxation under the provisions of this act.

Commissioner. "Commissioner" or "State Tax Commissioner" means the director of the Division of Taxation in the State Department of Taxation and Finance.

Section amended. 3. Section five of the act of which this act is amendatory is amended to read as follows:

C. 54:29A-5. Assessments for municipal benefits. 5. Nothing in this act shall be construed to prohibit any municipality from assessing benefits for street, sidewalk, sewer or other municipal improvements against any of the property of a railroad in this State, but such assessments shall be made against railroad property by the same method and by the same officers as are provided by law in the case of assessments against the properties of individuals. The commissioner may delegate to any officer or employee of his department such of his powers as he may deem necessary to carry out efficiently the provisions of this act, including the power to appraise and assess any or all property in railroad use, and the person or persons to whom such power has been delegated shall possess and may exercise all of the power and perform all of the duties herein conferred and imposed upon the commissioner.

May delegate powers.

Section amended. 4. Section seven of the act of which this act is amendatory is amended to read as follows:

C. 54:29A-7. Taxable property, rate. 7. Property taxable; rate. There is hereby levied an annual property tax upon all property used for railroad purposes which shall be assessed by the commissioner, in the manner and at the rates hereinafter provided, for the year one thousand nine hundred and forty-eight and for each year thereafter.

Section amended. 5. Section thirteen of the act of which this act is amendatory is amended to read as follows:

C. 54:29A-13. Franchise excise, rate. 13. Franchise excise. An annual franchise tax is hereby levied upon all railroads operating within this State, which shall be assessed at the rate of ten per centum (10%) upon the net railway operating income of the preceding year, computed and al-

located in the manner hereinafter provided, of each system and of each railroad not part of a system, subject to the maximum and minimum provisions set forth in section 20(c) hereof.

Section amended.

6. Section fourteen of the act of which this act is amendatory is amended to read as follows:

C. 54:29A-14. Measure of franchise tax.

14. Measure of franchise tax. For the purpose of this article, net railway operating income shall be computed as total railway operating revenues from all sources, including any revenue whatever derived directly or indirectly from property which is used for railroad purposes, less costs of railroad maintenance, operation, depreciation and amortization, railway tax accruals, uncollectible railway revenues, rentals (both debits and credits) for equipment leased for less than one year or interchanged, and joint facility rents (both debits and credits). Deductions from operating revenues for depreciation, additions and betterments, and compensation for personal services shall be subject to regulation by the commissioner, as to reasonableness of amount and appropriateness of accounting distribution.

Depreciation and amortization charges shall in no instance, however, exceed the amounts permitted by the Interstate Commerce Commission in determining the net railway operating income of the railroad for the year under consideration.

For the purpose of determining the measure of the tax imposed by this act, net railway operating income of each system, and of each railroad not part of a system, shall be allocated to this State in the proportion that the number of miles of all track over which the railroad or system operates in this State bears to the total number of miles of all track over which it operates.

Section amended.

7. Section fifteen of the act of which this act is amendatory is amended to read as follows:

C. 54:29A-15. Assessment, franchise tax.

15. Assessment; franchise tax.

On or before July twenty-second in the year one thousand nine hundred and forty-eight and on or before June first in each year thereafter, the com-

missioner shall compute the franchise tax payable under this act and assess the amount thereof to each taxpayer.

Section amended.

8. Section seventeen of the act of which this act is amendatory is amended to read as follows:

C. 54:29A-17. Valuation, notice.

17. Valuation; notice. On or before November first in each year the commissioner shall determine the true value, as of the preceding January first, of all property used for railroad purposes in this State. He shall, in such determination, ascertain values according to the following classes:

Classes:

Main stem;

I. The length and value of the main stem of each railroad, and the length of such main stem in each taxing district;

Other real estate used for railroad purposes;

II. The value of the other real estate used for railroad purposes in each taxing district in this State, including the roadbed (other than main stem), tracks, buildings, water tanks, riparian rights, docks, wharves and piers, and all other real estate, except lands not used for railroad purposes;

Tangible personal property.

III. The value of all the tangible personal property of each railroad.

Upon completion of his valuation of property used for railroad purposes, but not later than December tenth in each year, the commissioner shall deliver a detailed statement thereof, including the several classes of property, to each taxpayer; and not later than December fifteenth in each year the commissioner shall certify the value of Class II property in each taxing district to the assessors in the several taxing districts in which the property is situate and shall deliver to each taxing district which files with the commissioner a written request therefor not later than the tenth day prior to the last day for completion of his valuation, a copy of so much of each detailed statement delivered to each taxpayer as covers Class II property located in such taxing district.

9. Section eighteen of the act of which this act is amendatory is amended to read as follows: Section amended.

C. 54:29A-18. Petition for review of assessment.

18. Hearing; determination; notice. Any taxpayer or the Attorney-General on behalf of the State and of the taxing districts claiming that error has been made in the commissioner's valuations may, on or before the second Monday of January following the completion of such valuations, file a petition for review specifying the grounds of complaint and the relief sought. The petition shall be in such form and shall contain such further information as may from time to time be prescribed by the commissioner for the better understanding and determination of the complaint. The commissioner shall conduct a hearing upon such petition, shall review the valuations of which it complains, shall make his determination thereon and correct the same as shall appear just before the fifteenth day of March following the filing of the petition.

Form of petition.

The commissioner shall, on or before said fifteenth day of March, certify to each county board of taxation in the several counties the value of Class II property, situate in each taxing district in the county, which certification shall contain such corrections as shall be made pursuant to this section.

Certification by commissioner.

10. Section nineteen of the act of which this act is amendatory is amended to read as follows: Section amended.

C. 54:29A-19. Assessment, Class II property tax.

19. Assessment; Class II property tax.

(a) The value of Class II property certified by the commissioner to the respective county boards of taxation shall be included for all purposes in the total valuations taxable in the several taxing districts, and the county board of taxation of each county shall ascertain and certify to the commissioner on or before the first day of April in each year, following receipt from the commissioner of Class II property valuations, the general tax rate per hundred dollars of valuation to apply in that year in each taxing district in the county containing Class II property valuations.

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(b) Upon receipt of the certificates from the county boards of taxation, the commissioner shall on or before the tenth day of April assess a tax to each taxpayer upon its Class II property valuations at the general tax rate in each taxing district so certified by the respective county boards of taxation.

Section amended.

11. Section twenty of the act of which this act is amendatory is amended to read as follows:

C. 54:29A-20. Fixes rate.

20. Assessment; Classes I and III property tax; maximum and minimum property and franchise taxes.

(a) The valuations separately ascertained and determined for Classes I and III property shall be assessed by the commissioner, in the year one thousand nine hundred and forty-eight and each year thereafter, at the rate of one dollar and twenty cents ($1.20) per hundred dollars of assessed valuation, except as provided in subsection (b) of this section. The commissioner shall assess the tax on these classes of property to each system and railroad not a part of a system on or before April tenth in each year.

Future rates.

(b) For the years one thousand nine hundred and forty-eight through and including one thousand nine hundred and fifty-one, the commissioner shall assess the tax upon Classes I and III property to each taxpayer at the respective rates indicated below, and shall credit against the tax so assessed the percentage indicated below of the amount (if any) of tax on Class II property assessed to each taxpayer:

Year	Rate (dollars per hundred of valuation) for assessment of Class I and III valuations	Percentage of Class II tax assessed to be credited against the tax assessed on Classes I and III Property
1948	$2.05	18.00%
1949	1.90	15.00
1950	1.70	10.00
1951	1.45	5.00

(c) If the total railway operating revenues of the preceding year of any taxpayer, allocated upon the all-track basis described in section fourteen hereof, are not in excess of one million dollars ($1,000,000.00), then the aggregate amount of the franchise tax and property taxes otherwise imposed by this act upon such taxpayer for the year one thousand nine hundred and forty-eight and each year thereafter shall not exceed three thousand dollars ($3,000.00) per mile of track included within its valuations under section seventeen hereof; *provided, however,* that the foregoing limitation shall not reduce the tax herein levied upon Class II property, but shall be applicable to reduce the other taxes herein imposed, in the following order: first, the tax upon Class III property; secondly, the tax upon Class I property; and, lastly, the franchise tax, but the latter tax shall never be less than one hundred dollars ($100.00). Limits amount. Proviso.

If the total railway operating revenues of the preceding year of any taxpayer, allocated upon the all-track basis described in section fourteen hereof, are in excess of one million dollars ($1,000,000.00), but such allocated revenues are less than fifty thousand dollars ($50,000.00) per mile of all track over which the taxpayer operates in this State, then the aggregate amount of the franchise tax and property taxes otherwise imposed by the act upon such taxpayer for the year one thousand nine hundred and forty-eight and each year thereafter shall not exceed four thousand five hundred dollars ($4,500.00) per mile of track included within its valuations under section seventeen hereof; *provided, however,* that the foregoing limitation shall not reduce the tax herein levied upon Class II property, but shall be applicable to reduce the other taxes herein imposed, in the following order: first, the tax upon Class III property; secondly, the tax upon Class I property; and, lastly, the franchise tax, but the latter tax shall never be less than four thousand dollars ($4,000.00). Limits amount. Proviso.

Section amended.

12. Section twenty-three of the act of which this act is amendatory is amended to read as follows:

C. 54:29A-23. Tax for State use.

23. Tax for State use. All receipts from taxation of property used for railroad purposes other than from assessments of Class II property, as described in section seventeen of this act, together with the receipts from the franchise tax imposed hereunder shall be applied to the uses of the State according to law.

Section amended.

13. Section twenty-four of the act of which this act is amendatory is amended to read as follows:

C. 54:29A-24. Tax for local use.

24. Tax for local use. (a) The entire amount of tax receipts derived from the assessment of Class II property, as described in section seventeen of this act shall be, by the State Comptroller, allotted to and paid over to the local taxing districts in which such property is situated. Each taxing district shall receive the total amount of tax derived from the assessment of second-class railroad property situated within the taxing district.

Certificate of allotment.

(b) The Comptroller shall transmit to each county treasurer a certificate showing the amounts allotted to the taxing districts therein, and shall, on or before December tenth of the year in which the taxes are payable, draw and transmit his warrant upon the State treasury, in favor of the several county treasurers, for the amounts allotted to their several counties. Each county treasurer shall forthwith, and not later than December fifteenth, pay to the collector or other proper officer of each taxing district the amount allotted thereto, deducting, however, the amount due for county taxes from the taxing district. The amount thus paid to the county and taxing district shall be at the disposal of the proper authorities for public purposes.

Section amended.

14. Section twenty-seven of the act of which this act is amendatory is amended to read as follows:

C. 54:29A-27. Time limit for reassessment.

27. Period of limitations. The power of the commissioner to make reassessments or to assess omitted property under this act shall be limited to the period of five years next preceding the year in which the reassessment or assessment of omitted

property is made; *provided, however,* that assessments of omitted property by the commissioner for any year prior to one thousand nine hundred and forty-eight shall be assessed at the rate of three dollars ($3.00) per hundred of assessed valuation. Proviso.

15. Section forty-six of the act of which this act is amendatory is amended to read as follows: Section amended.

46. Payments; due dates. The full amount of franchise tax assessed by the commissioner for the year one thousand nine hundred and forty-eight shall accrue and be due and delinquent on December first in that year and the full amount of the franchise tax assessed in each year thereafter shall be due and delinquent on June fifteenth. C. 54:29A-46. Due date of payment.

On December first in each year, the full amount of property tax payable under this act shall be due and delinquent.

All payments shall be made to the State Treasurer.

16. Section sixty-seven of the act of which this act is amendatory is amended to read as follows: Section amended.

67. Personal knowledge of commissioner. The commissioner, and any person delegated by him to value and assess property in railroad use, shall be entitled to use his personal knowledge and judgment as to the value of any property which he is required to assess, upon original assessment or upon review thereof. C. 54:29A-67. May use personal knowledge.

17. Construction; in lieu of all other taxes. The taxes imposed by this act shall be in lieu of all other State and local taxation of or upon franchise and property used for railroad purposes. Nothing herein shall, however, be construed to affect any pending litigation, nor to repeal, abate, cancel, cause to lapse or otherwise affect in any manner any assessment or the lien or obligation to pay any taxes heretofore assessed to any taxpayer, or the local authority to collect taxes, interest and penalties which have heretofore accrued under the act to which this act is amendatory and supplementary, or under any other law, or to affect the authority of the commissioner to assess omitted C. 54:29A-74.1. In lieu of all other State taxes.

property, and to apportion the tax so assessed for any year prior to the year one thousand nine hundred and forty-eight according to the classifications and at the rates then in effect.

C. 54:29A-74.2. Chapter 293, P. L. 1941, repealed.

18. An act relating to taxation, supplementing chapter four of Title 54, and amending section 54:4–52 of the Revised Statutes, approved July twenty-second, one thousand nine hundred and forty-one (P. L. 1941, c. 293), is repealed.

19. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 41

AN ACT relating to taxation, and amending section 54:4–52 of the Revised Statutes.

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

Section amended.

1. Section 54:4–52 of the Revised Statutes is amended to read as follows:

Table of aggregates, preparation.

54:4–52. The county board of taxation shall, on or before April tenth, fill out a table of aggregates copied from the duplicates of the several assessors and the certifications of the State Tax Commissioner relating to second-class railroad property, and enumerating the following items:

(1) The total number of acres and lots assessed;

(2) The value of the land assessed;

(3) The value of the improvements thereon assessed;

(4) The total value of the land and improvements assessed, including:

a. second-class railroad property;

b. all other real property.

(5) The value of the personal property assessed, stating in separate columns:

a. Value of household goods and chattels assessed;
b. Value of farm stock and machinery assessed;
c. Value of stocks in trade, materials used in manufacture and other personal property assessed under section 54:4–11;
d. Value of all other tangible personal property used in business assessed.

(6) Deductions allowed, stated in separate columns:

a. Household goods and other exemptions under the provisions of section 54:4–3.16 of this Title;
b. Property exempted under section 54:4–3.12 of this Title;

(7) The net valuation taxable;
(8) Amounts deducted under the provisions of sections 54:4–49 and 54:4–53 of this Title or any other similar law (adjustments resulting from prior appeals);
(9) Amounts added under any of the laws mentioned in subdivision eight of this section (like adjustments);
(10) Amounts added for equalization under the provisions of sections 54:3–17 to 54:3–19 of this Title;
(11) Amounts deducted for equalization under the provisions of said sections 54:3–17 to 54:3–19 of this Title;
(12) Net valuation on which county, State and State school taxes are apportioned;
(13) The number of polls assessed;
(14) The amount of dog taxes assessed;

(15) The property exempt from taxation under the following special classifications:

a. Public school property;
b. Other school property;
c. Public property;
d. Church and charitable property;
e. Cemeteries and graveyards;
f. Other exemptions not included in foregoing classifications subdivided showing exemptions of real property and exemptions of personal property;
g. The total amount of exempt property;

(16) State road tax;
(17) State school tax;
(18) County taxes apportioned, exclusive of bank stock taxes;
(19) Local taxes to be raised, exclusive of bank stock taxes, subdivided as follows:

a. District school tax;
b. Other local taxes;

(20) Total amount of miscellaneous revenues, including surplus revenue appropriated, for the support of the taxing district budget;
(21) District court taxes;
(22) Library tax;
(23) Bank stock taxes due taxing district;
(24) Tax rate for local taxing purposes to be known as general tax rate to apply per one hundred dollars ($100.00) of valuation.

In addition to the above such other matters may be added, or such changes in the foregoing items may be made, as may from time to time be directed by the commissioner. The forms for following out tables of aggregates shall be prescribed by the commissioner and sent by him to the county treasurers of the several counties to be by them transmitted to the county board of taxation. Such table of aggregates shall be correctly added by col-

umns and shall be signed by the members of the county board of taxation and shall within three days thereafter be transmitted to the county treasurer who shall file the same and forthwith cause it to be printed in its entirety and shall transmit certified copy of same to the State Commissioner of Taxation and Finance, the State Auditor, the clerk of the board of freeholders, and the clerk of each municipality in the county.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 42

AN ACT concerning tubercular patients, and amending section 30:9–57 of the Revised Statutes.

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

1. Section 30:9–57 of the Revised Statutes is amended to read as follows: Section amended.

30:9–57. A person who fails to obey the rules or regulations promulgated by the State Department of Health for the care of tubercular persons and for the prevention of the spread of tuberculosis, or who is an actual menace to the community or to children in his household, may be committed to the county hospital, or, in case there is no county hospital in the county in which the patient resides, then to a hospital, either in said county or in another county, at which the board of chosen freeholders of the county in which the patient resides makes provisions for tubercular patients, by any judge of the court of common pleas upon proof of service upon him of the rules and regulations and proof of violation thereafter, or upon proof by Commitment upon failure to observe rules.

any health officer of the municipality in which the person may reside, or by the director of health of New Jersey or his authorized representative, that he is suffering from tuberculosis, and is an actual menace to the community, or to children in his household. Two days' notice of the time and place of hearing shall in all cases be served upon the person to be committed. Proof of such service shall be made at the hearing. The court may also make such order for the payment for care and treatment as may be proper. After commitment such person may be discharged by the court at any time it considers proper, or the court may, in the order of commitment or by subsequent order, authorize the superintendent of the institution to parole or discharge such patients in accordance with the same rules and regulations governing the parole and discharge of other patients in said institution.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 43

AN ACT concerning the State Highway Department, and adding a route to the State highway system.

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

Additional route.

1. The State Highway Commissioner shall, as soon as practicable, and in accordance with the procedure set forth in article one of chapter seven, Title 27, of the Revised Statutes, add to the present State highway system the following described route: Route No. . Beginning at a point in State Highway Route No. 26 in the vicinity of Clarksville, in the county of Mercer, and running

in a southerly direction by way of Mercerville, in the county of Mercer, and connecting with existing State Highway Route No. 37 in the vicinity of White Horse, in the county of Mercer.

Numbered.

2. When this route is taken into the State highway system as provided in section one of this act, the State Highway Commissioner shall proceed to give the said route an appropriate number as provided by law.

3. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 44

AN ACT concerning crimes and prohibiting the unauthorized use of any voting machine or electrical voting system of any legislative or other public body of this State for the purpose of recording a vote or votes thereon upon any matter being considered or voted upon by the members of such body.

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

C. 2:174A-1. Unauthorized use a misdemeanor.

1. Any person who shall use or attempt to use any voting machine or electrical voting system of any legislative or other public body of this State for the purpose of recording a vote or votes thereon or thereby upon any matter or question being considered or voted upon by the members of such legislative or public body, and who is not entitled to use the same for said purposes, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 45

AN ACT concerning the several counties of this State, regulating the compensation of certain paid officers therein, amending section 40:11–17 of the Revised Statutes and "An act concerning the several counties and municipalities, regulating employment and compensation paid officers and employees therein, prohibiting the filling of additional offices or granting or increasing any pension," approved July eighth, one thousand nine hundred and forty (P. L. 1940, c. 181).

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

Section amended.

1. Section 40:11–17 of the Revised Statutes is amended to read as follows:

Promulgation of 1930 census not to affect salaries.

40:11–17. The promulgation or taking effect of the Federal census for the year one thousand nine hundred and thirty, or the passage of an act for the reclassification of counties of this State, shall not operate to increase or decrease the salary or compensation of any officer or employee of any county or municipality except the salaries of county clerks, registers of deeds and mortgages, sheriffs and surrogates of the several counties. All such officers and employees shall continue to receive salary or compensation at the rate received by them on April twenty-seventh, one thousand nine hundred and thirty-one, except as aforesaid.

Not to operate to create offices.

The promulgation or taking effect of said census shall not operate to fill, in the several counties and municipalities, any additional offices or employments, or grant any pension or increase any pension paid on the date above mentioned.

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

1. The promulgation or taking effect of the Federal census for the year one thousand nine hundred and forty, or the passage of an act for the reclassification of counties of this State, shall not operate to increase or decrease the salary or compensation of any officer or employee of any county or municipality except the salaries of county clerks, registers of deeds and mortgages, sheriffs and surrogates of the several counties. All such officers and employees shall continue to receive salary or compensation at the rate received by them at the time of the effective date of this act, except as aforesaid. C. 40:11-17.1. Promulgation of 1940 census not to affect salaries.

The promulgation or taking effect of said census shall not operate to fill, in the several counties and municipalities, any additional offices or employments, or grant any pension or increase any pension paid on the date above mentioned. Not to operate to create offices.

Approved April 29, 1948.

CHAPTER 46

AN ACT to permit aldermen in municipalities to accept certain municipal positions upon resigning as aldermen, and amending section 40:46–5 of the Revised Statutes.

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

1. Section 40:46–5 of the Revised Statutes is amended to read as follows: Section amended.

40:46–5. No member of any governing body of any municipality shall, during the term for which he shall have been elected or appointed such member, be eligible for election or appointment to an Not eligible for certain offices.

office required to be filled by the governing body of which he is a member, unless such office is required by law to be filled by a member of such governing body; *provided,* nothing herein contained shall prohibit a councilman or alderman from resigning as councilman or alderman and being appointed to a position required to be filled by the governing body of a municipality during the time for which he was elected such councilman or alderman; *provided, further,* that said position shall have been in existence and continuously filled for five years or more prior to the passage of this act or was created by statute; *provided,* said position was not created during said term of office; *and provided further,* that the salary of said office shall not be increased during the term for which said councilman or alderman was elected.

Proviso.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 47

AN ACT concerning civil service, and amending section 11:22–2 of the Revised Statutes.

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

Section amended.

1. Section 11:22–2 of the Revised Statutes is amended to read as follows:

Unclassified service.

11:22–2. The unclassified service shall not be subject to the provisions of this subtitle and shall include the following:

a. Officers elected by popular vote;

b. Members of district boards of elections; employees in voting machine departments, chief deputy, clerk, secretary, clerical and

other assistants or employees appointed by the superintendents of elections and commissioners of registration in counties having such superintendents of elections, and by the county boards of elections in all other counties;

c. Appointments of the mayor;

d. Heads of departments, the members of commissions and boards elected by the board of aldermen, common council or other governing body of any county, municipality or school district operating under this subtitle;

e. Law officers of a county, municipality or school district operating under this subtitle;

f. Superintendents of, teachers and instructors in the public schools and county superintendents and members and business managers of boards of education;

g. Police magistrates appointed by the mayor or other head officer of the municipality operating under this subtitle;

h. Officers and employees of county park commissioners appointed under the provisions of sections 40:37–96 to 40:37–174 of the Title Municipalities and Counties; and

i. The superintendent of a county hospital for persons suffering from communicable diseases appointed under the provisions of sections 30:9–61 to 30:9–69 of the Revised Statutes.

2. This act shall take effect immediately.
Approved April 29, 1948.

CHAPTER 48

AN ACT concerning borough recorders, and amending section 2:223–1 of the Revised Statutes.

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

Section amended.

1. Section 2:223–1 of the Revised Statutes is amended to read as follows:

Recorder, qualifications, term, removal and jurisdiction.

2:223–1. The governing body of any borough may appoint a recorder. He shall be a resident of the borough or, in the discretion of the governing body of the borough, an attorney-at-law who is a resident of the county in which the borough is located, and shall hold office during the pleasure of the council; but no such recorder shall be removed without giving him an opportunity to be heard. Unless sooner removed, however, he shall hold office for one year and until his successor shall have qualified. He shall have the same jurisdiction and power in criminal matters, cases of bastardy, relief, removal and settlement of the poor, breaches of the peace, vagrancy and disorderly conduct, and violations of borough ordinances as is vested in the mayor, the same power and authority to issue process, try and determine said causes, and fine or imprison upon conviction, and shall receive the same fees.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 49

AN ACT to validate proceedings for the issuance of bonds or other obligations of school districts, and bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

Proceedings validated.

1. All proceedings heretofore had or taken by any school district or at any school district meeting or election for the authorization or issuance of bonds or other obligations and any bonds or other obligations of such school district issued or to be issued in pursuance of a proposal or proposals adopted by the legal voters at such meeting or election are hereby ratified, validated and confirmed notwithstanding that no supplemental debt statement or complete executed original of such supplemental debt statement or school debt statement was prepared, made, sworn to or filed as required by the provisions of section 18:5–87 of the Revised Statutes; *provided,* that such a supplemental debt statement and such a school debt statement, prepared as of a date not more than thirty days prior to such meeting or election, shall, prior to the issuance of such bonds or other obligations, have been made, sworn to and filed in the places required by said section 18:5–87; *and provided further,* that such proceedings were in all other respects had and taken in accordance with law and shall not have been questioned in any action or proceeding heretofore instituted in any court.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 50

AN ACT to grant an opportunity to registered assistant pharmacists to become registered pharmacists, and supplementing chapter fourteen of Title 45 of the Revised Statutes.

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

C. 45:14-7.3. Registered pharmacist, certificate.

1. Any registered assistant pharmacist of the State of New Jersey in good standing shall be granted, upon filing an application and the payment of a fee of twenty-five dollars ($25.00) at least fifteen days before each examination taken by him to the secretary of the board, an opportunity or opportunities but not more than three, within two years of the effective date of this act, to take an examination in practical pharmacy and laboratory work and upon successfully passing such an examination shall be granted by the Board of Pharmacy a certificate of registration as a registered pharmacist in this State upon the surrender of his or her assistant pharmacist certificate. The board may make such rules and regulations as may be necessary therefor.

Rules and regulations.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 51

AN ACT concerning the State Highway Department, and adding a route to the State highway system.

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

Additional route.

1. The State Highway Commissioner shall, as soon as practicable, and in accordance with the procedure set forth in article one of chapter seven, Title 27, of the Revised Statutes, add to the present State highway system the following-described route: Route No. ..... Beginning at the southeasterly terminal of State Route No. 56 as fixed by chapter eighty-four of the laws of one thousand nine hundred and thirty-eight, which terminal is more definitely located by order of the State Highway Commissioner, dated March fourth, one thousand nine hundred and forty-one, as being at or near the junction of Kuehnle avenue, in Atlantic City, Atlantic county, New Jersey, and extending in a southeasterly and easterly direction along the lines of the present Absecon boulevard, the several courses thereof, to its junction with Delaware avenue at or near the intersection of Delaware and Mediterranean avenues in Atlantic City, Atlantic county, New Jersey.

Numbered.

2. When this route is taken into the State highway system as provided in section one of this act, the State Highway Commissioner shall proceed to give the said route an appropriate number as provided by law.

3. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 52

AN ACT concerning salaries of sergeants-at-arms and criers of certain courts in certain counties, and amending section 2:16–31 of the Revised Statutes.

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

Section amended.

1. Section 2:16–31 of the Revised Statutes is amended to read as follows:

Court officers, salaries.

2:16–31. In each county of the first class and in each county having more than two hundred fifty thousand and less than three hundred thousand inhabitants, according to the last Federal census, the sergeants-at-arms and the court criers of the Supreme Court circuit, the circuit courts and the courts of common pleas shall each receive such annual salary as shall be fixed by the justice, judge or judges authorized by law to appoint such sergeants-at-arms and court criers; *provided, however,* that the salaries so fixed shall not become effective unless approved by resolution of the board of chosen freeholders of the county wherein such salaries are to be paid. The salaries herein authorized shall be paid semimonthly by the county treasurers of such counties.

Proviso.

Repealer.

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

3. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 53

AN ACT to enable municipalities which have no municipal hospital to assist in maintaining hospitals supported by private charity, and amending section 44:5–2 of the Revised Statutes.

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

1. Section 44:5–2 of the Revised Statutes is amended to read as follows: Section amended.

44:5–2. Any municipality which has no hospital therein maintained by such municipality may make an appropriation in each year of an amount which, in the judgment of the governing body, shall be adequate for the purposes hereinafter stated. Such appropriation shall be made in the manner in which appropriations for other municipal purposes are made and such sum so appropriated shall be included in the annual tax levy of the municipality and collected in the same manner and at the same time as other municipal taxes. The sum shall be applied to the purpose of paying the cost of supporting and maintaining such indigent patients as may be sent by order of any municipal physician, overseer of the poor or other proper authority of the municipality to any hospital or hospitals supported by private charity and located in the municipality or any other municipality in this State, and shall also be applied to the purpose of defraying the cost incurred by any such hospital in providing hospital care to any indigent person residing in such municipality in cases where the furnishing of such care shall be approved by the proper authorities of such municipality, although such person may not have been sent to the hospital by order of any municipal physician, overseer of the poor or any other proper authority thereof. The sum so appropriated may also be applied to

May make appropriation.

Purpose.

the purpose of assisting in the support of any such hospital or hospitals.

Deficiency appropriation.

If during the fiscal year in which this act shall be enacted the governing body of any municipality shall have made no provision in its annual budget for the necessary funds for the aforesaid purposes during such fiscal year, or if provision shall have been made therefor but the amount thereof shall prove not to be sufficient for such purposes, said governing body may appropriate and use any municipal funds not otherwise appropriated or dedicated or may appropriate and raise such funds as may be necessary for such purpose during such fiscal year, and may borrow the same, or any part thereof, on the credit of the municipality and may issue emergency notes therefor in the same manner as provided by Title 40 of the Revised Statutes (1937) for the issue of emergency notes for the relief of the poor.

Use of money.

The money so raised shall not be used for any other purposes whatever and the municipality may by ordinance regulate

(a) the mode of sending such person to such hospital or hospitals and of approving of the furnishing of care therein;

(b) the mode and terms of paying for the care and maintenance of such persons so sent to such hospital or hospitals or so approved; and

(c) the manner of making payment for the maintenance of such hospital or hospitals.

Act operative.

2. This act shall take effect immediately, and shall be in effect until January twenty-second, one thousand nine hundred and fifty.

Approved April 29, 1948.

CHAPTER 54

AN ACT concerning the appointment, qualifications, powers, duties and emoluments of county prosecutors, defining the term "prosecutors of the pleas" in any statute so far as it relates to any county in which a county prosecutor shall have been appointed and making valid indictments or acts done by any county prosecutor when signed or done in the name of, and under the title of, the prosecutor of the pleas.

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

C. 2:182A-1. County prosecutors, qualifications, term and emoluments.

1. As the terms of the prosecutors of the pleas of the respective counties shall expire, there shall be appointed, for each county, by the Governor with the advice and consent of the Senate to serve for a term of five years and until the appointment and qualification of his successor, some fit person who shall have been admitted to the practice of law in this State for at least five years, who shall be known as the county prosecutor and who, except as otherwise provided by law, shall prosecute the pleas of the State in such county and shall have all of the powers, perform all of the duties formerly had and performed by the prosecutor of the pleas of such county and shall be entitled to all of the emoluments to which the prosecutor of the pleas of the county formerly was entitled.

C. 2:182A-2. Prosecutor of the pleas, defined.

2. In any statute in which the term "prosecutor of the pleas" is used, said term shall be construed to mean the county prosecutor so far as it relates to any county in which a county prosecutor shall have been appointed; and no indictment or act done by any county prosecutor shall be invalidated because the same shall be signed or done in the

name of, and under the title of, prosecutor of the pleas.

3. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 55

AN ACT to amend "An act to authorize the revival and extension in perpetuity of the corporate existence of certain fire companies which have continued to act as such companies under color of their certificates of incorporation after the expiration of the limited periods of existence for which they were incorporated; and vesting in such companies, upon the revival of their corporate existence, the title to all undisposed of property and assets acquired by such companies whether as de jure or as de facto corporations, including the proceeds of the sale of property held by their surviving trustees as statutory trustees upon dissolution, and supplementing chapter eight of Title 15 of the Revised Statutes," approved April seventh, one thousand nine hundred and forty-five (P. L. 1945, c. 109).

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

Section amended.

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

C. 15:8-9. Removal and extension in perpetuity of corporate existence.

1. Whenever the limited period of corporate existence of any fire company incorporated under the act entitled "An act for the incorporation of fire companies," approved April twenty-first, one thousand eight hundred and seventy-six, as supplemented and amended, has expired prior to July

first, one thousand nine hundred and forty-seven, and prior to such expiration no certificate extending in perpetuity the corporate existence of such fire company was filed under section 15:8–8 of the Revised Statutes, and such fire company since the expiration of its limited period of corporate existence has continued to act as a fire company under color of its certificate of incorporation, it shall be competent and lawful for the surviving persons that were members of such fire company at the time of the expiration of its limited period of corporate existence and such other persons as may be associated with them as members of such fire company under color of the by-laws or other regulations thereof, by the majority vote of such persons present at a meeting called and held as provided in section two, to authorize by resolution the revival and extension in perpetuity of the corporate existence of such fire company and the making, filing and recording of a certificate for that purpose in the office of the county clerk of the county in which the certificate of incorporation of such fire company was filed and recorded, which certificate of revival and extension of corporate existence shall be made and executed by not less than ten of such persons named and delegated to make and execute such certificate in the resolution authorizing the making, filing and recording of the same, a majority of which persons so named and delegated shall be persons that were members of such fire company at the time of the expiration of its limited period of corporate existence.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 56

AN ACT concerning education, and amending section 18:11–11 of the Revised Statutes.

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

Section amended.

1. Section 18:11–11 of the Revised Statutes is amended to read as follows:

Approval of plans or building permit not required.

18:11–11. No board of education of any school district nor any board of education of a county vocational school shall be required to secure the approval of its plans and specifications for the erection or alteration of any school building or vocational school building or any part thereof by the municipality therein; nor shall any board of education or any board of education of a county vocational school or any contractor doing work in connection with school buildings or county vocational school buildings be required to secure a building permit from the municipality.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 57

AN ACT concerning the civil service of the State, counties, municipalities and school districts operating under the Civil Service laws.

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

C. 11:22-15.5. Temporary status extended.

1. The president of the Civil Service Commission and the chief examiner and secretary shall continue the present program of holding examinations, making certifications, and requiring appointment of eligibles to existing vacancies as rapidly

as possible and as available staff and funds will permit. The continuance of necessary provisional and temporary employees pending certification and appointment from eligible lists is hereby authorized until June thirtieth, one thousand nine hundred and forty-nine.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 58

AN ACT concerning workmen's compensation insurance, and amending section 34:15–81 of the Revised Statutes.

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

1. Section 34:15–81 of the Revised Statutes is amended to read as follows: Section amended.

34:15–81. Any contract of insurance issued by a stock company or mutual association against liability arising under this chapter may be canceled by either the employer or the insurance carrier within the time limited by such contract for its expiration. Cancellation of contract, notice.

No such policy shall be deemed to be canceled until:

a. At least ten days' notice in writing of the election to terminate such contract is given by registered mail by the party seeking cancellation thereof to the other party thereto; and

b. Until like notice shall be filed in the office of the commissioner of banking and insurance, together with a certified statement that the notice provided for by paragraph "a" of this section has been given; and

c. Until ten days have elapsed after the filing required by paragraph "b" of this section has been made.

The provisions "b" and "c" of this section shall not apply where the employer has replaced the contract to be canceled by other insurance, and notice of such replacement has been filed with the Commissioner of Banking and Insurance. In such event the notice required by provision "a" may, if given by the insurance carrier, recite as the termination date the effective date of the other insurance, and the contract shall be terminated retroactively as of that date. No notice of cancellation of any such contract need be filed in the office of the Commissioner of Banking and Insurance where the employer is not required by any law of this State to effect such insurance.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 59

AN ACT to amend "An act concerning savings and loan associations and building and loan associations, and revising chapter twelve of Title 17 of the Revised Statutes," approved April fourth, one thousand nine hundred and forty-six (P. L. 1946, c. 56).

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

Section amended.

1. Section eighty-three of the act of which this act is amendatory is amended to read as follows:

C. 17:12A-83. Investment restrictions.

83. Restrictions on Investments.

(1) No association shall make any of the investments authorized by this act, except those authorized by section seventy-eight, subdivision five and

section seventy-nine, subdivisions one and two of this act, if and so long as, the sum of its cash on hand and in banks and the value of its investments in obligations of the United States of America, which either are due and payable in ten years or less or which may be redeemed at the option of the holder at a fixed redemption value prior to maturity, is less than five per centum (5%) of its total assets.

(2) No association shall make any of the investments authorized by this act, except investments authorized by section seventy-nine, subdivisions one and two of this act at any time when any application for withdrawal remains unpaid in whole or in part, six months after the date of the filing thereof.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 60

AN ACT concerning the State Department of Institutions and Agencies, and amending sections 30:1–7, 30:4–136 and 30:4–146 of the Revised Statutes.

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

1. Section 30:1–7 of the Revised Statutes is amended to read as follows: Section amended.

30:1–7. Within the limitations imposed by general legislation applicable to all agencies of the State, the State Board is hereby granted complete and exclusive jurisdiction, supreme and final authority, and the requisite power to accomplish its aims and purposes in and upon the institutions, boards, commissions and other agencies, herein- General powers.

after in this section named, and designated as charitable, hospital, relief, training institutions and correctional institutions of this State, to the end that they shall be humanely, scientifically, efficiently and economically operated. Any particular grant of power hereinafter in this Title contained shall be in specification but not in limitation of the general grant of power.

Charitable, hospital, etc., agencies.

The charitable, hospital, relief and training institutions and noninstitutional agencies of this State, within the meaning of this Title, shall include the following, and, as well, any institution established hereafter for any similar purpose, as now established and as the same are to be hereafter maintained and operated pursuant to law:

New Jersey State Hospital at Trenton,

New Jersey State Hospital at Greystone Park,

New Jersey State Hospital at Marlboro,

New Jersey State Village for Epileptics at Skillman,

New Jersey Sanatorium for Tuberculous Diseases at Glen Gardner,

North Jersey Training School at Totowa,

State Colony for Feeble-Minded Males at New Lisbon,

State Colony for Feeble-Minded Males at Woodbine,

Vineland State School at Vineland,

New Jersey Memorial Home for Disabled Soldiers at Menlo Park,

New Jersey Memorial Home for Disabled Soldiers, Sailors, Marines and their Wives and Widows at Vineland,

Diagnostic Center at Menlo Park,

Arthur Brisbane Child Treatment Center at Allaire,

State Board of Child Welfare at Trenton,

Commission for the amelioration of the condition of the blind at Newark.

Correctional institutions.

The correctional institutions of this State, within the meaning of this Title, shall include the following, and as well, any institution estab-

lished hereafter for any similar purpose, as now established and as the same are to be hereafter maintained and operated pursuant to law:

New Jersey State Prison at Trenton,
New Jersey State Prison Farm at Rahway,
New Jersey State Prison Farm at Leesburg,
New Jersey Reformatory at Bordentown,
New Jersey Reformatory for Women at Clinton,
New Jersey Reformatory at Annandale,
State Home for Boys at Jamesburg,
State Home for Girls at Trenton.

Section amended.

2. Section 30:4–136 of the Revised Statutes is amended to read as follows:

State prison.

30:4–136. The State Prison shall include the existing prison in Trenton or wherever it may hereafter be located, and all institutions, farms, camps, quarries or grounds designated by the State Board where convicts sentenced to the State Prison may from time to time be kept, housed or employed.

Section amended.

3. Section 30:4–146 of the Revised Statutes is amended to read as follows:

New Jersey reformatory.

30:4–146. The New Jersey Reformatory shall include the existing reformatory near Bordentown and all farms, camps, quarries or grounds designated by the State Board. where persons sentenced to the reformatory may, from time to time, be kept, housed or employed.

4. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 61

AN ACT concerning counties and municipalities, and amending section 40:12–9 of the Revised Statutes.

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

Section amended.

1. Section 40:12–9 of the Revised Statutes is amended to read as follows:

Joint recreation centers.

40:12–9. Any two or more municipalities in any county or any municipality and the coterminous school district or any municipality and county may jointly acquire property for and improve, operate and maintain any playgrounds, playfields, gymnasiums, public baths, swimming pools or indoor recreation centers, and may appropriate money therefor. The municipality may pay over to the board of education of the school district such money as may be so appropriated to be disbursed by the said board of education for any of such joint purposes.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 62

AN ACT concerning education, and amending section 18:5–46 of the Revised Statutes.

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

Section amended.

1. Section 18:5–46 of the Revised Statutes is amended to read as follows:

Joint recreation centers.

18:5–46. Any school district may join with any municipality or the county in which the school dis-

trict is located in acquiring, improving, equipping, operating and maintaining playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers, and may appropriate money therefor. The school district may pay over to the municipality of the school district such money as may be so appropriated to be disbursed by the said municipality for any of such joint purposes.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 63

AN ACT concerning the recording of papers, documents and instruments in the offices of the surrogates, and supplementing article one of chapter thirty-one of Title 2 of the Revised Statutes.

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

1. All papers, documents and instruments in writing authorized or required by law to be recorded in the office of the surrogate of any county of this State, may be recorded by means of photography, and such record made by means of photography, shall have the same legal force, meaning and effect as if made in handwriting or in typewriting. C. 2:31-20.1. May record by photographic methods.

2. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 64

AN ACT confirming, validating and legalizing deeds of conveyances of lands, tenements and hereditaments, heretofore made by corporations where said deeds shall not have been sealed with corporate seal.

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

Validates corporate deeds.

1. Every deed of lands, tenements and hereditaments heretofore made by a corporation shall be held to have vested in the grantee or grantees thereof as full and ample an estate in said lands as was thereby intended to be conveyed notwithstanding said deed shall not have been sealed with the corporate seal; *provided,* that the attestation clause or the proof or acknowledgment shall recite that the said deed was sealed by the grantor.

Proviso.

Record as evidence.

2. The record of every such deed shall be admissible in evidence as fully and completely for all purposes as if such deed had been fully sealed.

3. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 65

AN ACT imposing a tax on the sale, possession for sale, use, consumption or storage for use of cigarettes within the State; providing for the licensing of distributors, dealers and consumers; defining certain words for the purposes of the act; prescribing the methods of collecting the tax imposed; providing penalties for violations; and making certain violations misdemeanors.

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

ARTICLE I

SHORT TITLE AND DEFINITIONS

C. 54:40A-1. Short title.

101. Short title.

This act shall be known and may be cited as the "Cigarette Tax Act."

C. 54:40A-2. Terms defined:

102. Definitions.

For the purposes of this act and unless otherwise required by the context;

Cigarette;

a. "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco.

Director;

b. "Director" means the Director of the Division of Taxation, State Department of Taxation and Finance.

Distributor;

c. "Distributor" means and includes any person, wherever resident or located, who brings or causes to be brought into this State unstamped cigarettes purchased directly from the manufacturers thereof; and also any person who manufactures or

produces, or causes to be manufactured or produced, cigarettes and sells, uses or distributes the same within this State.

Wholesale dealer; d. "Wholesale dealer" means any person in this State, other than a distributor, as defined herein, who acquires cigarettes, at least seventy-five per centum (75%) of which are for purposes of resale to retail dealers in this State or to other persons for the purpose of resale only.

Retail dealer; e. "Retail dealer" means any person who is engaged in this State in the business of selling cigarettes at retail. Any person placing a cigarette vending machine at, on or in any premises shall be deemed to be a retail dealer for each such vending machine.

Consumer; f. "Consumer" means any person except a distributor who brings or causes to be brought into this State for consumption, storage or use in this State cigarettes to which New Jersey revenue stamps have not been attached.

Place of business; g. "Place of business" means and includes any place where cigarettes are sold or where cigarettes are brought or kept for the purpose of sale or consumption, including so far as applicable any vessel, vehicle, airplane, train or cigarette vending machine.

Licensed distributor; h. "Licensed distributor" means any distributor, as defined in this act, licensed under the provisions of this act.

Licensed wholesale dealer; i. "Licensed wholesale dealer" means any wholesale dealer, as defined in this act, licensed under the provisions of this act.

Licensed retail dealer; j. "Licensed retail dealer" means any retail dealer, as defined in this act, licensed under the provisions of this act.

Licensed consumer; k. "Licensed consumer" means any consumer, as defined in this act, licensed under the provisions of this act.

Person; l. "Person" means any individual, firm, corporation, copartnership, joint adventure, association, receiver, trustee, guardian, executor, administrator, or any other person acting in a fiduciary

capacity, or any estate, trust or group or combination acting as a unit, the State Government and any political subdivision thereof, and the plural as well as the singular, and the feminine and neuter as well as the masculine, unless the intention to give a more limited meaning is disclosed by the context.

m. "Rules and regulations" mean those made and promulgated by the director in the administration of this act. Rules and regulations;

n. "Sale" means any sale, transfer, exchange, theft, barter, gift, or offer for sale and distribution, in any manner or by any means whatsoever. Sale;

o. "Stamp" means any impression, device, stamp, label or print manufactured, printed or made as prescribed by the director. Stamp;

p. "Taxpayer" means any person subject to a tax imposed by this act, or any person required to be licensed under this act. Taxpayer;

q. "Treasurer" means the State Treasurer. Treasurer;

r. "Use" means the exercise of any right or power incidental to the ownership of cigarettes. Use.

Article II

Licensing of distributors, dealers and consumers

201. Licenses required. C. 54:40A-3.

After the effective date of this act, no person shall engage in, or conduct the business of manufacturing, purchasing, selling, consigning, distributing, or bringing into the State for consumption cigarettes, without having first obtained the appropriate license for that purpose as prescribed by this act. License required.

202. Issuance of license; fee. C. 54:40A-4.

All licenses shall be issued by the director, who shall make rules and regulations respecting applications therefor and issuance thereof. Each such license issued prior to June thirtieth, one thousand nine hundred and forty-nine, shall ex- Issuance of license.

pire on the last day of June, one thousand nine hundred and forty-nine; thereafter, each license shall expire on the last day of June of the period for which it is issued, and each such license shall be renewable annually upon the conditions that the licensee shall have paid the required fee and complied with all the provisions of this act and the rules and regulations of the director made pursuant thereto.

Distributor, fee.

For each license issued to a distributor, and for each renewal thereof, there shall be paid to the director a fee of two hundred fifty dollars ($250.00). If a distributor sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license shall be required for each place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director.

Wholesale dealer, fee.

For each license issued to a wholesale dealer and for each renewal thereof, there shall be paid to the director a fee of twenty-five dollars ($25.00). If a wholesale dealer sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license shall be required for each place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director.

Retail dealer, fee.

For each license issued to a retail dealer and for each renewal thereof there shall be paid to the director a fee of five dollars ($5.00). If a retail dealer sells or intends to sell cigarettes at two or more places of business, whether established or temporary, or whether in the same building or not, a separate license shall be required for each place of business. Each vending machine for the sale of cigarettes shall be separately licensed and be deemed a separate place of business. Each license, or certificate thereof, and such other evidence of li-

cense shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director.

Not to operate.

Any person licensed only as a distributor or as a wholesale dealer shall not operate as a retail dealer, and any person licensed only as a retail dealer shall not operate as a wholesale dealer.

Consumer, fee.

For each license issued to a consumer and for each renewal thereof there shall be paid to the director a fee of one dollar ($1.00). Each license, or certificate thereof, or such other evidence of license as may be prescribed by the director, shall be so kept by the consumer as to be readily available for inspection.

License not to issue.

No license shall be issued to any person except upon the payment of the full fee therefor, any statute or exemption to the contrary notwithstanding. No license shall be assignable or transferable, but in the case of death, bankruptcy, receivership, or incompetency of the licensee, or if for any other reason whatsoever the business of the licensee shall devolve upon another by operation of law, the director may, in his discretion, extend said license for a limited time to the executor, administrator, trustee, receiver, or person upon whom the same has devolved. No refund of the license fee shall be paid to any person upon the surrender or revocation of any license except a license fee paid or collected in error. But, upon payment of a fifty-cent ($0.50) fee there may be obtained (1) a duplicate license, or certificate thereof, in the event the original is lost, destroyed or defaced, and (2) an amended license, or certificate thereof, upon a change in the location of the place of business of any distributor or dealer.

No refund.

Duplicate license, fee.

C. 54:40A-5. Revoking license.

203. Revocation of license.

The director may, upon notice and after hearing, suspend or revoke the license of any person who violates any of the provisions of this act, or of any rule or regulation of the director made pursuant thereto.

C. 54:40A-6. License required, additional.

204. License required in addition to other license.

Any license required by this act shall be in addition to any and all other licenses which may be required by law.

C. 54:40A-7. Reports required.

205. Reports required; penalty required for not filing reports.

Every licensed distributor shall file with the director on or before the twentieth day of each month, a report in such form as the director shall prescribe, which report shall disclose the number of cigarettes on hand on the first and last days of the calendar month immediately preceding the month in which such report is required; together with such information concerning the amount of stamps purchased, used, and on hand during the report period; together with any other information for the report period that the director shall prescribe.

Every licensed wholesale and retail dealer, upon notice from the director, shall file with the director a report in such form, and on such dates, as the director shall prescribe.

Every licensed consumer who has acquired cigarettes for use, storage or consumption subject to the tax shall, on or before the twentieth day of the month following receipt of such cigarettes, complete and file with the director, in such form as the director shall prescribe, a report showing the amount of cigarettes so received. Said report shall be accompanied by a remittance for the full amount of the tax due.

Any person, except a licensed distributor, who transports unstamped cigarettes upon the public highways, roads or streets of this State, upon notice from the director, shall file with the director a report in such form, and on such dates, as the director shall prescribe.

Penalty upon failure to file report.

Any person who shall fail to file any report on the day when it shall be due, shall forfeit as a penalty, for each day thereafter until the report is filed, the sum of one dollar ($1.00) to be collected

in the manner provided in this act for the collection of penalties. The director, if satisfied that the failure to comply with any provision of this section was excusable, may remit the whole or any part of said penalty.

ARTICLE III

IMPOSITION OF TAXES

301. Tax imposed; rate. C. 54:40A-8. Tax imposed, rate.

A tax is hereby imposed on the sale, use or possession for sale or use within this State of all cigarettes at the rate of one and one-half cents ($0.01½) for each ten cigarettes or fraction thereof.

302. Sales to the State and political subdivisions of the State. C. 54:40A-9. Sales taxable.

The taxes imposed by this act are hereby levied upon any sales of cigarettes made to the State Government or any department, institution, or agency thereof, and to the political subdivisions of this State, and their departments, institutions, and agencies.

303. Sales exempt from taxes. C. 54:40A-10. Exempt sales.

No tax imposed by this act shall be levied upon cigarettes or the sale of cigarettes which this State is prohibited from taxing under the Constitution or the statutes of the United States.

ARTICLE IV

REVENUE STAMPS

401. Director to provide revenue stamps. C. 54:40A-11. Revenue stamps provided.

The taxes imposed and levied by this act shall be paid through the use of stamps, except as provided in section 205 (Consumers) of this act. The director shall secure stamps of such designs and denominations as he shall prescribe, suitable to be affixed to packages, and to provide for the sale thereof to licensed distributors. Only licensed distributors shall affix and cancel stamps. The director shall not authorize any person to sell revenue stamps

except his duly constituted agents and assistants. On sales of revenue stamps the director shall allow, as compensation for the services and expenses of the distributor in affixing and handling of such stamps, a discount of five per centum (5%) of the face amount of any sale of one hundred dollars ($100.00) or more; *provided,* that the distributor has complied with all of the provisions of this act. No discount shall be allowed on any sale of less than one hundred dollars ($100.00) and stamps shall not be sold in blocks of less than one hundred stamps.

Proviso.

C. 54:40A-12. Distributors not to sell stamps.

402. Distributors shall not sell stamps.

Licensed distributors shall not sell, borrow, loan, buy or exchange stamps to, from or with other licensed distributors.

C. 54:40A-13. Consignment of stamps, proviso.

403. Consignment of revenue stamps.

The director, in his discretion, may consign revenue stamps to any licensed distributor; *provided,* such distributor shall furnish the director with a bond not less in amount than twice the value of the total quantity of stamps to be consigned during any report month. The bond shall not be for less than three thousand dollars ($3,000.00) and shall be for the term of one year from the date thereof. The bond shall be executed by the licensed distributor and by a surety company authorized to do business in this State and approved by the director, conditioned to secure payment for the stamps so consigned when and as they are used by such distributor. Every such distributor receiving stamps on consignment, as provided herein, shall be required to make a full and complete accounting and remittance on or before the twentieth day of each month for all stamps used during the preceding month. Any distributor refusing or failing to render such an accounting and make remittance for stamps used within the time allowed therefor may be charged interest on the amount delinquent for each day of delinquency at the rate of ten per centum (10%) per annum.

404. Manner of affixing stamps. C. 54:40A-14. Affixing stamps.

The director shall regulate and prescribe the manner of affixing and canceling stamps.

405. Distributors to affix stamps. C. 54:40A-15. Distributor to affix stamps.

Unless stamps have been previously affixed, the stamps required by this act shall be affixed and canceled by the licensed distributor within twenty-four hours of their receipt, exclusive of Saturdays, Sundays and legal holidays, and prior to any and all deliveries except those to points outside the State, to other licensed distributors and those which this State is prohibited from taxing under the Constitution or the statutes of the United States.

406. Unstamped cigarettes shall not be accepted by wholesale or retail dealers. C. 54:40A-16. Dealers not to accept unstamped cigarettes.

Wholesale dealers and retail dealers shall not accept deliveries of unstamped cigarettes. All packages of cigarettes shall be examined by wholesale and retail dealers within twenty-four hours of their receipt and they shall, within forty-eight hours of such receipt, return any and all unstamped cigarettes to the vendor or consignor thereof or to a common carrier for return to such vendor or consignor. Unless substantial evidence to the contrary be shown, the possession of any unstamped cigarettes by a wholesale or retail dealer shall be prima facie evidence that such cigarettes were possessed in violation of the provisions of this act.

407. Use of stamp metering machines. C. 54:40A-17. Stamp metering machine, use.

The director, if he shall determine that it is practicable in any case to permit licensed distributors to impress on or attach to each package of cigarettes, evidence of tax payment, by means of a metering machine, in lieu of stamps, may authorize any licensed distributor to use any metering machine approved by the director, such machine to be sealed by the director before being used and used in accordance with rules and regulations prescribed by the director. Any licensed distributor authorized by the director to affix evidence of tax

payment to packages of cigarettes by means of a metering machine shall either make a prepayment, allowing for the discount, if any, provided for herein and subject also to the same conditions as in the case of the sale of stamps, covering the amount of the tax for which the meter is set; or if prepayment is not made, subject to the same conditions as in the case of the consignment of stamps.

C. 54:40A-18. Out-of-State sale of stamps.

408. Sale of stamps to out-of-State distributors. In case the director shall find that the collection of any tax imposed by this act would be facilitated thereby, he may authorize, under reasonable conditions, any person resident or located outside this State, engaged in the business of selling and shipping cigarettes into the State, upon complying with the requirements of the director, to affix or cause to be affixed on behalf of any purchaser of cigarettes who would otherwise be taxable therefor, the stamps required by this act, or may authorize the use of a machine by such persons as herein provided, except that the delivery of stamps or meterings to such persons shall be made upon a prepayment basis. Any such nonresident person shall be required to agree to submit his books, accounts, and records to reasonable examination, by the director or his duly authorized agent. Each such nonresident person, other than a foreign corporation which is authorized by law to transact business in this State shall, by a duly executed instrument filed in the office of the Secretary of State, constitute the Secretary of State his lawful attorney in fact upon whom any original process in any action or legal proceeding against such nonresident person may be served, and therein agree that any original process against him so served shall be of the same force and effect as if served on him within this State, and that the authority thereof shall continue in force irrevocably so long as any such nonresident person shall remain liable for any taxes, interest and penalties under this act. Service of process against any such nonresident person shall be made by leaving the

process, with a fee of two dollars ($2.00) in the office of the Secretary of State. Upon the receipt of any such process the Secretary of State shall send forthwith by registered mail to such nonresident person a notice of such service and a copy of the process. Any nonresident person who shall comply with the provisions of this section may be licensed as a distributor.

C. 54:40A-19. Refunds and redemptions.

409. Redemption and refund of stamps.

The director shall redeem any unused or mutilated, but identifiable, stamps that any distributor or dealer may present for redemption, and refund therefor, ninety-five per centum (95%) of the face value of said stamps. In the event any stamped cigarettes are shipped out of this State, or are sold to those agencies or instrumentalities which this State is prohibited from taxing under the Constitution or the statutes of the United States, by any distributor or dealer, a refund of ninety-five per centum (95%) of the face value of said stamps shall be made upon the application of the distributor or dealer on forms prescribed by the director together with such evidence and proof of sale as the director shall require.

Article V

ADMINISTRATION

C. 54:40A-20. Director's powers.

501. Power of director to administer act.

The director is hereby authorized and empowered to administer and enforce the provisions of this act and in pursuance thereof to make and enforce such rules and regulations as he may deem necessary.

C. 54:40A-21. Provisions applicable.

502. The provisions of the State Tax Uniform Procedure Law, being subtitle nine of Title 54 of the Revised Statutes, shall be applicable to the administration of this act.

Every person shall, by the acceptance of a license issued under this act, be deemed to have consented to the procedures set forth in the said State Tax Uniform Procedure Law.

C. 54:40A-22. Assistants.

503. Power to appoint assistants.

The director may, subject to the provisions of Title 11 of the Revised Statutes, as amended and supplemented, appoint a State supervisor to assist him in the administration of this act and such other assistants as he may deem necessary, and may establish, equip, and maintain one or more offices at such places in this State as he shall determine.

C. 54:40A-23. Taxpayer to keep records.

504. Records to be kept by taxpayer.

Every taxpayer shall keep complete and accurate records of all sales. The kind and form of such records may be prescribed by the director and all records shall be so kept as to be adequate to enable him to determine the tax liability. All such records shall be safely preserved for a period of three years in such a manner to insure their security and accessibility for inspection by the director, supervisor or any authorized assistant engaged in the administration of this act. The director may consent to the destruction of any such records at any time within said period.

Article VI

PENALTIES

C. 54:40A-24. Penalties: Recovery;

601. Penalty for transacting business when not licensed.

a. Court proceedings for recovery: Any person who shall engage in any business or activity for which a license is required under the provisions of this act, without first having obtained a license to do so, or who, having had such a license, shall continue to engage in or conduct such business after any such license shall have been revoked, or during a suspension thereof, shall be liable to a penalty of not more than two hundred fifty dollars ($250.00), which penalty shall be sued for, and shall be recoverable in the name of the director; and each day that any such business is so engaged in or conducted shall be deemed a separate offense.

Every district court or criminal judicial district court, police justice, recorder, or other police magistrate, and every court of common pleas, within their respective jurisdictions, is hereby empowered, upon filing of a complaint in writing duly verified, which verification when made by the director or any person by him thereunto designated may be made upon information and belief that any person has violated any provision of this act, to issue process at the suit of the director as plaintiff. The process shall be either in the nature of a summons or a warrant, which process may issue, without an order of the court or judge first being obtained, against the person so charged. Such process shall state what provision of this act is alleged to have been violated by the defendant, and when in the nature of a warrant shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five nor more than fifteen days. The officers to serve and execute all process under this act shall be the officers authorized to serve and execute process in said courts.

Judgment, commitment;

b. Judgment; commitment of defendant for non-payment; defendant to be detained, unless bond filed, upon adjournment of trial. Upon the return of such process, or at any time to which the trial shall be adjourned, the court shall proceed in a summary manner, without a jury, to hear testimony and to determine and give judgment, without the filing of any additional pleadings by the plaintiff for the recovery of such penalty as the court shall in its discretion determine, not in excess of said amount, with costs, or for the defendant. If judgment be rendered for the plaintiff, the court shall cause any defendant who refuses or neglects to forthwith pay the amount of the judgment rendered against him and all the costs and charges incident thereto, to be committed to the county jail for such period as the court shall determine, not exceeding thirty days. The said several courts shall have power to adjourn the hearing or trial

from time to time but, except in cases in which the first process was a summons, it shall be the duty of the judge thereof to detain the defendant in safe custody, unless he shall enter into bond to the director, with sufficient surety in double the amount of the penalty claimed, conditioned for his appearance on the day to which the hearing shall be adjourned, and thence from day to day until the case is disposed of, and to abide by the judgment of the court. The bond, if forfeited, may be sued upon by the director.

Further violations;

c. Penalty for further violations; recovery; proceedings in court. In case a person shall, after conviction of any violation of this act, be again convicted of another violation thereof, he shall be liable to a penalty of five hundred dollars ($500.00) for each such violation, to be sued for and recovered in the manner above set forth. In case any defendant against whom judgment has been recovered for a penalty of five hundred dollars ($500.00) shall fail or neglect to forthwith pay the amount of said penalty, the court shall commit him to jail in the manner above set forth, for such number of days not exceeding ninety days, as the court shall determine.

Disposition of penalties;

d. Disposition of penalties. All penalties recovered for violations of this act shall be paid to the director and by him accounted for and paid to the State Treasurer as in the case of State taxes. In case any such proceeding is brought in any court of common pleas, the trial thereof shall be had in a summary manner, without a jury, immediately upon the return of the warrant of arrest of the defendant, or on the return day of the summons, or on any day to which the court shall continue the trial, either during a term of said court or in vacation.

Process.

e. Signing and sealing of process; docketing of judgments in district courts; issuance of execution. The clerk of any district court, or criminal judicial district court, police court, recorder's court, or of any court of common pleas may sign and seal any

process required to be issued under this act, except a warrant of commitment. The costs recoverable in any such proceeding shall be the same as in other actions in said courts, and shall be recovered by the director in the event of the conviction of the defendant. If the judgment be for the defendant it shall be without costs against the director. A judgment recovered for a penalty under the provisions of this act in any such court may be docketed in the same manner as judgments are docketed in the court of common pleas and the Supreme Court. Execution may issue for collection of any judgment obtained under this act against the personal property and body of the defendant without an order first obtained for that purpose. All expenses incident to the recovery of any penalty pursuant to the provisions of this section shall be paid for as any other expense incident to the administration of this act.

C. 54:40A-25. Possessing unstamped cigarettes, penalty.

602. Possessing cigarettes not bearing required revenue stamps.

Any wholesale dealer or retail dealer who violates the provisions of section 406 of this act, and any consumer who fails to report and remit the tax due as provided by section 205 of this act, shall be liable to a penalty of not more than two hundred fifty dollars ($250.00) for each separate offense which penalty shall be sued for and recovered in the same manner as provided for the penalties imposed by section 601 of this act.

C. 54:40A-26. Refusal to produce records, misdemeanor.

603. Refusal or failure to produce records.

Any person engaged in the business of manufacturing, purchasing, selling, consigning, shipping, distributing, or transporting cigarettes, who shall refuse or fail to produce, on demand by the director, invoices of all cigarettes purchased or received by him within three years prior to such demand, unless his inability to do so for reasons beyond his control shall be shown by satisfactory proof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than two hundred dollars ($200.00) for each separate offense.

C. 54:40A-27. Interfering with administration of act.

604. Interfering with administration of the act. Any person who prevents or hinders the director or any designated assistant from making a full inspection of any place where cigarettes are sold or stored, or prevents or hinders the inspection of invoices, books, records, or papers required to be kept, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than two hundred dollars ($200.00) for each individual offense.

C. 54:40A-28. Selling cigarettes without stamps, penalty.

605. Selling cigarettes not bearing required revenue stamps. Any person who sells cigarettes without the stamp or stamps required by this act being affixed thereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars ($1,000.00), or imprisoned for not more than one year, or both, at the discretion of the court.

C. 54:40A-29. Forging and counterfeiting.

606. Forging or counterfeiting revenue stamps. Any person who falsely or fraudulently makes, forges, alters, or counterfeits, or causes or procures to be falsely or fraudulently made, forged, altered, or counterfeited, any stamps prepared or prescribed by the director under the authority of this act, or who knowingly and willfully utters, publishes, passes, or tenders as true, any such false, altered, forged, or counterfeited stamp, or uses any stamp provided for and required by this act, which has already once been used, for the purpose of evading the tax hereby imposed, shall be guilty of a high misdemeanor, and, upon conviction thereof, shall be fined not more than two thousand dollars ($2,000.00), or imprisoned, with or without hard labor, as the court may direct, for a term of not more then seven years, or both.

C. 54:40A-30. Confiscation.

607. Unstamped cigarettes subject to confiscation. All cigarettes, subject to the tax imposed by this act, to which stamps have not been affixed, as required by this act, found in any place in this State are declared to be contraband goods and may be

seized by the director, his agents or employees, or by any peace officer of this State, when directed by the director so to do, without a warrant. The director may upon satisfactory proof direct the return of any confiscated cigarettes when he shall have reason to believe that the owner thereof has not willfully or intentionally evaded any tax imposed by this act. Any cigarettes seized under the provisions of this act shall be disposed of according to law. Any purchaser of such cigarettes shall be required to affix stamps as required by this act. The seizure and sale of any cigarettes under the provisions of this section shall not relieve any person from a fine, imprisonment or other penalty for violation of any of the provisions of this act. The director, his agents, employees, and any peace officer of this State, when directed so to do, shall not in any way be responsible in any court for the seizure or the confiscation of any unstamped packages of cigarettes.

608. Making false entries.

C. 54:40A-31. False entries.

Any person who makes a false entry upon any invoice or any record relating to the purchase, possession or sale of cigarettes, or who, with intent to avoid any tax imposed by this act, presents any such false entry for the inspection of the director, supervisor or any authorized assistant, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than two hundred dollars ($200.00) for each separate offense.

609. Records; possession and transportation of unstamped cigarettes.

C. 54:40A-32. Records, transporting unstamped cigarettes.

Every person who shall possess or transport any unstamped cigarettes upon the public highways, roads or streets of this State shall be required to have in his actual possession invoices or delivery tickets for such cigarettes. The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this State subject to all of the provisions and penalties provided for in this act.

C. 54:40A-33. Failure to report.

610. Failure to file report; filing of false or fraudulent report or statement.

Any person who shall fail to file any report or statement required to be filed pursuant to the provisions of this act or by the rules and regulations made pursuant thereto, or shall file, or cause to be filed, with the director, any false or fraudulent report or statement, or shall aid or abet another in the filing, with the director, of any false or fraudulent report or statement, with the intent to defraud the State or evade the payment of any tax, penalty, or interest, or any part thereof which shall be due pursuant to the provisions of this act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars ($1,000.00), or imprisoned not more than one year, or both, at the discretion of the court.

C. 54:40A-34. Perjury.

611. False swearing.

Any person who shall knowingly swear to or affirm any false or fraudulent statement with intent to evade the payment of any tax imposed by this act, or who, being under oath, shall testify falsely at any hearing held pursuant to the provisions of this act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars ($1,000.00) or imprisoned not more than one year, or both, at the discretion of the court.

C. 54:40A-35. Offenses, place of committing.

612. Certain offenses deemed to have occurred in part at the office of the director.

The failure to do any act required to be done by, or under, the provisions of this act shall be deemed an act committed in part at the office of the director in Trenton. The certificate of the director to the effect that any act required to be done by, or under the provisions of, this act has not been done, shall be prima facie evidence that such act has not been done.

C. 54:40A-36. General penalty.

613. General penalty.

Any person who violates any of the provisions of this act for which no other penalty is prescribed, shall be guilty of a misdemeanor and, upon con-

viction thereof, shall be fined not more than two hundred fifty dollars ($250.00) for each separate offense.

ARTICLE VII

MISCELLANEOUS

C. 54:40A-37. Payment of proceeds.

701. Proceeds of the collection of taxes and license fees to be paid to State Treasurer.

All taxes, fees, penalties and interest received or collected by the director, pursuant to the provisions of this act, shall be paid to the State Treasurer.

C. 54:40A-38. Appropriation.

702. Appropriation for enforcement of act.

The sum of two hundred thirty thousand dollars ($230,000.00) is hereby appropriated for the purpose of carrying out the provisions of this act, and said sum shall be subject to disbursements from the date of approval of this act.

C. 54:40A-39. Appropriation for refunds.

703. Appropriation for refund claims.

For the period beginning July first, one thousand nine hundred and forty-eight, and ending June thirtieth, one thousand nine hundred and forty-nine, there is hereby appropriated the amount necessary to pay all claims for refund of taxes and license fees authorized by this act and upon the certification of the director, the Commissioner of Taxation and Finance is authorized and it shall be his duty to withdraw from the State fund so much as shall be necessary to pay such claims, and the State Treasurer shall pay such claims on receipt of warrants of the Commissioner of Taxation and Finance.

C. 54:40A-40. Director's powers.

704. Powers of director upon approval of act.

Immediately upon approval of this act the director shall take such action and make all necessary provisions to put said act into full operation on its effective date, and in so doing he may incur obligations and enter into contracts, within the limits of the appropriation herein provided, issue licenses, sell stamps and promulgate such rules and regulations as herein required.

C. 54:40A-41. Constitutionality.

705. Constitutionality.

The provisions of this act shall be severable and if for any reason any section or any provision hereof shall be determined to be unconstitutional or invalid, the same shall not be held to affect any other section or provision thereof.

C. 54:40A-42. Repealer.

706. Repealer.

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

C. 54:40A-43. Act effective.

707. Effective date.

This act shall take effect on the first day of July, one thousand nine hundred and forty-eight.

Approved April 29, 1948.

CHAPTER 66

AN ACT to provide for the apportionment of additional State aid for schools, and supplementing Title 18 of the Revised Statutes.

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

C. 18:10-29.19. Terms defined:

1. Unless the context indicates that a different meaning is intended, the following words and phrases shall, for the purposes of this act, have the following meaning:

Pupil;

"Pupils" means resident pupils in average daily attendance in a school district during the school year.

Average daily attendance;

"Average daily attendance" means average daily attendance during a school year.

District;

"District" includes every school district to which chapters six or seven of Title 18 of the Revised Statutes are applicable.

Regional school district;

A "regional school district" means a regional high school district established in accordance with chapter eight of Title 18 of the Revised Statutes.

"Elementary" pupils means pupils in kindergarten to grade six, inclusive, who are not pupils in an "approved special class." Elementary;

"High school" pupils means pupils in grades seven to twelve, inclusive, who are not pupils in an "approved special class," or "in vocational schools." High school;

"Evening school" pupils means pupils enrolled in evening schools, except in classes for foreign-born residents, or in vocational schools. Evening school;

"Approved special classes" means classes for subnormal, blind, deaf and crippled children, and other classes for atypical pupils approved by the Commissioner of Education. Approved special classes.

2. The amount appropriated for "additional State aid for schools," for the fiscal year one thousand nine hundred and forty-eight—one thousand nine hundred and forty-nine and annually thereafter, shall be apportioned among the school districts, including regional school districts, in the manner provided in this act. C. 18:10-29.20. Apportionment.

3. The sum available for apportionment under the terms of this act shall be apportioned among the school districts, including regional school districts, in the proportion which the average daily attendance of the pupils enrolled in each district bears to the total average daily attendance of the school districts of the State, including regional school districts. C. 18:10-29.21. Formula for apportioning.

4. In determining the total average daily attendance for any district, the attendance of each high school and evening school pupil shall be calculated as one and one-fourth pupil, and the attendance of each approved special class shall be calculated as if there were twenty-five pupils in average daily attendance in such special class. C. 18:10-29.22. Determining average daily attendance.

5. On or before the first day of October in each year the Commissioner of Education shall calculate the amount to which each district is entitled for the current school year by the provisions of this act. Such calculations shall be based on the same attendance statistics used in determining the C. 18:10-29.23. Commissioner to calculate amount.

sums payable to districts by the provisions of "An act concerning State aid for schools, and supplementing Title 18 of the Revised Statutes," approved April eleventh, one thousand nine hundred and forty-six (P. L. 1946, c. 63), for the same school year.

C. 18:10-29.24. Date of payment.

6. The sums payable to the districts of each county shall be paid, on or before the first day of November in each year, on the certificate of the Commissioner of Education to the State Commissioner of Taxation and Finance according to the warrants of the State Commissioner of Taxation and Finance drawn on the State Treasurer in favor of the county treasurers of the counties in which the respective districts are situated.

The sums payable under this act to the districts and regional school districts shall be apportioned by the county superintendent of schools in accordance with the determinations made by the Commissioner of Education under this act, of the sums payable to each of said districts and regional school districts and shall be paid to the districts and regional school districts according to the warrants of the county superintendents of schools drawn on the county treasurers in favor of the custodians of school moneys of the respective districts and regional school districts.

C. 18:10-29.25. Use of funds.

7. All funds received by any district in accordance with the provisions of this act shall be used for the payment of current operating expenses only, and no part of such funds shall be used for debt service, or for the construction, alteration or repair of any building. If at the end of any year there shall remain unexpended in the hands of any county treasurer any balance of funds received by him pursuant to the provisions of this act, the same shall be repaid to the State Treasurer.

C. 18:10-29.26. Compliance with rules to participate in apportionment.

8. In order to participate in any apportionment made according to the provisions of this act, a district or regional school district shall comply with the regulations and standards for the equalization of opportunity which have been or which may here-

after be prescribed by law, or formulated by the Commissioner of Education or the State Board of Education pursuant to law. The Commissioner of Education is hereby authorized to withhold all or part of such apportionment for failure to comply with any regulation or standard. No apportionment under this act shall be paid to any district which has not provided public school facilities for at least one hundred eighty days during the preceding school year, but the commissioner, for good cause shown, may remit the penalty.

C. 18:10-29.27. Adjustment.

9. When the apportionment shall have been made for any year and part of any district becomes a new school district or a part of another school district, or comes partly under the authority of a regional board of education, the commissioner shall adjust such apportionment or apportionments among the districts affected, or between the district and the regional board, as the case may be, on an equitable basis in accordance with the intent of this act.

C. 18:10-29.28. Funds to be available for 1948.

10. The first moneys appropriated under this act shall be apportioned so as to be available for the school year beginning July first, one thousand nine hundred and forty-eight.

C. 18:10-29.29. Adjustment of tax levy.

11. For the first year of the operation of this act, each county board of taxation, in ascertaining the total amount of tax to be raised in each taxing district of the county shall fix and adjust the amount to be levied in such taxing district for local purposes, by substituting for the amount certified to it to be raised by taxation for local school purposes such amount as shall be arrived at by deducting therefrom such sum as shall be certified to it by the Commissioner of Education and shall cause the rate per dollar, of assessed valuations, to be levied and assessed for taxes in such taxing district to be struck and ascertained accordingly.

Commissioner to certify amount to be deducted.

The Commissioner of Education shall, as soon as practicable after the effective date of this act, certify the amount so to be deducted for each taxing district of each county to the respective county

boards of taxation, which amount shall be the lesser of

(a) The amount to which each school district will be entitled pursuant to the provisions of this act; or

(b) The lesser of the amounts which will result from the application of the following formulae:

(1) The net valuation taxable for one thousand nine hundred and forty-eight, referred to in section 54:4–52 of the Revised Statutes multiplied by the remainder resulting from the subtraction of the quotient derived by dividing the amount determined to be necessary for the current expense purposes of the schools for the school year one thousand nine hundred and forty-seven—one thousand nine hundred and forty-eight at the annual meeting of the board of school estimate, pursuant to the provisions of section 18:6–50 of the Revised Statutes, or at the annual meeting of the legal voters, pursuant to the provisions of subsection e of section 18:7–78 of the Revised Statutes, or by the governing body of the municipality, pursuant to section 18:7–82 of the Revised Statutes, or by the Commissioner of Education, pursuant to the provisions of section 18:7–83 of the Revised Statutes, as the case may be, for each school district, by the net valuation taxable for one thousand nine hundred and forty-seven, from the quotient derived by dividing the corresponding amount for the school year one thousand nine hundred and forty-eight—one thousand nine hundred and forty-nine by the net valuation taxable for one thousand nine hundred and forty-eight, in such school district; or

(2) The said net valuation taxable for one thousand nine hundred and forty-eight multiplied by the remainder resulting from the subtraction of the quotient derived by dividing the total of the amount necessary for debt

service and the amount determined to be necessary for all school purposes for the school year one thousand nine hundred and forty-seven—one thousand nine hundred and forty-eight at the annual meeting of the board of school estimate, pursuant to the provisions of section 18:6–50 of the Revised Statutes, or at the annual meeting of the legal voters, pursuant to the provisions of subsection e of section 18:7–78 of the Revised Statutes, or by the governing body of the municipality, pursuant to the provisions of section 18:7–82 of the Revised Statutes, or by the Commissioner of Education, pursuant to section 18:7–83 of the Revised Statutes, as the case may be, for each school district, by the net valuation taxable for one thousand nine hundred and forty-seven, from the quotient derived by dividing the corresponding amounts for the school year one thousand nine hundred and forty-eight—one thousand nine hundred and forty-nine by the net valuation taxable for one thousand nine hundred and forty-eight, in such school district.

To redetermine tax rate.

Any county board of taxation, which shall have determined the tax rate for any taxing district of the county for the year one thousand nine hundred and forty-eight before the effective date of this act, shall redetermine such tax rate pursuant to the provisions of this act.

12. This act shall take effect immediately.

Approved April 29, 1948.

CHAPTER 67

AN ACT concerning banking and banking institutions (Revision of 1948).

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

ARTICLE 1

DEFINITIONS: APPLICATION OF ACT

C. 17:9A-1.

1. Definitions.

Terms defined:

As used in this act, and except as otherwise expressly provided in this act,

Bank;

(1) "bank" shall include the following:

(a) every corporation heretofore organized pursuant to the act entitled "An act concerning banks and banking (Revision of 1899)", approved March 24, 1899;

(b) every corporation heretofore organized pursuant to the act entitled "An act concerning trust companies (Revision of 1899)", approved March 24, 1899;

(c) every corporation heretofore organized pursuant to Chapter 4 of Title 17 of the Revised Statutes;

(d) every corporation, other than a savings bank, heretofore authorized by any general or special law of this State to transact business as a bank or as a trust company, or as both;

(e) every corporation hereafter organized pursuant to Article 2 of this act;

Banking institution;

(2) "banking institution" shall mean a bank, savings bank, and a national banking association having its principal office in this State;

Board of managers;

(3) "board of managers" of a savings bank shall include the board of trustees of a savings bank;

(4) "capital stock" shall include both common stock and preferred stock; Capital stock;

(5) "certificate of incorporation", unless the context requires otherwise, shall mean Certificate of incorporation;

(a) the certificate of incorporation, together with all amendments thereto, of every bank and savings bank organized pursuant to any general law of this State;

(b) the charter, together with all amendments thereto, of every bank and savings bank organized pursuant to any special law of this State;

(6) "commissioner" shall mean the Commissioner of Banking and Insurance of New Jersey; Commissioner;

(7) "department" shall mean the Department of Banking and Insurance of New Jersey; Department;

(8) "fiduciary" shall include trustee, executor, administrator, receiver, guardian, assignee, and every other person occupying any other lawful office or employment of trust; Fiduciary;

(9) "manager" of a savings bank shall include a trustee of a savings bank; Manager;

(10) "municipality" shall mean a city, town, township, village, and borough of this State; Municipality;

(11) "population" shall mean the population as determined by the latest federal census; Population;

(12) "qualified bank" shall mean Qualified bank;

(a) a bank which has heretofore been authorized or which shall hereafter be authorized to exercise any of the powers authorized by section 28;

(b) a savings bank which has heretofore been authorized or which shall hereafter be authorized to exercise any of the powers authorized by section 28; and

(c) a national banking association authorized to act as a fiduciary;

Savings bank.

(13) "savings bank" shall include the following:

(a) every corporation heretofore organized pursuant to the act entitled "An act concerning savings banks", approved April 12, 1876;

(b) every corporation heretofore organized pursuant to the act entitled "An act concerning savings banks", approved May 2, 1906;

(c) every corporation heretofore organized pursuant to Chapter 6 of Title 17 of the Revised Statutes;

(d) every corporation, other than a bank, authorized by any general or special law of this State to carry on the business of a savings bank or institution or society for savings;

(e) every corporation hereafter organized pursuant to Article 3 of this act.

C. 17:9A-2. Application of act.

2. Application of act.

A. No corporation, other than a national banking association, shall hereafter be organized to transact the business of a bank or savings bank in this State, except as provided in this act.

B. The provisions of this act, except as in this act otherwise expressly provided, shall apply to every bank and savings bank heretofore or hereafter organized.

C. The powers and privileges heretofore conferred upon banks and savings banks heretofore formed under any general or special law of this State shall, unless otherwise provided in this act, be abridged, repealed, modified, or enlarged to conform to the provisions of this act.

D. The provisions of this act shall apply to national banking associations authorized to transact business in this State, to the extent that such provisions are not inconsistent with and do not infringe paramount federal laws governing national banking associations.

ARTICLE 2

BANKS: ORGANIZATION

3. Incorporation; certificate of incorporation. C. 17:9A-3. Banks, incorporation.

Seven or more persons, of full age, may incorporate a bank on the terms and conditions prescribed by this act. Such persons shall execute and acknowledge a certificate of incorporation stating:

(1) the name by which the bank shall be known;

(2) the street, street number, if any, and municipality in which the principal office of the bank is to be located;

(3) the powers authorized by this act which the bank will have power to exercise;

(4) the amount of the capital stock, the number of shares into which it is divided, and the par value of each share;

(5) the amount of surplus with which the bank will commence business;

(6) the amount of the fund reserved for organization expense pursuant to section 5;

(7) the names and residences of the incorporators, and the number of shares subscribed for by each;

(8) the number of directors, or that the number of directors shall be not less than a stated minimum, or more than a stated maximum;

(9) the names of the persons who will serve as directors until the first annual meeting of stockholders; and

(10) such other provisions, not inconsistent with this act, as the incorporators may choose to insert for the regulation of the business and affairs of the bank.

4. Capital stock and surplus. C. 17:9A-4. Capital stock and surplus.

A. The capital stock of every bank hereafter organized shall amount to not less than:

(1) fifty thousand dollars, if the population of the municipality wherein the principal office of the bank is to be located does not exceed ten thousand;

(2) one hundred thousand dollars, if the population of such municipality exceeds ten thousand, but does not exceed fifty thousand;

(3) one hundred and fifty thousand dollars, if the population of such municipality exceeds fifty thousand, but does not exceed one hundred thousand;

(4) three hundred thousand dollars, if the population of such municipality exceeds one hundred thousand, but does not exceed two hundred thousand;

(5) five hundred thousand dollars if the population of such municipality exceeds two hundred thousand;

provided that, if the certificate of incorporation states that the bank shall be authorized to exercise all or any of the powers specified in section 28, its capital stock shall be not less than one hundred thousand dollars.

B. If the commissioner shall find that the principal office of a bank will be located in a municipality which serves as a business or as a banking center for outlying districts not otherwise adequately provided with banking facilities, so that such bank will transact business with a substantial number of persons who do not reside in the said municipality; or if the commissioner shall find that, because of its location, a bank will transact a substantial part of its business with persons from a neighboring municipality or municipalities, the commissioner may, in his discretion, require that the minimum capital stock with which such bank shall commence business, shall be increased by such amount as he shall designate, up to but not exceeding the minimum capital stock which would be required of the bank if its principal office were to be located in a municipality having a population equal to that of the combined populations of the municipality in which it is to be located and of the area, outside such municipality, which it will serve.

C. Every bank hereafter organized shall commence business with a surplus at least equal to twenty per centum of its capital stock.

5. Reserve for organization expense.

C. 17:9A-5. Reserve for organization expense.

No part of the capital stock or surplus required by section 4 shall be used for organization expense, but every bank shall, on its organization, establish a cash fund at least equal to five per centum of its capital stock as a reserve for organization expense. Organization expense shall mean all lawful expense incurred preliminary to commencement of business and the expense of furnishing and equipping its banking office. Any unexpended balance in the expense fund after the payment of all organization expense may, at the expiration of not less than one year after the date of the certificate of authority to commence business issued pursuant to section 14, be credited to undivided profits.

6. Capital stock; par value and classes.

C. 17:9A-6. Capital stock, classes.

A. The par value of the shares of the capital stock issued by any bank hereafter organized shall be not less than five dollars per share.

B. No bank shall create more than one class of stock, except to the extent and for the purposes in this act or otherwise by law expressly provided.

C. This section shall not apply to stock issued before the effective date of this act. Notwithstanding any other provision of this act, any bank heretofore organized may, in increasing or decreasing its capital stock, or in converting its preferred stock into common stock, assign to its shares the same par value as that assigned to such stock issued and outstanding on the effective date of this act.

Article 3

savings banks: organization

7. Incorporation; certificate of incorporation.

C. 17:9A-7. Savings banks, incorporation.

Nine or more persons, of full age, may incorporate a savings bank on the terms and provisions prescribed by this act. Such persons shall execute

and acknowledge a certificate of incorporation stating:

(1) the name by which the savings bank shall be known;

(2) the street, street number, if any, and municipality in which the principal office of the savings bank is to be located;

(3) the amount of the capital deposits with which the savings bank will commence business;

(4) the names and addresses of the incorporators;

(5) the number of managers, or that the number of managers shall be not less than a stated minimum or more than a stated maximum;

(6) the names of the persons who will serve as managers until their successors are elected and qualify;

(7) such fiduciary powers, if any, as the savings bank shall be authorized to exercise; but no savings bank hereafter organized shall be authorized to exercise any fiduciary powers except those specified in paragraphs (1), (5), (6) and (9) of section 28; and

(8) such other provisions, not inconsistent with this act, as the incorporators may choose to insert for the regulation of the business and affairs of the savings bank.

C. 17:9A-8. Capital deposits, payment.

8. Capital deposits; payment.

A. The capital deposits in every savings bank hereafter organized shall amount to not less than:

(1) twenty-five thousand dollars, if the population of the municipality wherein the principal office of the savings bank is to be located does not exceed twenty-five thousand;

(2) fifty thousand dollars, if such population exceeds twenty-five thousand but does not exceed fifty thousand;

(3) seventy-five thousand dollars, if such population exceeds fifty thousand but does not exceed one hundred thousand;

(4) one hundred thousand dollars if such population exceeds one hundred thousand;

provided, that, if the certificate of incorporation states that the savings bank shall be authorized to exercise any of the powers specified in paragraphs (1), (5), (6) and (9) of section 28, its capital deposits shall not be less than one hundred thousand dollars. Proviso.

B. The savings bank shall be liable to the depositors or their legal representatives or assigns for the amount of the capital deposits respectively paid in by them, which shall be repaid to them subject to such regulations as are applicable to other deposits and which shall be entitled to interest and dividends at the same rate and under the same regulations as are applicable to other deposits; *provided,* that, until such time as the surplus of the savings bank shall amount to not less than the original capital deposits, or five per centum of other regular deposits, whichever is greater, no part of the capital deposits, other than interest or dividends thereon, may be withdrawn, and until such time, the capital deposits shall be subordinate to all other deposits and liabilities of the savings bank. When the surplus shall equal the amount in this subsection specified, the capital deposits may be withdrawn or transferred to regular deposit accounts in such amounts from time to time as shall not reduce the surplus below the amount so specified. Liability. Proviso.

ARTICLE 4

BANKS AND SAVINGS BANKS: CHARTERS

9. Application for charter.

C. 17:9A-9. Banks and savings banks, application for charter.

A. The certificate of incorporation of every bank and savings bank shall be submitted to the commissioner within sixty days after its execution, together with an affidavit made by each of the incorporators, setting forth:

(1) that no fee, commission or other compensation has been paid, directly or indirectly, by the bank or savings bank or by anyone in its behalf for securing subscriptions for or selling stock in the proposed bank or for procuring capital deposits for the proposed savings bank, and that no promotion fees or charges have been provided for or are in anywise contemplated;

(2) a complete disclosure of all fees paid or agreed to be paid in the matter of chartering and organizing the proposed bank or savings bank;

(3) that the incorporators are the true and only parties in interest; and

(4) that in the case of a bank, the capital stock has been subscribed for in full, and, in the case of a savings bank, the capital deposits have been subscribed for in full.

B. The submission of the certificate of incorporation and affidavit shall constitute the application for a charter under this act.

C. 17:9A-10. Hearing, notice and publication.

10. Hearing on application for charter; notice and publication.

If the commissioner shall find that the certificate of incorporation and the affidavit specified in section 9 comply with the requirements of this act, he shall designate a time and a place for a hearing upon the application for charter, which shall be not less than six weeks and not more than eight weeks after the date of the submission of the application for the charter to the commissioner. Within ten days from the day upon which the commissioner makes such designation, the incorporators shall cause publication to be begun of a notice of the application for charter. Such publication shall be made once a week for four successive weeks in one newspaper to be designated by the commissioner, published and circulated in the municipality in which the bank or savings bank proposes to main-

tain its principal office, or, if there be no such newspaper, then in one published in the county in which the bank or savings bank proposes to maintain its principal office, or in an adjoining county, and which has a general circulation in such municipality. The notice shall specify the names of the proposed incorporators, the name of the proposed bank or savings bank, the location of its principal office, the amount of its capital stock and surplus or the amount of its capital deposits, as the case may be, and the time and place fixed for the hearing. At least three weeks before the date set for hearing, the incorporators shall cause a copy of the notice to be mailed to every banking institution which has its principal office or a branch office within five miles of the place where the principal office of the proposed bank or savings bank will be located, and to such other banking institutions as the commissioner may designate.

C. 17:9A-11. Approval of charter.

11. Hearing on application for charter; approval.

A. At the time and place designated for the hearing, the incorporators shall file proof with the commissioner that the publication and mailing of the notice of application for charter have been made in the manner required by section 10. If the commissioner shall find that proper publication and mailing have been made, he shall proceed with the hearing on the application, and shall afford all those desirous thereof, an opportunity to be heard. In addition to the matters presented at the hearing, the commissioner shall consider such facts and circumstances as he may determine to be relevant as a result of an independent investigation made or caused to be made by him.

B. The commissioner shall, within ninety days after the hearing, approve or disapprove the application and shall file a written memorandum of his decision in the department in which he shall state the reasons for his decision.

C. If the certificate of incorporation states that the proposed bank or savings bank is to be au-

thorized to exercise any of the powers specified in section 28 which are permitted to it under this act, the commissioner shall give special consideration to the following in determining whether to approve or disapprove the application for charter:

(1) the needs of the community for trust services, and the probable volume of trust business which will be available to the bank or savings bank;

(2) the nature of the supervision to be given to the proposed fiduciary activities;

(3) the qualifications, experience, and character of the proposed officer or officers who will have control or supervision of the proposed fiduciary activities;

(4) whether the bank or savings bank has available competent legal counsel to advise and pass upon trust matters whenever necessary; and

(5) any other matters which in the discretion of the commissioner are relevant.

D. If the commissioner shall determine, as a result of the hearing and of the independent investigation made or caused to be made by him

(1) that the interest of the public will be served to advantage by the establishment of the proposed bank or savings bank;

(2) that conditions in the locality in which the proposed bank or savings bank will transact business afford reasonable promise of successful operation;

(3) that the directors or managers designated in the certificate of incorporation possess capacity and fitness for the duties and responsibilities with which they will be charged;

(4) that no fees, commissions, or other compensation have been paid for the promotion of the bank or savings bank, or for the

sale of the stock of the bank, or for obtaining subscriptions for the capital deposits of the savings bank; and

(5) that, in the case of a bank, the entire capital stock has been subscribed for, and that each subscriber has undertaken in writing to pay in cash, upon approval according to law of the certificate of incorporation, his proportionate share of the capital stock, surplus and reserve fund for organization expense, specified in the certificate of incorporation; or

(6) that, in the case of a savings bank, the capital deposits have been subscribed in full, and each subscriber has undertaken in writing to pay in cash, upon approval according to law of the certificate of incorporation, his proportionate share of the capital deposits;

and if the certificate of incorporation of the proposed bank or savings bank states that it is to be authorized to exercise any of the powers specified in section 28 which are permitted to it under this act,

(7) that, in the case of a bank, the capital stock is not less than one hundred thousand dollars; or that, in the case of a savings bank, the capital deposits are not less than one hundred thousand dollars; and

(8) that, having given consideration to the matters specified in subsection C of this section, the bank or savings bank should be authorized to exercise such stated powers,

he shall approve the application.

12. Filing of certificate of incorporation.

C. 17:9A-12. Filing certificate of incorporation.

If the application shall be approved by the commissioner, he shall endorse upon or annex to the certificate of incorporation a certificate of approval and the certificate of incorporation shall thereupon be filed in the department.

C. 17:9A-13. Corporate existence.

13. Beginning of corporate existence; certificate of incorporation as evidence.

A. Upon the filing of the certificate of incorporation as specified in section 12, the subscribers to the certificate, their successors and assigns, shall be a corporation by the name stated in the certificate, subject to the provisions of this act, and subject to dissolution as in this act or otherwise by law provided; but no bank or savings bank shall transact any business whatsoever, except that relating to its organization, until it has received from the commissioner a certificate of authority to transact business, as hereinafter provided.

B. The certificate of incorporation, or a copy thereof certified by the commissioner, shall be evidence in all courts and places.

C. 17:9A-14. Certificate of authority.

14. Certificate of authority.

A. When the bank or savings bank shall have proved to the satisfaction of the commissioner, by affidavit of two of its officers, and when the commissioner shall have verified by examination that

(1) the certificate of incorporation has been filed as specified in section 12;

(2) in the case of a bank, the entire capital stock, surplus, and reserve fund for organization expense, stated in the certificate of incorporation, have been fully paid in cash, unconditionally and without reservation; or

(3) in the case of a savings bank, the entire capital deposits stated in the certificate of incorporation have been fully paid in cash, unconditionally and without reservation; and

(4) the cash paid in for the capital stock and surplus or capital deposits, as the case may be, is on deposit in a banking institution in this State, without offset, claim or demand whatsoever, and subject to withdrawal upon demand,

the commissioner shall issue a certificate of authority to the bank or savings bank wherein it shall

be stated that the bank or savings bank therein named has complied with the provisions of this act and is authorized to begin the transaction of the business specified in the certificate of incorporation. A copy of the certificate of authority shall be filed in the department.

B. Upon the issuance of the certificate of authority, the bank or savings bank shall be authorized to begin the transaction of business.

15. Review of refusal to issue certificate of authority.

C. 17:9A-15. Review of refusal to issue certificate of authority.

The commissioner shall, within thirty days after the filing of the affidavit specified in section 14, issue the said certificate of authority, or notify the bank or savings bank in writing of his reasons for refusing it. The issuance of the certificate of authority shall not be withheld by the commissioner, except when (1) the affidavit specified in section 14 is not in proper form, in which event an opportunity shall be afforded the bank or savings bank to file a proper affidavit, or (2) the commissioner determines that the facts set forth in the affidavit are not true. The commissioner's failure to issue the certificate of authority, and his failure to notify the bank or savings bank in writing of the reason for his failure to issue it within the thirty-day period herein specified, shall be subject to review, hearing and relief in the Superior Court, on application of the bank or savings bank.

16. Organization of a bank or savings bank at location occupied by a bank or savings bank in process of or in contemplation of liquidation.

C. 17:9A-16. Organizing at location of previous bank in liquidation.

A. As used in this section:

(1) "successor bank" means a bank organized to transact business at one or more of the locations occupied by a predecessor bank;

(2) "predecessor bank" means a bank in liquidation or in contemplation of liquidation;

(3) "successor savings bank" means a savings bank organized to transact business at

one or more of the locations occupied by a predecessor savings bank;

(4) "predecessor savings bank" means a savings bank in liquidation or in contemplation of liquidation.

B. When the application for charter discloses that it is proposed to organize a successor bank or a successor savings bank, the commissioner may act immediately thereon, and if he shall be satisfied that the establishment of the successor bank or successor savings bank will tend to continue an established banking business, and that it is in the public interest that such established banking business be so continued, he may approve the application, without the prior notice, publication, and hearing required by sections 10 and 11.

C. Subject to the approval of the commissioner, a predecessor bank may be an incorporator of, and may subscribe for and purchase shares of the capital stock of its successor bank, and may pay for such stock in money or in assets owned by it other than money; in which event, the certificate of incorporation of the successor bank, and the affidavit filed pursuant to section 14, shall state the amount of the entire consideration received by the successor bank upon issuance of its shares, and what part thereof consists of money, and what part thereof consists of consideration other than money.

D. When a predecessor bank is an incorporator of its successor bank, any affidavit or oath required by the provisions of this act to be made by incorporators shall be made on behalf of the predecessor bank by any two of its officers designated by its board of directors.

E. A successor bank may contract with its predecessor bank to liquidate the assets of the predecessor bank upon such terms and conditions as the commissioner shall approve; but this subsection shall not limit the power of the predecessor bank to dissolve voluntarily as by law provided,

nor shall it limit or restrict the power of the commissioner to liquidate banks as provided by law.

F. A successor bank may, on its organization, issue preferred stock in such amounts, and subject to such terms and conditions, not inconsistent with the provisions of this act, as the commissioner shall approve.

G. A successor savings bank may, with the approval of the commissioner, purchase and pay for the assets of its predecessor savings bank, and may borrow money for that purpose.

H. This section shall not exempt a successor bank or successor savings bank from any provisions of this act, except to the extent that such provisions are modified or are made inapplicable to successor banks or successor savings banks by the express provisions hereof.

I. A successor bank may be organized only to succeed a predecessor bank, and a successor savings bank may be organized only to succeed a predecessor savings bank.

C. 17:9A-17. Dissolution on failure to obtain certificate of authority.

17. Dissolution of bank or savings bank on failure to obtain certificate of authority, or to commence business.

A. If a bank or savings bank shall (1) fail to obtain a certificate of authority within six months from the date of the commissioner's approval of its certificate of incorporation, or within the extended time hereinafter in this section provided for, or shall (2) fail to commence business within six months after the issuance of the certificate of authority, or within the extended time hereinafter in this section provided for, the commissioner may make an order, to be filed in the dapartment, forfeiting the bank's or savings bank's rights, powers and privileges as a corporation, and upon such filing, the corporate rights, powers and privileges of the bank or savings bank shall cease, unless the time herein limited shall be extended by the commissioner upon satisfactory cause shown. Such extension or extensions shall be for such period or periods as the commissioner may specify, not ex-

ceeding six months in all, and shall be evidenced by a certificate or certificates of the commissioner filed in the department.

B. No forfeiture of rights, privileges, or powers as specified in subsection A of this section shall take place if, prior to the expiration of the six months period, or any extension thereof which the commissioner may grant pursuant to the provisions hereof, the bank or savings bank shall have instituted proceedings for review, hearing and relief in the Superior Court pursuant to section 15. In such case, if the final judgment of the court shall be adverse to the bank or savings bank, its corporate existence shall be terminated on the day of the entry of such judgment.

ARTICLE 5

BANKS AND SAVINGS BANKS: NAMES

C.17:9A-18. Name of bank.

18. Names of banks and savings banks.

A. The name of every bank shall contain the word "bank" or "banking" or "trust", or a combination of the words "bank" or "banking" and "trust", except that no bank which is not qualified to exercise any of the powers specified in section 28 shall use the word "trust" as part of its name. Any bank which, immediately prior to the effective date of this act, lawfully used the word "savings" as part of its name, may continue the use thereof, but no other bank shall hereafter use such word as part of its name.

B. The name of every savings bank shall contain the words "savings bank" or "savings fund society" or "savings institution" or "institution for savings" or "bank for savings". Any savings bank which, immediately prior to the effective date of this act, lawfully used the word "trust" as part of its name, may continue the use thereof, but no other savings bank shall hereafter use such word as part of its name.

C. No bank or savings bank shall assume a name identical with that of an existing banking institution, or so similar thereto that confusion may result therefrom; except that, if a bank or savings bank is organized to succeed another bank or savings bank pursuant to section 16, it may adopt the name of the bank or savings bank which it succeeds.

D. No person, other than a banking institution, shall use the words "bank" or "banker" or "banking" or "trust" or "savings" or any of them, as part of his or its name, or in any representations describing his or its powers, services or functions, except as otherwise permitted by law. A violation of the provisions of this subsection shall be a misdemeanor, and the Superior Court shall have jurisdiction to enjoin such violation at the suit of the commissioner.

E. The provisions of subsection D of this section shall not apply to any corporation or association formed for the purpose of promoting the interests of banking institutions, the membership of which is comprised of banking institutions, their officers or other representatives; nor shall the said subsection apply to any partnership, association, or corporation, which, on the effective date of this act, lawfully used the words "bank", "banker", "banking", "trust", or "savings", or any of them, as part of its name.

F. The provisions of subsection D of this section shall not prevent the use of the word "savings" by a building and loan association or a savings and loan association, or by a corporation or association formed for the purpose of promoting the interests of building and loan associations or savings and loan associations, the membership of which is comprised of building and loan or savings and loan associations, their officers or other representatives.

ARTICLE 6

BANKS AND SAVINGS BANKS: BANKING OFFICES

C. 17:9A-19. Branch offices, location, capital requirements.

19. Branch offices; location; capital requirements.

A. Any bank or savings bank may, pursuant to a resolution of its board of directors or board of managers, establish and maintain branch offices, subject to the conditions and limitations of this article.

B. No bank or savings bank shall establish or maintain a branch office which is located outside the municipality in which it maintains its principal office; except that a bank or savings bank may establish and maintain a branch office or offices anywhere in the same county as that in which it maintains its principal office

(1) when such bank or savings bank is a receiving bank as defined in section 132, and each proposed branch will be established at a location occupied by the principal office or a branch office of a merging bank or savings bank; or

(2) when each proposed branch will be established at a location occupied by the principal office or a branch office of a banking institution in liquidation; or

(3) when each proposed branch will be established in a municipality in which no banking institution has its principal office or a branch office.

C. Except as otherwise provided by this section,

(1) no bank or savings bank whose principal office is located in a municipality having a population of twenty thousand or less shall establish a branch office in that municipality;

(2) a bank or savings bank whose principal office is located in a municipality having a population in excess of twenty thousand but

not in excess of forty thousand may establish and maintain not more than one branch office in that municipality;

(3) a bank or savings bank whose principal office is located in a municipality having a population in excess of forty thousand but not in excess of eighty thousand may establish and maintain not more than two branch offices in that municipality;

(4) a bank or savings bank whose principal office is located in a municipality having a population in excess of eighty thousand may establish and maintain as many branch offices as the commissioner shall determine.

This subsection shall not limit the number of branches which may be established by a bank or savings bank pursuant to paragraphs (1), (2) or (3) of subsection B of this section.

D. When a bank or savings bank is the only banking institution having its principal office in a municipality wherein no other banking institution has a branch office, such bank or savings bank may establish one branch office in such municipality in addition to the number limited by paragraphs (2) and (3) of subsection C of this section.

E. No bank shall hereafter establish a branch office unless its capital stock and surplus shall at least equal the minimum capital stock and surplus required by section 4 on the organization of a bank to transact business at the location occupied by the principal office of the bank proposing to establish such branch office, plus an amount, for each branch office maintained or proposed to be established by such bank, at least equal to the minimum capital stock and surplus required by section 4 on the organization of a bank to transact business at each location maintained or proposed to be established by such bank as a branch office.

F. No savings bank shall hereafter establish a branch office unless its surplus shall at least equal

the minimum capital deposits required by section 8 on the organization of a savings bank to transact business at the location occupied by the principal office of the savings bank proposing to establish such branch office, plus an amount, for each branch office maintained or proposed to be established by such savings bank, at least equal to the minimum capital deposits required by section 8 on the organization of a savings bank to transact business at each location maintained or proposed to be established by such savings bank as a branch office.

G. Nothing in this section shall affect the continued maintenance of any branch office lawfully in operation on the effective date of this act.

C. 17:9A-20. Branch offices, application, hearing, approval.

20. Branch offices; application; hearing; approval.

Before any branch office shall be established, except those branches established pursuant to paragraph (1) of subsection B of section 19, the bank or savings bank shall file written application in the department for the commissioner's approval thereof. If, after such investigation or hearings, or both, as the commissioner may determine to be advisable, he shall find

(1) that the bank or savings bank has complied with the requirements of section 19,

(2) that the interests of the public will be served to advantage by the establishment of such branch office, and

(3) that conditions in the locality in which the proposed branch office is to be established afford reasonable promise of successful operation,

the commissioner shall, within ninety days after the filing of the application, approve such application.

C. 17:9A-21. Branch offices, discontinuance.

21. Branch offices; discontinuance.

A. The failure of a bank or savings bank to open and operate a branch office within six months after the commissioner approves the application there-

for shall automatically terminate the right of the bank or savings bank to open the branch office, and it shall make no further application to establish a branch office at such location, or in the area which would be served by a bank or savings bank doing business at such location, until after the expiration of one year from the date of such approval; except that, for good cause shown, the commissioner may, in his discretion, on application of the bank or savings bank made before the expiration of such six months period, extend for additional periods, not in excess of six months each, the time within which such branch office may be opened.

B. A bank or savings bank may discontinue a branch office upon resolution of its board of directors or board of managers. Upon the adoption of such a resolution, the bank or savings bank shall file a certificate in the department specifying the location of the branch office to be discontinued, and the date upon which the discontinuance shall be effective.

C. Whenever the commissioner shall find that a branch office is not open for the transaction of business during such hours or days as he shall determine are reasonably necessary for the banking needs of the area served by such branch office, the commissioner may, by order, direct the bank or savings bank to keep such branch office open during such hours or days, and, upon the failure of the bank or savings bank to comply with such order, the commissioner may, after giving the bank or savings bank reasonable opportunity to be heard, make an order forfeiting the right of the bank or savings bank to maintain the branch office, and, upon the service of the order upon the bank or savings bank, it shall cease to maintain such branch office. An order of the commissioner made pursuant to this subsection shall be subject to review, hearing and relief in the Superior Court, provided application is made therefor within thirty days after the service of such order upon the bank or savings bank.

C. 17:9A-22. Change of office.

22. Change of principal or branch office; application; approval.

A. A bank or savings bank may change the location of its principal office or of a branch office to a location within the same municipality in which such principal office or such branch office is located on filing an application therefor in the department and obtaining the approval of the commissioner.

B. If it shall appear from the application, or if the commissioner shall find from such proof as he may require, or from such investigation as he may cause to be made, that the area which would be served by such office after its change in location would not be substantially different from the area theretofore served by such office, he shall approve the application.

C. If it shall appear to the commissioner, from the application, or from such proof as he may require, or from such investigation as he may cause to be made, that the proposed location will be so far removed from the place then occupied by such principal office or by such branch office that the area which would be served by such office after its change in location would be substantially different from the area theretofore served by it, he shall not approve such application unless, after such investigation or hearing, or both, as the commissioner may determine to be advisable, he shall find that the interests of the public will be served to advantage by such change in location, and that conditions in the locality to which removal is proposed afford reasonable promise of successful operation.

D. No bank shall change the location of its principal office pursuant to subsection C of this section unless, following the approval of the commissioner, it shall amend its certificate of incorporation to effect such change.

C. 17:9A-23. Interchange of branch office.

23. Interchange of principal and branch offices. A bank or savings bank may, without satisfying the requirements of section 22, change the location of its principal office to a location then occupied by a branch office maintained by it. After such a

change, the bank or savings bank may maintain a branch office at the location formerly occupied by its principal office, or it may discontinue business at such location. Such bank or savings bank shall file a certificate of such change in the department within one week from the date such change is made. A change in location effected pursuant to this section shall not be subject to the limitations imposed by subsections E or F of section 19.

ARTICLE 7

BANKS AND SAVINGS BANKS: POWERS

C. 17:9A-24. Powers, banks and savings banks.

24. Powers of banks and savings banks. Every bank and savings bank shall, subject to the provisions of this act, have the following powers, whether or not such powers are specifically set forth in its certificate of incorporation:

(1) to adopt a corporate seal, and to sue and be sued;

(2) to issue cashier's checks, treasurer's checks, and money orders; to transmit funds; to guarantee signatures and endorsements;

(3) to borrow money, and to pledge, mortgage or hypothecate its real or personal property as security therefor, and to execute and deliver all such instruments as may be necessary to evidence such borrowing, pledge, mortgage, or hypothecation;

(4) to keep, maintain, and rent out for hire, at any location occupied by its principal office or any branch office, safe deposit boxes or other receptacles for the safe-keeping of personal property. In exercising the powers authorized by this paragraph, the bank or savings bank shall have, but shall not be confined to, the same rights and remedies conferred upon safe deposit companies;

(5) to purchase, hold, lease, and convey real property or any interest therein for the following purposes, and for no others:

(a) such as may be necessary or convenient for the use, operation, or housing of its principal office or any branch office, or for the storage of records or other personal property, or for office space for use by its officers or employees, or which may be reasonably necessary for future expansion of its business, or which is otherwise reasonably incidental to the conduct of its business; and which may include, in addition to the space required for the transaction of its business, other space which may be let as a source of income; but no bank shall hereafter directly or indirectly invest more than twenty-five per centum of its capital stock and surplus in real property for the purposes authorized by this paragraph unless the commissioner shall, for good cause shown on application therefor, approve thereof, and no savings bank shall hereafter directly or indirectly invest more than twenty-five per centum of its capital deposits, if any, and surplus in real property for the purposes authorized by this subparagraph unless the commissioner shall, for good cause shown, on application therefor, approve thereof;

(b) such as may be conveyed to it in whole or part satisfaction of debts previously contracted in the course of its dealings;

(c) such as it shall purchase at sale under judgments and decrees in its favor, and on foreclosure of mortgages held by it; and

(d) such as it shall purchase or acquire to minimize or prevent the loss or destruction of any lien or interest therein;

Provisc. *provided,* that all real property not held for any purpose specified in subparagraph (a) of this paragraph, shall be sold within five years of its acquisition, or within five years after the time it

ceases to be held for any purpose specified in subparagraph (a) of this paragraph, unless the commissioner shall extend the time within which such sale shall be made;

(6) to be a member of the Federal Reserve System; to subscribe for, purchase, hold, and surrender such amounts of the capital stock of the federal reserve bank organized within the district in which such bank or savings bank is located as may be required or as may be deemed advisable by such bank or savings bank; and to have and exercise all powers, privileges and options which are conferred by law upon such members; to comply with all requirements of federal legislation and the rules and regulations lawfully promulgated thereunder governing such membership as such legislation and such rules and regulations may provide at the time of inception of such membership, and as the same may from time to time thereafter be amended or supplemented; and to assume and discharge all liabilities and obligations which may be required by reason of such membership;

(7) to be a member of Federal Deposit Insurance Corporation, or of any successor corporation having for its purpose the insurance of deposits, and to do all things, and assume and discharge all liabilities and obligations imposed upon such members by federal legislation or by rules and regulations lawfully promulgated pursuant thereto, as the same may provide at the inception of such membership, or as the same may thereafter be amended or supplemented;

(8) to be a member of any federal agency hereafter created, membership in which is open to banking institutions, and the purpose of which is to afford advantages or safeguards to banking institutions, or to their depositors, and to comply with all the requirements and

conditions imposed upon such members, except that the power by this paragraph conferred shall not be exercised unless the commissioner, with the concurrence of the banking advisory board, shall make a general order authorizing banks or savings banks, or both, to become and be such members, upon such terms and conditions as may in such order be prescribed;

(9) to subscribe for, purchase and hold stock of one or more safe deposit companies which have been or may be organized to do business on or adjacent to premises occupied by the principal office or a branch office of the bank or savings bank; *provided,* that

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(a) in the case of a savings bank, the amount so invested shall not exceed five per centum of its surplus; and

(b) in the case of a bank, the amount so invested shall not exceed ten per centum of its capital stock and surplus; and

(c) each purchase of such stock shall first have been authorized by a resolution, stating the number of shares to be purchased and the amount to be paid therefor, adopted by its board of directors or board of managers, and, in the case of a bank, approved by a majority in interest of its stockholders at any annual or special meeting; and

(d) each purchase of such stock by a bank or savings bank shall have been approved in writing by the commissioner;

(10) to subscribe for, purchase and hold stock of not more than one fiduciary institution organized under any law of this State hereafter enacted; *provided,* that

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(a) in the case of a savings bank, the amount so invested shall not exceed ten per centum of its surplus; and

(b) in the case of a bank, the amount so invested shall not exceed twenty per centum of its capital stock and surplus; and

(c) each purchase of such stock shall first have been authorized by a resolution, stating the number of shares to be purchased and the amount to be paid therefor, adopted by its board of directors or board of managers, and, in the case of a bank, approved by a majority in interest of its stockholders at any annual or special meeting; and

(d) each purchase of such stock by a bank or savings bank shall have been approved in writing by the commissioner;

(11) to contribute to community funds, or to charitable, philanthropic, or benevolent instrumentalities conducive to public welfare, or civic betterment, or the economic advantage of the community, and to instrumentalities for the protection or advancement of the interests of banking institutions, such sums as its board of directors or board of managers may deem expedient and in the interests of such bank or savings bank;

(12) to exercise all incidental powers, not specifically enumerated in this act, which shall be necessary or convenient to carry on the business of the bank or savings bank.

25. Additional powers of banks.

C. 17:9A-25. Additional powers.

In addition to the powers specified in section 24, every bank shall, subject to the provisions of this act, have the following powers, whether or not such powers are specifically set forth in its certificate of incorporation:

(1) to discount, buy, invest in, hold, assign, transfer, sell, and negotiate promissory notes, drafts, bills of exchange, mortgages, trade acceptances, bankers' acceptances, bonds, debentures, bonds or notes secured by mortgages, installment obligations, balances due on con-

ditional sales, and other evidences of debt for its own account, or for the account of customers;

(2) to accept for payment at future dates drafts drawn upon it by its customers;

(3) to issue letters of credit authorizing holders thereof to draw drafts upon it or upon its correspondents at sight or on time not exceeding one year; to guarantee, for a period not exceeding one year from the date of such guarantee, the payment by its customers of amounts due or to become due upon the purchase by such customers of real or personal property;

(4) to receive interest and non-interest bearing demand and time deposits to be repaid on such terms as may be agreed upon between the depositors and the bank, and to furnish security for such deposits when required by the laws of this State or of the United States, or by rules or orders of any court of this State or of the United States or by the regulations of an officer or agency of this State or of the United States, made pursuant to such law;

Proviso. *provided,* that, no bank shall be required to give security for deposits made by this State, or any political subdivision thereof, or any other body politic existing under the laws of this State, to the extent that such deposits are insured under any federal legislation providing for the insurance of bank deposits;

(5) to maintain savings departments for the receipt of interest and non-interest bearing deposits to be repaid on such terms as may be agreed upon between the depositors and the bank, and to commingle such deposits with deposits otherwise received;

(6) during hours other than the bank's usual hours for receipt of deposits, to provide the equipment for receiving, and to receive containers purporting to contain moneys or instruments for the payment of money;

(7) to make loans, secured or unsecured, including loans to its stockholders;

(8) to extend credit by honoring overdrafts upon deposit accounts, but no credit shall be so extended except pursuant to written agreements made in advance;

(9) to buy and sell gold and silver bullion, foreign coin, and exchange;

(10) to purchase and sell stocks of other corporations, without recourse, solely upon order and for the account of customers. This paragraph shall not limit the power of a bank to take stocks of other corporations as collateral security for loans, discounts, or other extensions of credit, or to acquire such stocks when their acquisition is necessary to prevent or minimize loss upon debts previously contracted in good faith. Stocks acquired pursuant to this paragraph shall be sold within five years after their acquisition, except that the commissioner may, by order, extend the time within which sales of stocks described in such order shall be made; but this paragraph shall not invalidate the holding of any stocks lawfully acquired on or before the effective date of this act. This paragraph shall not apply to any case in which, pursuant to any other provision of this act, or pursuant to any other act, a bank is expressly authorized to subscribe for, purchase or otherwise acquire or hold stocks;

(11) to receive any tangible personal property for safe-keeping and storage on the terms provided by the Uniform Warehouse Receipts Law, and to keep, maintain, and rent out for hire, space for the storage and safe-keeping of personal property of such kind and description, or represented by the depositor thereof to be of such kind and description, as the commissioner may by regulation from time to time prescribe; but nothing herein contained shall limit the power of a bank to let space for the

storage and safe-keeping of personal property to which the bank has security title or in which it has a lien interest;

(12) to avail itself of the provisions of any federal legislation providing for the extension of any lawful banking activity in the making of loans or the extension of credit to individuals, or for the financing of business enterprises, or in such other banking activity as may be specified in such legislation and made available for participation by banks; except that the power by this paragraph conferred shall not be exercised unless the commissioner shall make a general order authorizing such participation upon such terms and conditions as may in such order be prescribed;

(13) to act as the fiscal agent of the United States, and of any corporation, and of any state, county, municipality, board, commission or other body politic, and to perform all duties as such fiscal agent as may lawfully be required of it;

(14) to assist customers or act for customers in the preparation, handling and disbursement of payrolls and payroll deductions, and in the preparation, maintenance and furnishing of records and statistical information in connection therewith.

25.1. Banks; retirement benefits for officers and employees.

C. 17:9A-25.1. Retirement of officers and employees.

A. A bank may, with the approval of a majority in interest of its stockholders, from time to time, adopt, alter or rescind a plan or plans providing for the retirement of its officers and employees, and for the payment to them for life, or for a period certain, of such retirement benefits within the limits prescribed by this section, and at such time, as the board of directors may from time to time determine. If a plan provides for the payment of such benefits for a period certain, it may

also provide, as the board of directors shall determine, that, if such officer or employee shall die before the expiration of such period, the benefits shall be paid for the remainder of such period to any one or more person or persons who shall be the spouse or next of kin or dependents of such officer or employee, as he shall designate in the manner provided by such plan.

Provisions of plan.

B. A retirement plan adopted or continued pursuant to this section may provide for

(1) a fund (a) accumulated from the income of the bank or (b) set aside out of surplus; and, as the board of directors shall from time to time determine, (c) out of which retirement benefits may be paid directly, or which may be used in whole or in part for the purchase of annuity or insurance contracts, or both; and (d) to which officers and employees may make contributions; or

(2) a trust fund or funds accumulated or set aside and administered for the purposes and in the manner provided by paragraph (1) of this subsection, to be held in trust by the bank or by a trustee or trustees designated by the bank, and which shall not be subject to any law against perpetuities, restraints on alienation, or perpetual accumulations; or

(3) the purchase of group annuity or insurance contracts, or both, the premiums upon which may be paid in full by the bank, or in part by the bank and in part by its officers and employees, as the board of directors may from time to time determine; or

(4) a fund accumulated by contributions made thereto by two or more corporations authorized to transact business as a bank, savings bank or national banking association in this State, or in any other state, pursuant to a retirement system created under the laws of this State or of the State of New York, limited in membership to such corporations and pro-

viding for the retirement of officers and employees of such corporations, with or without contributions by such officers and employees.

Requirements for pension.

C. No officer or employee of a bank shall be eligible to receive payment of retirement benefits pursuant to this section unless

(1) such officer or employee has attained the age of at least sixty years and has served the bank as an officer or employee or both for not less than fifteen years; or

(2) such officer or employee has attained the age of at least fifty years, has served the bank as an officer or employee, or both, for not less than ten years, and has become incapacitated from any cause from continuing his duties as such officer or employee; or

(3) such officer or employee has served the bank as an officer or employee, or both, for not less than fifteen years, and has become incapacitated from any cause from continuing his duties as such officer or employee.

Payment from plan.

D. A retirement plan which involves the holding and administration of a fund or funds solely by the bank, or by a trustee or trustees, without purchase of annuity or insurance contracts, shall provide that, upon termination of employment for any cause other than retirement pursuant to such plan, or upon death prior to such retirement, all contributions made by an officer or employee shall be repaid to such officer or employee, or to the beneficiary designated by him. Such fund or funds shall not be liable for the payment of depositors' or creditors' claims. A retirement plan which involves the purchase of annuity or insurance contracts shall provide that, upon termination of employment for any cause other than retirement pursuant to such plan, or upon death prior to such retirement, the officer or employee, or the beneficiary designated by him, shall be entitled to so

much of the incidents of ownership thereof as shall have been purchased by his contributions, and in addition thereto to so much of the incidents of ownership thereof as shall have been purchased by the bank for his benefit, as shall be provided in such plan, and no depositor or creditor of any bank shall have any claim or right in any such contract or the proceeds thereof by reason of any payment made therefor or thereon by such bank.

Limits amount, retirement contract.

E. No bank shall pay or contract for the payment of any annual retirement benefit which shall exceed (1) sixty per centum of the average annual salary paid during the last thirty-six months of service preceding retirement or (2) one-sixth of one per centum of such annual salary multiplied by the number of months of service, whichever is less. When the plan involves the purchase of annuity or insurance contracts, or participation in a retirement system pursuant to paragraph (4) of subsection B of this section, the contribution by the bank toward the premium or other charges thereon shall not exceed the sum required for the payment of the maximum benefits in this subsection set forth. Nothing in this section shall prevent the payment of greater benefits if the officer or employee contributes the premium or other charges for the purchase or return of benefits in excess of the maximum limited by this subsection.

Eligibility for retirement.

F. In determining the eligibility for retirement hereunder of any officer or employee, (1) the period or periods during which the employment of such officer or employee shall, in time of war or emergency, be or have been interrupted by service in the military or naval service of the United States or of this State, or in the Coast Guard or Merchant Marine of the United States, or in any auxiliary or reserve corps serving therewith, or by engagement in any war work by enlistment or induction under any selective service or similar statute, or, with leave of the bank, by engagement in any war relief, social service or other activity related to war conditions, or, in time of peace, by

absence on leave and engagement in training or temporary service of a similar character, and (2) a period not exceeding three months after termination of such service or engagement, and (3) a period not exceeding one year of incapacity as a result of such service or engagement, and (4) the period of service of such officer or employee in another bank which has been merged into the bank or whose business has been taken over by the bank, shall be included in the period of such officer's or employee's service or employment in the bank.

Benefits subject to attachment.

G. Any benefit payable under the provisions of this section shall be subject to execution, attachment, garnishment or other legal process to the extent and by the same procedure as provided by law in respect to execution upon or garnishment of wages or other earnings. No such benefit shall be assignable or subject to advancement, but, in the discretion of the board of directors, all or a part thereof may be paid in accordance with the written order of the retired officer or employee, or, in case of his disability, may be applied by the bank for his use or benefit or for that of his dependents.

May delegate administration.

H. If the by-laws so provide, the board of directors may delegate the administration of any plan adopted pursuant to this section to its executive committee or to a pension committee appointed by it.

Authorized to continue payments.

I. A bank which, on the effective date of this act, is paying an officer or employee a retirement benefit, pension or disability benefit pursuant to law in effect at the time of his retirement or disability, is authorized to continue the payment thereof.

May continue plan.

J. A bank which, on the effective date of this act, operates a plan for the retirement or pensioning of officers and employees or for payment to them of disability benefits pursuant to law in effect at the time of the adoption of such plan, is authorized to continue such plan, and it may, with the approval of the commissioner, if such approval is

required by subsection K of this section, alter such plan from time to time in a manner not inconsistent with the provisions of this section.

Approval of plan.

K. Every plan adopted or substantially altered pursuant to this section shall, before it is placed in operation, be submitted to the commissioner for his approval. The commissioner may disapprove such plan or alteration thereof if he shall find (1) that it does not conform to law or (2) that its adoption or alteration would be hazardous to the bank, or (3) that its provisions are unfair or inequitable. The commissioner may, from time to time, make such orders in respect to the maintenance and administration of a plan as, in his judgment, the condition of the bank may require.

Additional powers.

L. In addition to the powers conferred by the foregoing subsections of this section, a bank may pay

(1) premiums for insurance on the lives or health of its officers or employees under policies commonly known as group insurance policies; or

(2) premiums on behalf of its officers or employees for mutual hospitalization or hospital service insurance; or

(3) reasonable amounts for reasonable periods to aid officers or employees in meeting the expenses of accident, illness, or other disability; or

(4) regular compensation, in whole or in part, to officers or employees who are disabled by accident, illness, or otherwise; or

(5) reasonable amounts for reasonable periods to former officers or employees who are retired and who are not eligible for retirement benefits under such retirement plan as may be in operation; or

(6) the reasonable cost of educational and recreational facilities and activities for its officers and employees, or for the promotion of their health and general welfare.

C. 17:9A-26. Additional powers of savings banks.

26. Additional powers of savings banks.

In addition to the powers specified in section 24, every savings bank shall, subject to the provisions of this act, have the following powers, whether or not such powers are specifically set forth in its certificate of incorporation:

(1) to receive money on deposit, to be repaid, upon such terms, not inconsistent with this act, as may be agreed upon between the depositor and the savings bank, according to the usual custom of savings banks;

(2) to give security for deposits when required by the law of this State or of the United States, or by the rules or orders of any court of this State, or of the United States, or by regulations of any officer or agency of this State or of the United States made pursuant to such law; *provided,* that, no savings bank shall be required to give security for deposits made by this State, or any political subdivision thereof, or any other body politic existing under the laws of this State, to the extent that such deposits are insured under any federal legislation providing for the insurance of bank deposits;

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(3) to invest its deposits and its surplus in the manner provided by this act, or otherwise by law provided;

(4) to be a member of the federal home loan bank organized in the district in which the savings bank is located, and to subscribe for, purchase, hold, and surrender from time to time such amounts of the stock of such federal home loan bank as may be required or as may be deemed advisable by such savings bank; to have and exercise all powers, privileges and options which are by law conferred upon such members; to comply with all requirements of federal legislation and the rules and regulations lawfully promulgated thereunder governing such membership as such legislation

and such rules and regulations may provide at the inception of such membership, and as the same may from time to time thereafter be amended or supplemented; and to assume and discharge all liabilities and obligations which may be required by reason of such membership;

(5) to avail itself of the provisions of any federal legislation providing for the extension of any lawful banking activity provided in such legislation and made available for participation by savings banks; except that the power by this paragraph conferred shall not be exercised unless the commissioner shall make a general order authorizing such participation by savings banks upon such terms and conditions as may in such order be prescribed.

C. 17:9A-27. Exercise of certain powers, effect.

27. Effect of exercise of certain powers; disclosure of information by commissioner.

A. The authority by this act granted to exercise the powers specified in paragraphs (6), (7) and (8) of section 24, paragraph (12) of section 25, and paragraphs (4) and (5) of section 26, shall not exempt a bank or savings bank from any of the provisions of this act, except when the application of any provision of this act would prevent the exercise of such powers, and then only to the extent necessary to enable such bank or savings bank to comply with the conditions imposed by federal legislation or rules and regulations lawfully promulgated thereunder for the exercise of such powers. If any benefit or privilege made available to a bank or savings bank by paragraphs (6), (7) and (8) of section 24, paragraph (12) of section 25, and paragraphs (4) and (5) of section 26 is restricted or prohibited because of one or more limitations contained in this act or in any law prescribing or limiting interest rates, or in any other law of this State, such limitations shall be inapplicable to the extent necessary to permit the full exercise of such benefit or privilege.

Disclosure of certain information.

B. In order to facilitate the qualification of a bank or savings bank to exercise the powers specified in paragraphs (6), (7) and (8) of section 24, paragraph (12) of section 25, and paragraphs (4) and (5) of section 26, the commissioner may disclose to any federal corporation or authority charged with the duty of determining such qualifications, such information as he may have in reference to the business and affairs of such bank or savings bank.

C. 17:9A-27.1. Title guarantee powers.

27.1. Title guarantee powers.

A. Every bank which, at the time this act takes effect, lawfully possesses and exercises the power to examine and guarantee titles to land, shall continue to possess and may continue to exercise such power, but no other bank shall hereafter have or exercise such power.

Limits powers.

B. No bank which, after the effective date of this act, exercises the power to examine and guarantee titles to land as authorized by subsection A of this section, shall have or exercise any of the powers specified in paragraphs (2), (4), (6), (7), (8), (9) and (10) of section 24, and paragraphs (1), (2), (3), (4), (5), (6), (8), (11), (12), (13) and (14) of section 25; nor shall any such bank exercise any of the powers specified in section 28, except only to the extent necessary to complete any agency or fiduciary duties lawfully assumed before the effective date of this act; but this subsection shall not prevent such bank from buying, investing in, holding, assigning, transferring, selling, negotiating and servicing mortgages and bonds or notes secured by mortgages, for its own account or for the account of customers.

Limitations to cease.

C. The disabilities and limitations imposed by subsection B of this section shall remain in effect so long as any such bank shall exercise the power to examine and guarantee titles to land. Any such bank which shall give satisfactory proof to the commissioner that (1) it has discontinued the exercise of its power to examine and guarantee titles to lands and (2) it has made reasonable provision

against the claims, actual and contingent, of those to whom it has issued guarantees of title to lands, may, with the written approval of the commissioner, assume the exercise of the powers conferred upon banks by this act, free of the disabilities and limitations imposed by subsection B of this section, in the same manner and to the same extent as if the said disabilities and limitations had never applied to such bank. No bank which shall discontinue the exercise of its power to examine and guarantee titles to land shall thereafter again assume the exercise of such power.

ARTICLE 8

QUALIFIED BANKS

28. Agency and fiduciary powers.

C. 17:9A-28. Agency and fiduciary powers.

A bank which is a qualified bank shall have the following agency and fiduciary powers in addition to the powers specified in sections 24 and 25, whether or not such agency and fiduciary powers are specifically set forth in its certificate of incorporation, and a savings bank which is a qualified bank shall have such of the following agency and fiduciary powers, in addition to the powers specified in sections 24 and 26, as are not inconsistent with the law authorizing it to exercise the powers of a fiduciary:

(1) to act as custodian or escrow agent of personal property for any person or corporation;

(2) as agent, to receive, hold, manage and dispose of by sale or otherwise personal and real property; to act as agent of any person or corporation for any other purpose not prohibited by law;

(3) to act as the transfer agent or registrar, or both, of any state, county, municipality, board, commission, or other body politic, or of any foreign or domestic corporation and, in such capacity, to transfer, register, and coun-

tersign stock certificates and bonds or other evidences of indebtedness;

(4) to act as trustee of or with respect to any security or instruments of indebtedness or of security issued by any state, county, municipality, other body politic, or corporation, foreign or domestic, and to accept any other public or corporate trust not inconsistent with the laws of this State;

(5) to be appointed and to act under the order of appointment of any court of competent jurisdiction as guardian, custodian, trustee or administrator, or by whatever other title it may thereby be designated, of the person or estate, or both, of any person for whom or for whose estate such an appointment may be made;

(6) to be appointed and to act as executor, trustee, or guardian under any last will and testament, or as administrator with the will annexed, or as substituted administrator with the will annexed, or as administrator, or as substituted trustee or as substituted administrator of the estate of any deceased person;

(7) to be appointed and to act as assignee or trustee for the benefit of creditors under any statute providing for such assignment or otherwise;

(8) to be appointed and to act as receiver or trustee on appointment by any state or federal court of competent jurisdiction;

(9) to receive from any person and hold in trust and dispose of, by sale or otherwise, personal and real property, upon such terms as may be specified;

(10) to accept, administer, and execute all other trusts and to act in all other fiduciary capacities not herein specifically enumerated, not inconsistent with law.

29. Appointment by court or officer of qualified bank as fiduciary. C. 17:9A-29. Appointment as fiduciary.

A. A court or officer with power to appoint a fiduciary, may appoint a qualified bank.

B. When a qualified bank, named in a fiduciary capacity in any instrument, shall, before its appointment and qualification as such fiduciary, have been succeeded by another qualified bank as a result of a merger, consolidation, conversion or other corporate reorganization, the court or officer having jurisdiction shall, except for good cause shown, upon proper application therefor, appoint the successor bank to act in such fiduciary capacity. Successor bank as fiduciary.

C. A qualified bank may be appointed, upon the application of any party in interest or upon the application of any person or corporation acting or entitled to act in a fiduciary capacity, to act in the place and stead of such person or corporation so acting or entitled to act, or jointly with such person or corporation. Such appointment shall be made upon such notice as the court or officer shall direct. Appointment in place of individual.

D. Except as may in this act be otherwise expressly provided, a qualified bank acting in a fiduciary capacity shall have all powers, and shall be subject to all liabilities, duties, and obligations as if such bank were an individual. Liability.

E. Whenever, under any law of this State, or of the United States, any fiduciary is required to make oath, such oath may be made on behalf of a qualified bank by its president, vice-president, cashier, assistant cashier, secretary, assistant secretary, treasurer, assistant treasurer, trust officer, or assistant trust officer. Who may make oath.

30. Security prerequisite to action as fiduciary. C. 17:9A-30. Security required to act as fiduciary.

A. When a qualified bank is named as a fiduciary in any will or other instrument, it shall not be required to give any security for the performance of its duties as such fiduciary, unless the will or other fiduciary instrument expressly requires the giving of security.

Type of security required.

B. In any case in which security may lawfully be required of a qualified bank for the performance of its duties in a fiduciary capacity, it may satisfy such requirement by giving the same security that would be required of an individual acting in a similar capacity.

Other security not required.

C. Notwithstanding any other provision of law, a qualified bank which shall create and maintain a fund pursuant to section 31 shall not be required to give any other security upon its appointment as a fiduciary by any court or officer of this State, except in those cases in which a will or other fiduciary instrument specifies that other security be given.

C. 17:9A-31. Security fund.

31. Security fund.

A. A qualified bank may create a fund to be held as security for the performance of its obligations in fiduciary capacities for which security shall be required, except those for which other security is given or for which a will or other fiduciary instrument specifies that other security be given. Such fund shall consist of investments in which a fiduciary, whose duty it may be to loan or invest money held in a fiduciary capacity, may, by law, without special order of any court, invest such money, or any part thereof. Such fund shall have a value at least equal to twenty per centum of the aggregate value on the books of the qualified bank of all the assets administered by such bank in all such fiduciary capacities, except that, when the value of such assets is in excess of one million dollars but not in excess of five million dollars, the value of the fund need not exceed two hundred thousand dollars plus seven and one-half per centum of the excess over one million dollars; and, when the value of such assets exceeds five million dollars, the value of the fund need not exceed five hundred thousand dollars. For the purposes of this section, the investments included in the fund shall be valued at market value or at the value at which they are carried on the books of the qualified bank, which ever is lower. If an investment

included in the fund shall have ceased to be an investment of the kind specified in this subsection, it shall be withdrawn from the fund by the qualified bank within sixty days from the date it ceased to be such an investment, unless the time for such withdrawal is extended by order of the Superior Court.

Deposit of investments.

B. The investments comprising the fund created pursuant to this section shall be deposited by the qualified bank on order of the Superior Court with the federal reserve bank of the district in which the qualified bank is located, or with another qualified bank which the commissioner shall have approved as a depositary for the purposes of this section, and shall be held by the depositary thereof subject to the order of the Superior Court. Withdrawals of and substitutions for the investments included in such fund may be made in accordance with an order of the Superior Court; *provided,* that the provisions of this section shall at all times be complied with. The fund may, on order of the Superior Court, be withdrawn in its entirety upon proof that all obligations secured thereby have been satisfied. Application for the withdrawal or substitution of investments may be made to the Superior Court without notice to the depositary of the fund, and the order of the Superior Court, certified by the Clerk of the Superior Court to be a true copy, shall be sufficient warrant to the depositary to permit such withdrawal or substitution. All petitions to the Superior Court for any order under this subsection shall be verified under oath.

Proviso.

Assignment of investments.

C. Investments deposited as provided in this section, if not transferable by delivery, shall be assigned to "The Clerk of the Superior Court, State of New Jersey" by separate instruments of assignment which shall be deposited with the investments. Until recourse is had to the fund as specified in section 32, the depositing bank shall be entitled to all income from the fund, and the Clerk of the Superior Court shall execute such instruments as shall be necessary for that purpose.

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To report violations.

D. The commissioner shall report to the Superior Court any violations of this section which come to his notice as a result of the examination of a qualified bank or otherwise, and the Superior Court shall thereupon make such order as it shall deem necessary for the protection of those for whose benefit the fund has been deposited.

C. 17:9A-32. Recourse to security fund.

32. Recourse to security fund.

Recourse may be had to the fund created pursuant to section 31 only upon application to the Superior Court, upon such notice as it shall direct, which shall include notice to the depositing bank, following the entry of a decree or judgment against the bank for a breach of any fiduciary obligation or obligations to one or more persons for whose benefit the fund was deposited. The Superior Court shall make such order on such application as it shall deem proper and necessary to preserve the rights of all those for whose benefit the fund was deposited.

C. 17:9A-33. Transfer of previous deposits.

33. Transfer of investments heretofore deposited.

Upon petition by a qualified bank which has heretofore deposited investments with the Register of the Prerogative Court, as the said court was constituted prior to September 15, 1948, as a prerequisite to its appointment as fiduciary by any court or officer of this State and upon proof that a federal reserve bank or qualified bank, authorized under subsection B of section 31 to act as depositary pursuant to said section, has consented to receive and hold such investments as such depositary, the Superior Court shall order the transfer of such investments to such depositary and, upon such transfer, such investments shall constitute a fund to be held subject to section 31.

C. 17:9A-34. Qualification and security, proof.

34. Proof of qualification and security.

As a prerequisite to its appointment as a fiduciary by any court or officer of this State, a qualified bank shall:

(1) present to the court or officer a certificate of the commissioner certifying that it is a qualified bank, but such certificate need not be filed in such court or with such officer; and

(2) in those cases in which a qualified bank shall be required to give security and a fund maintained pursuant to section 31 shall be offered by the bank as such security, file with such court or officer an affidavit of its president, vice-president, trust officer or assistant trust officer, setting forth

(a) the value of the investments included in the fund created and deposited pursuant to section 31 as of a date not more than thirty days prior to the date of such affidavit;

(b) the maximum amount which the said fund so deposited will secure, as provided in subsection A of section 31; and

(c) that the aggregate value on the books of the qualified bank of all the assets administered by the bank in fiduciary capacities under appointment by a court or officer of this State with respect to which its fiduciary obligations are secured by said fund, including the value of the assets to be administered following the pending appointment, will not exceed the amount specified in the next preceding paragraph;

to which affidavit shall be annexed a statement of the assets and liabilities of the bank, which shall be a copy of the last such statement published pursuant to law. In lieu of items (a), (b) and (c), such affidavit may state that the value of the investments included in the fund created and deposited pursuant to section 31 is five hundred thousand dollars or more.

35. Trust funds.

C. 17:9A-35. Trust funds.

A. All moneys, securities and other property held by a qualified bank in fiduciary capacities pursuant to paragraphs (5), (6), (7), (8), (9) and

Funds separate.

(10) of section 28, shall be kept separate and apart from the moneys, securities and other property belonging to such bank, and such moneys, securities and other property shall not be liable for the debts or obligations of the bank; except that moneys held by a qualified bank in one or more such fiduciary capacities, awaiting investment or disbursement, may be deposited in a single account or in separate accounts with itself or with any other banking institution or with any bank, trust company or national banking association having its principal office in a contiguous state. Moneys so deposited with itself may be used by the bank in the conduct of its business.

Preferred claim.

B. In the event of the insolvency of a qualified bank which has deposited such moneys with itself, such bank in such fiduciary capacitities shall have claims against the assets of the bank for moneys so deposited, preferred over claims not otherwise entitled to preference, but subordinate to all other claims which shall be entitled to preference. In the event of the insolvency of any other banking institution or of any bank, trust company or national banking association having its principal office in a contiguous state, in which such moneys shall have been deposited, a qualified bank which shall have made such deposits shall be liable for the amount of such deposits as if such deposits had been made with it, and shall be subrogated to its claims as fiduciary against the insolvent banking institution, bank, trust company or national banking association, in which such deposits shall have been made.

ARTICLE 9

COMMON TRUST FUNDS

C. 17:9A-36. Terms defined:

36. Definitions.
As used in this article,

Common trust fund;

(1) "common trust fund" means a fund established and maintained by a bank exclusively for the investment and reinvestment of

money contributed thereto by the bank in any fiduciary capacity specified in paragraphs (5), (6), (9) and (10) of section 28;

Bank; (2) "bank" means a qualified bank which is empowered to invest moneys entrusted to it in any capacity specified in paragraphs (5), (6), (9) and (10) of section 28;

Cofiduciary; (3) "cofiduciary" means one or more individuals or corporations, or both, lawfully acting or entitled to act jointly with a bank in the exercise of the powers referred to in the next preceding paragraph;

Trust instrument; (4) "trust instrument" means the will, codicil, deed, declaration, agreement, order, decree, or statute pursuant to which money or other property is entrusted to a bank solely or jointly with a cofiduciary;

Estate; (5) "estate" means each separate fund or group of assets entrusted to a bank solely or jointly with a cofiduciary pursuant to a trust instrument;

Legal investments; (6) "legal investments" means those investments in which a fiduciary, whose duty it may be to loan or invest money held in a fiduciary capacity, may, by law, without special order of any court, invest such money, or any part thereof;

Discretionary investments. (7) "discretionary investments" means all investments other than legal investments.

37. Contributions to common trust fund.

C. 17:9A-37. May maintain common trust fund.

A. Subject to the limitations of this article, a bank may create and maintain one or more common trust funds, and may, without order or decree of any court or officer, contribute in cash all or any part of the funds of any one or more estates to any one or more such common trust funds. Each common trust fund shall be created and maintained so as to qualify as a common trust fund under federal revenue laws.

Consent of cofiduciary.

B. Where there is a cofiduciary, the bank shall make no contribution from an estate to a common trust fund without the prior written consent of the cofiduciary, who is hereby authorized to give such consent. Such contribution shall be withdrawn within three months after the written request of a cofiduciary for such withdrawal.

Contributions to common trust fund.

C. Contributions from an estate to a common trust fund or funds may be made as provided in this article, notwithstanding that the trust instrument became operative before the effective date of this act, and notwithstanding that the trust instrument, regardless of the date of its effectiveness, does not specifically authorize such a contribution; but no contribution shall be made to a common trust fund contrary to the express provisions of the trust instrument.

No bank to contribute.

D. No bank shall contribute any of its own funds to a common trust fund.

C. 17:9A-38. Limiting investments.

38. Effect of trust instruments on contributions.

A. Where the trust instrument defines, limits, or specifies the investments which may be made of an estate, any common trust fund to which all or any part of such estate is contributed shall consist only of the investments defined, limited, or specified in such trust instrument.

Confined to legal investments.

B. Where the trust instrument makes no provision governing the investments which may be made of an estate, any common trust fund to which all or any part of such estate is contributed shall consist only of legal investments.

Legal or discretionary investments.

C. Where the trust instrument permits investments of the estate to be made in discretionary investments, any common trust fund to which all or any part of such estate is contributed may consist, in whole or in part, of either legal investments or discretionary investments, or both, as the bank shall deem advisable.

C. 17:9A-39. Investments.

39. Investments.

A. Notwithstanding any other provision of this article, no common trust fund or any part thereof

shall be invested in any one or more of the following:

(1) bonds, notes, or other obligations of an individual or partnership;

(2) real property, or any interest therein;

(3) tangible personal property, or any interest therein;

(4) bonds, notes, or other obligations secured by mortgage, or by a group or pool of mortgages, or any share or interest in any such bond, note, or other obligation; but this paragraph shall not prohibit investment in corporate bonds, notes or other obligations, secured as in this paragraph specified, if the issuer thereof shall be engaged primarily in a business other than holding, buying, selling, or managing real property or real property mortgages, or issuing bonds, notes or other obligations, secured as in this paragraph specified, and shall have received a gross income of not less than five hundred thousand dollars in each of three of the four fiscal years of the issuing corporation next preceding the date of such investment;

(5) mortgages, or shares or interests therein, or any share or interest in any group or pool of mortgages;

(6) securities issued by the bank maintaining the common trust fund, or upon which the bank is directly or contingently liable.

B. Every investment of funds of a common trust fund shall, at the time of its making, have a ready market over the counter, or on a stock, securities, or investment exchange.

C. Any common trust fund may consist in part of uninvested cash balances awaiting investment or held for the purpose of meeting cash requirements.

C. 17:9A-40. Participation in common trust fund.

40. Participations.

A. The participation of an estate in a common trust fund shall be determined on the date that a contribution from the estate is made to the common trust fund, and such participation shall remain constant until further money is contributed to, or a withdrawal is made from the common trust fund. Such participation shall, except as hereinafter provided, consist of that proportion which the funds contributed to the common trust fund from the estate bears to the market value of all the assets of the common trust fund, including the amount of the funds then being contributed. Prior to the making of a contribution to an already established common trust fund, and prior to withdrawing all or any part of a participation from a common trust fund, the bank shall determine the value of each participation therein upon the basis of the proportion hereinabove in this subsection set forth. The participation value so determined shall be the value of every participation withdrawn, and shall also be the basis for redetermining the participations of estates as to funds thereof which remain in such common trust fund after a withdrawal from or a further contribution is made to the common trust fund, in which cases, each participation shall consist of that proportion which the participation value of such estate, determined as in this subsection provided, bears to the market value of the total assets of the common trust fund, including in such total assets the amount of any funds then newly contributed to the common trust fund.

B. The participation of any estate in a common trust fund may, from time to time, be withdrawn in whole or in part. Upon such withdrawals, the bank may make distribution in cash or ratably in kind, or partly in cash and partly in kind, but all distributions made at any one time shall be upon the same basis.

Control of fund.

C. No person having an interest in an estate from which contributions have been made to a com-

mon trust fund shall have any ownership in any asset included in such common trust fund. The bank shall have exclusive control of every common trust fund created and maintained by it.

Premiums and discounts on investment.

D. The bank shall not amortize premiums paid upon the purchase of an investment for a common trust fund, nor shall it accumulate discount in respect of investments purchased at less than face or par value, notwithstanding that the trust instrument may require amortization of premiums or accumulation of discount.

Treated as income.

E. An estate having a participation in a common trust fund shall treat all receipts distributed by the bank as income from the common trust fund as income to the estate as of the date of such distribution by the bank, regardless of the time when such income may have accrued, been earned or accumulated.

C. 17:9A-41. Powers and obligations.

41. Powers and obligations of banks.

Except as in this article otherwise provided, a bank in making contributions from an estate to a common trust fund, and in administering a common trust fund, shall have the same powers, privileges, rights, immunities, duties and obligations enjoyed by or imposed upon fiduciaries in the administration of trusts other than common trust funds.

C. 17:9A-42. Compensation.

42. Compensation.

No bank shall charge or be entitled to any fee, commission, or other compensation by reason of its establishing and maintaining one or more common trust funds, in addition to the fees, commissions, or other compensation otherwise lawfully payable to such bank for its services in investing and managing the estate.

C. 17:9A-43. Powers of commissioner.

43. Powers of commissioner.

The commissioner shall have power, from time to time, to make, amend, supplement, and repeal such rules and regulations, not inconsistent with the provisions of this article, governing common trust funds as he shall deem necessary to enable banks to establish and maintain common trust

funds on an equal basis with common trust funds established and maintained by national banking associations.

C. 17:9A-44. Taxability.

44. Taxability.

No tax shall be imposed upon or payable by a bank as trustee of a common trust fund, nor shall the assets of any common trust fund or any participation therein be subject to taxation, but each estate having a participation in a common trust fund shall be taxable as if there were included therein its proportionate share of the assets of the common trust fund.

C. 17:9A-45. Creditors' claims.

45. Creditors' claims.

Whenever a claim is asserted against a fiduciary or beneficiary of an estate which has a participation in a common trust fund, which claim would be enforceable by legal or equitable process against the assets of the estate, such claim may be enforced against the participation of the estate in the common trust fund only by application, on five days notice to the bank, to the court from which process would issue on the claim, and by order of that court directing the bank to withdraw the participation of the estate from the common trust fund within such period as the court shall determine as reasonable and as affording proper safeguard to the participations of other estates in the common trust fund. The making of such an order shall impress a lien upon the participation and upon the proceeds of the withdrawal of the participation from the common trust fund as of the time of the application for such order, in the same manner and to the same extent as if such process had issued and had been executed on the day of the making of such application.

C. 17:9A-46. Accounting.

46. Accounting.

Unless ordered by a court of competent jurisdiction, a bank maintaining a common trust fund shall not be required to render a court accounting with regard to such fund.

ARTICLE 10

BANKS: RESERVE BALANCES: AVAILABLE FUNDS

47. Members of Federal Reserve System. C. 17:9A-47. To maintain reserves.

A bank which is a member of the Federal Reserve System shall maintain the reserve balances required by or pursuant to the Federal Reserve Act, as amended or supplemented from time to time, and shall be exempt from the following sections of this article.

48. Non-members of Federal Reserve System. C. 17:9A-48. Reserves of nonmembers.

A bank which is not a member of the Federal Reserve System shall at all times have in available funds consisting of (1) lawful currency of the United States, or (2) balances due on demand from reserve depositaries, not less than an amount equal to the aggregate of fifteen per centum of its immediate liabilities and three per centum of its time liabilities. The commissioner may from time to time, with the concurrence of the banking advisory board, increase or decrease such percentages; *provided,* that, in the case of immediate liabilities, such percentage shall not be lower than fifteen or higher than thirty and, in the case of time liabilities, such percentage shall not be lower than three or higher than six. Notwithstanding the foregoing provisions of this section, the amount of available funds required of such a bank shall at no time exceed the amount of the reserve balances it would be required to maintain were such bank a member of the Federal Reserve System. Not less than one-fifth of such available funds shall be on hand in lawful currency of the United States. Proviso.

49. Definitions. C. 17:9A-49. Terms defined:

For the purposes of this article,

(1) "reserve depositary" shall mean Reserve depositary;

(a) a federal reserve bank,

(b) a member of a federal reserve bank, organized in a federal reserve district which includes all or any part of this State, which

shall be approved by the commissioner as a reserve depositary, or

(c) a bank which is not a member of the Federal Reserve System, but which shall be approved by the commissioner as a reserve depositary;

Immediate liabilities;

(2) "immediate liabilities" shall include all deposits payable on demand, or in less than thirty days, or in less than thirty days after demand, and all other claims payable on demand;

Time liabilities.

(3) "time liabilities" shall include all liabilities other than immediate liabilities;

Modifying definitions.

(4) the commissioner, with the concurrence of the banking advisory board, may from time to time modify or supplement the definitions of immediate liabilities and time liabilities as set forth in this section, except that demand deposits shall always be included in the definition of immediate liabilities and time deposits shall always be included in the definition of time liabilities.

ARTICLE 11

BANKS: PROFITS AND DIVIDENDS

C. 17:9A-50. Determining net profits.

50. Ascertainment of net profits.

A. Every bank shall at the close of each period for which a dividend is declared, and in any event at least semi-annually, determine its net profits for such dividend or semi-annual period by deducting from its gross income for such period

(1) all expenses paid or accrued;

(2) all interest paid or accrued;

(3) all taxes paid or accrued;

(4) amortization of premiums on securities which are carried on the books of the bank at more than the principal amounts payable thereon at maturity or at the then next earliest call date for redemption, under such regulations as the commissioner shall from time to

time prescribe with the approval of the banking advisory board. In lieu of applying such deductions to amortization of premiums, the bank may credit such deductions to reserves against such premiums;

(5) all losses sustained, including reductions in and eliminations of the values of assets, authorized by the board of directors or directed by the commissioner; and

(6) all debts owing to the bank, other than investment securities, as defined in paragraph (2) of section 60, on which principal or interest shall be in default for more than six months, except to the extent that such debts and accrued interest thereon are secured or collectible.

Deductions.

B. The deductions from gross income required by subsection A of this section need not be made to the extent that they were previously deducted from gross income, or if reserves are adequate, or, if not, are made adequate by new or additional credits thereto; *provided*, that, in the amount only that such credits are made to eliminate deductions otherwise required by subsection A of this section, such credits shall be deducted from gross income.

Proviso.

Gross income.

C. "Gross income" as used in this section shall include

(1) all income received or accrued, provided that no interest shall be accrued upon an interest-bearing obligation in default unless the obligation is secured and the value of the security is at least equal to the amount at which the obligation plus all interest accrued thereon is carried on the books of the bank;

(2) amounts realized on the payment, collection, sale or other disposition of assets over and above their values on the books of the bank;

(3) increases in the book values of assets, authorized by the board of directors and ap-

proved by the commissioner, wholly or partly restoring values previously reduced or eliminated by the board of directors or by direction of the commissioner;

(4) amounts transferred from reserves, to the extent that such amounts were deducted from gross income pursuant to subsection A of this section; and

(5) such other items as the commissioner may from time to time permit to be included.

C. 17:9A-51. Transfers to surplus.

51. Transfers to surplus.

Whenever a bank's surplus at the close of any period for which it shall have determined its net profits pursuant to section 50 is not equal to fifty per centum of its capital stock, the bank shall promptly thereafter transfer to surplus not less than ten per centum of its net profits for such period, determined as provided in section 50. Nothing in this section shall require a transfer to surplus in excess of an amount sufficient to increase the bank's surplus to fifty per centum of its capital stock.

C. 17:9A-52. Dividends.

52. Dividends.

A. Dividends on the capital stock of a bank may be paid from time to time in the discretion of its board of directors; *provided,* that, following the payment of each such dividend, the capital stock of the bank will be unimpaired and

Proviso.

(1) the bank will have a surplus of not less than fifty per centum of its capital stock, or, if not,

(2) the payment of such dividend will not reduce the surplus of the bank.

Stock dividends.

B. Stock dividends may be paid by a bank in the discretion of its board of directors; *provided,* that the necessary increase in its capital stock shall have been authorized pursuant to Article 19.

Proviso.

Not to limit.

C. This section shall not limit the power of a bank to pay dividends on shares of preferred stock

issued prior to the effective date of this act, as provided in its certificate of incorporation.

ARTICLE 12

BANKS: INSTALLMENT LOANS

C. 17:9A-53. Interest in advance.

53. Taking interest in advance.

Bank defined.

A. As used in this article, "bank" shall include a national banking association having its principal office in this State.

6% annual interest.

B. When the amount of any loan made by a bank is two thousand dollars or less and the principal amount of such loan is required to be repaid in installments, the bank may take interest in advance upon the full amount of such loan for the period from the making of the loan to the date of maturity of the final installment, at a rate not exceeding six per centum per annum.

C. 17:9A-54. Limitations.

54. Limitations.

A bank which makes a loan pursuant to section 53 shall not

(1) require that more than one installment be payable in any one payment-period, except that the last two installments may be payable in the same payment-period. For the purposes of this article, "payment-period" shall mean the period of time scheduled, by the terms of the loan, to elapse between installment payments. Every such loan shall provide for payment-periods of equal duration measured in terms of weeks or months, and may provide for the omission of installments during any period not exceeding ninety-three days in any one twelve-month period. No payment-period shall be shorter than one week or longer than one month;

Payment-period defined.

(2) require that the amount of any installment be greater than that of a later installment, except that the final installment may be not more than one dollar less than any previous installment;

(3) prior to default directly or indirectly take any security for any such loan other than an interest in tangible personal property;

(4) make any such loan unless its final installment shall be due and payable not later than two years subsequent to the making of the loan; but nothing herein shall prevent a bank from making a loan under this article, the proceeds of which shall be applied in whole or in part to the repayment at or before final maturity of a loan theretofore made under the provisions of this article or otherwise;

(5) make any further interest or other charge or demand, in connection with such loan, other than those expressly authorized by this article;

(6) make any loan which would result in any one person becoming liable, in any capacity, at any one time, to the bank upon loans made under the provisions of this article, in an aggregate amount exceeding two thousand dollars.

C. 17:9A-55. Loan provisions.

55. Permissible provisions and actions. A bank which makes a loan pursuant to section 53 may

(1) require one or more co-makers or endorsers of the instrument evidencing the loan, or one or more guarantors of payment of the loan;

(2) when the payment of such loan is secured by an interest in tangible personal property, require that such property be insured for the benefit of the bank against loss or damage, and may retain out of the proceeds of such loan the premium for such insurance;

(3) provide that upon default in the payment of any installment on its due date, the entire unpaid balance of the loan shall be immediately due and payable;

(4) charge interest at the legal rate on each installment in default from its due date and, when the maturity of one or more installments shall be accelerated as above provided and suit shall be instituted for the collection of the loan, charge interest on the installments, the maturities of which have been accelerated, from the date of the institution of such suit;

(5) upon institution of a suit for the collection of a loan in default, charge a collection fee, in addition to court costs allowable by law, equal to $7.50 when the unpaid balance of the loan is $50.00 or less; $10.00 when such unpaid balance is more than $50.00 but not in excess of $100.00; $12.50 when such unpaid balance is more than $100.00 but not in excess of $500.00; and $25.00 when such unpaid balance is in excess of $500.00;

(6) when the payment of such loan is secured, and provision is made by law for the filing or recording of the instrument of security or notice thereof, require compliance with such provision and retain the cost of such recording or filing out of the proceeds of the loan.

56. Rebates on prepayment.

C. 17:9A-56. Interest credit, formula.

A. When the unpaid balance owing upon a loan made pursuant to section 53 is repaid in full or the maturities of all unpaid installments are accelerated before the date scheduled for the payment of the final installment, the bank shall allow a credit on account of the interest taken in advance, the amount of which shall not be less than the amount determined by the application of the formula $C=A\left(\frac{N}{D}\right)$ in which

"C" shall represent the amount of the credit to be given;

"A" shall represent the amount of interest taken in advance;

"D" shall be determined as follows: there shall be ascribed to each payment-period included in the period for which interest was taken in advance, reckoning from the day upon which the loan was made, the cardinal number descriptive of the number of payment-periods scheduled, by the terms of the loan, to elapse from the beginning of each such payment-period, to the date to which interest was taken in advance, and the aggregate total of all the cardinal numbers so ascribed shall constitute the quantity "D"; and

"N" shall represent the difference between the quantity "D" and the aggregate total of all the cardinal numbers ascribed to the payment-periods which have elapsed, in whole or in part, from the making of the loan, to the day upon which such repayment is made.

Schedule furnished by commissioner.

B. The commissioner may prepare and distribute to such banks as shall make a request therefor, a schedule or schedules based upon the formula specified in subsection A of this section, for use in determining the credit to be allowed pursuant to such subsection, and allowances of interest made as provided in such schedule shall constitute a complete compliance with such subsection. A copy of such schedule, duly certified by the commissioner, shall be evidence in all courts and places.

C. 17:9A-57. Statement on instrument.

57. Statement on instrument.

Every instrument evidencing a loan made pursuant to this article shall contain a statement that such loan was made pursuant to this article. If this article or any section hereof shall be amended, no reference to such amendment need be made in such statement.

C. 17:9A-58. Exempt transactions.

58. Exempt transactions.

Nothing in this article shall apply to

(1) any loan otherwise authorized by law; or

(2) any loan which bears interest at a rate not in excess of six per centum per annum upon its unpaid balances.

59. Penalty for violation. C. 17:9A-59. Penalty for violation.

If a bank shall violate any provision of this article in the making or collection of a loan made pursuant to this article, it shall not be entitled to enforce payment of the amount owing on such loan and shall surrender any security therefor.

ARTICLE 13

LIMITATIONS ON LIABILITY TO A BANK

60. Definitions. C. 17:9A-60. Terms defined:

For the purposes of this article,

(1) "person" shall mean an individual, partnership, corporation, association or body politic; Person;

(2) "investment securities" shall mean those marketable corporate obligations in the form of bonds, debentures or similar instruments as are commonly known as investment securities, under such further definition of investment securities as may by regulation be prescribed by the commissioner; Investment securities;

(3) "total liabilities" shall mean the aggregate of all sums, other than those specifically excepted from the application of this article by section 61, for the payment of which a person shall be directly or indirectly liable to a bank, including obligations upon investment securities; Total liabilities;

(4) the total liabilities of an individual shall include the total liabilities of a partnership or association for whose obligations such individual shall be liable; Individual liability;

(5) the total liabilities of a partnership or association shall include the total liabilities of its members who are liable for its obligations; Total liabilities of partnership;

(6) the total liabilities of a corporation shall include the total liabilities of all subsidiaries thereof in which such corporation owns or controls a majority of the outstanding capital stock entitled to vote for the election Corporate liability.

of directors; except that, in the case of any subsidiary having capital, surplus and undivided profits aggregating five million dollars or more, the total liabilities of such subsidiary may, subject to the approval of the commissioner and the banking advisory board, be excluded from the total liabilities of such corporation.

C. 17:9A-61. Unlimited liability, application.

61. Unlimited liability.

This article shall not apply to

(1) loans to or investments in obligations of the United States, this State or any county of this State, or investments in obligations unconditionally guaranteed both as to principal and interest by the United States or this State;

(2) obligations to the extent that they are secured or covered by guarantees or by commitments or agreements to take over or to purchase made by any federal reserve bank or by the United States, or by any department, bureau, board, commission or establishment of the United States, including any corporation, wholly-owned directly or indirectly by the United States; *provided,* that such guarantees, agreements or commitments are unconditional and must be performed by payment of cash or its equivalent within sixty days after demand;

Proviso.

(3) obligations in the form of drafts or bills of exchange drawn in good faith against actually existing values, whether or not accepted by the drawee;

(4) obligations in the form of bankers' acceptances of other banks which are eligible for rediscount with a federal reserve bank;

(5) obligations arising out of the discount of negotiable or non-negotiable commercial or business paper actually owned by the person negotiating the same;

(6) demand balances owing by a reserve depositary arising out of deposits made pursuant to Article 10; and

(7) obligations resulting from daily clearances through any clearing house association.

C. 17:9A-62. Limited liability.

62. Limited liability.

A. Except as provided in this article, the total liabilities of any person shall not exceed ten per centum of the aggregate of the unimpaired capital stock and the surplus of the bank.

B. The total liabilities of any person may exceed ten per centum but may not exceed twenty-five per centum of the aggregate of the unimpaired capital stock and the surplus of the bank if the amount of such total liabilities which is in excess of ten per centum of the aggregate of the unimpaired capital stock and the surplus of the bank consists of

(1) obligations as endorser or guarantor of notes, other than commercial or business paper excepted from the application of this article under paragraph (5) of section 61, having a maturity of not more than six months, and owned by the person endorsing and negotiating the same; or

(2) obligations secured by security having a value, as of each date on which liability is incurred, equal to one hundred and ten per centum of the obligations secured thereby. Such security shall be of the following character:

(a) stocks, bonds or other securities, other than real estate mortgages, having an ascertainable market value;

(b) policies of insurance having a cash value;

(c) interests in tangible personal property evidenced by bills of lading, shipping documents, warehouse receipts, trust receipts, contracts of conditional sale, chattel mortgages or other instruments;

(d) accounts receivable; and

(e) other security as defined from time to time by the commissioner with the concurrence of the banking advisory board;

Proviso. *provided,* that in no event shall the total amount of investment securities of any one person held by the bank for its own account, other than investments specified in paragraph (1) of section 61 and subsections D and E of this section exceed at any time ten per centum of the aggregate of its unimpaired capital stock and surplus.

C. The total liabilities of any person may exceed ten per centum but may not exceed one hundred per centum of the aggregate of the unimpaired capital stock and the surplus of the bank if the amount of such total liabilities which is in excess of ten per centum but not in excess of twenty-five per centum of the aggregate of the unimpaired capital stock and the surplus of the bank is secured as provided in paragraph (2) of subsection B of this section or by obligations of the United States having a face value equal to one hundred per centum of such excess, and if the amount of such total liabilities which is in excess of twenty-five per centum of the aggregate of the unimpaired capital stock and the surplus of the bank is secured by obligations of the United States having a face value equal to one hundred per centum of such excess.

D. Loans to, and investments in the obligations of any municipality or school district of this State may equal but not exceed one hundred per centum of the aggregate of the unimpaired capital stock and the surplus of a bank.

E. The commissioner and the banking advisory board may, from time to time, approve the obligations of any other state of the United States, or of any political or municipal subdivision or instrumentality thereof, or of the Port of New York Authority or other instrumentality of two or more states or of the United States, or loans to any such

state, subdivision, or instrumentality, and, so long as such approval shall continue in effect, loans may be made to, and investments may be made in the obligations of any such state, subdivision or instrumentality in excess of ten per centum but not in excess of twenty-five per centum of the aggregate of the unimpaired capital stock and the surplus of a bank.

63. Exempt transactions. C. 17:9A-63. Exempt transactions.

A bank shall not be in violation of this article if the total liabilities of a person to the bank incurred under any prior law repealed or superseded by this act shall exceed limitations of this article.

ARTICLE 14

BANKS: MORTGAGE LOANS

64. Definitions. C. 17:9A-64. Terms defined:

For the purposes of this article,

(1) "mortgage loan" shall mean a loan made by a bank, secured by a mortgage constituting a lien upon real property or upon a lease of the fee of real property, in the making of which the bank shall rely primarily upon the value of the mortgaged property; and Mortgage loan;

(2) "mortgaged property" shall mean the property to be mortgaged. Mortgaged property.

65. Real property mortgages. C. 17:9A-65. Real property mortgages.

No bank shall make a mortgage loan secured by a mortgage upon real property unless

(1) the mortgaged property is located within this State, or, if outside this State, the mortgaged property is located within fifty miles of the border of this State;

(2) the mortgaged property shall consist of improved real property, including farm lands, or unimproved real property if the proceeds of such loan shall be used for the purpose of erecting improvements thereon;

(3) the mortgage securing such loan shall constitute a first lien on a fee; a mortgage shall be deemed a first lien notwithstanding the existence of a prior mortgage or mortgages held by the bank, or liens of taxes which are not delinquent, building restrictions or other restrictive covenants or conditions, leases or tenancies whereby rents or profits are reserved to the owner, joint driveways, sewer rights, rights in walls, rights of way or other easements, or encroachments, which the persons signing the certificate provided for in section 67 report in their opinion do not materially affect the security for the mortgage loan. Every mortgage shall be certified to be such a first lien by an attorney-at-law of the state in which the real property is located, or certified or guaranteed to be such a first lien by a corporation authorized to guarantee titles to land in such state;

(4) such loan shall not exceed sixty-six and two-thirds per centum of the appraised value of the mortgaged property, except that

(a) in the case of a mortgage upon a single family dwelling, such loan may equal eighty per centum of the first fifteen thousand dollars of the appraised value of the mortgaged property, plus fifty per centum of the excess, if any, of such appraised value, but no loan made pursuant to this subparagraph (a) shall exceed sixteen thousand dollars;

(b) in the case of a mortgage upon a two-family, three-family or four-family dwelling, such loan may equal eighty per centum of the first twenty thousand dollars of the appraised value of the mortgaged property, plus fifty per centum of the excess, if any, of such appraised value;

provided, that there shall be included in the appraised value of the mortgaged property, for the purpose of this paragraph (4), the value of improvements to be erected upon the mortgaged property wholly or partly with the proceeds of such loan; and Proviso.

(5) the instrument evidencing the loan shall require payment to be made during each year on account of the principal amount of the loan at a rate not less than one per centum per annum of the original amount of the loan, if the original amount of the loan does not exceed fifty per centum of the appraised value of the mortgaged property; or two per centum per annum of the original amount of the loan, if the loan exceeds fifty per centum but does not exceed sixty-six and two-thirds per centum of such appraised value; or five per centum per annum of the original amount of the loan, if the loan exceeds sixty-six and two-thirds per centum of such appraised value; *provided,* that, in lieu of such principal payments, such instrument may require equal monthly payments, each applicable to principal and interest, in an amount sufficient to pay current interest and to repay the amount of the loan in not more than twenty years from its date.

66. Leasehold mortgages. C. 17:9A-66. Leasehold mortgages.

No bank shall make a mortgage loan secured by a mortgage upon a lease of the fee of real property unless

(1) the leased property is located within this State or, if outside this State, the leased property is located within fifty miles of the border of this State;

(2) the leased property shall consist of improved real property, including farm lands, or unimproved real property if the proceeds of

such loan shall be used for the purpose of erecting improvements thereon;

(3) the mortgage securing such loan shall constitute a first lien on a lease of the fee of real property, which fee is not subject to any prior lien; the fee shall be deemed not subject to any prior lien notwithstanding the existence of liens of taxes which are not delinquent, building restrictions or other restrictive covenants or conditions, joint driveways, sewer rights, rights in walls, rights of way or other easements, or encroachments, which the persons signing the certificate provided for in section 67 report in their opinion do not materially affect the security for the mortgage loan. Every mortgage shall be certified to be such a first lien by an attorney-at-law of the state in which the real property is located, or certified or guaranteed to be such a first lien by a corporation authorized to guarantee titles to land in such state;

(4) such loan shall not exceed sixty-six and two-thirds per centum of the appraised value of the leasehold interest subject to the mortgage, including the leasehold interest in the improvements erected upon the mortgaged property or to be erected thereon wholly or partly with the proceeds of the mortgage loan; and

(5) the instrument evidencing the loan shall require that payment be made on account of the principal amount of such loan at an annual rate sufficient to repay such loan not later than one year prior to the expiration of the lease.

C. 17:9A-67. Certification by appraisers.

67. Certification by appraisers.

No bank shall make any mortgage loan except upon a written certification signed by at least two persons, each of whom shall be either a director of the bank or an appraiser appointed by its board of directors. In the case of a mortgage loan secured by a mortgage upon real property, such

certification shall state the opinion of such persons as to the value of the land and the improvements thereon or to be erected thereon and the character of such improvements. In the case of a mortgage loan secured by a mortgage upon a lease of the fee of real property, such certification shall state the opinion of such persons as to the value of the leasehold interest to be subject to the mortgage, including the leasehold interest in the improvements erected or to be erected upon the leased property and the character of such improvements. Such certification shall be filed with the records of the bank.

C. 17:9A-68. Insured or guaranteed mortgages.

68. Insured or guaranteed mortgages.

A. Any mortgage loan the payment of which is fully insured or guaranteed by the Federal Housing Administrator or by the United States or by this State, or the payment of which is subject to a commitment for such insurance or guarantee, and any mortgage loan the payment of which is fully insured or guaranteed, or subject to a commitment for such insurance or guarantee by any other agency of the United States or this State which the commissioner shall have approved for the purposes of this subsection as an issuer of insurance or guarantees, shall not be subject to the provisions of sections 65, 66, 67, or subsection B of section 69, or to the provisions of any law of this State prescribing or limiting the interest which may be taken upon such loan.

B. Any mortgage loan the payment of which is insured or guaranteed pursuant to the Veterans' Business Loan Act (1944), approved April 14, 1944, as amended or supplemented from time to time, or pursuant to Title III of the Act of congress of June 22, 1944, known as the "Servicemen's Readjustment Act of 1944" as amended or supplemented from time to time, or for the payment of which a commitment to insure or guarantee has been made pursuant to either of such acts, shall not be subject to the provisions of sections 65, 66, 67 or subsection B of section 69, or to the provi-

sions of any law of this State prescribing or limiting the interest which may be taken upon such loan.

C. 17:9A-69. Limitations on mortgage loans.

69. Limitations on mortgage loans.

A. No bank shall make a mortgage loan when the total cost of acquisition by the bank of all real property owned by it, other than real property held for the purposes specified in subparagraph (a) of paragraph (5) of section 24, and the total of all principal balances owing to the bank on mortgage loans, less all write-offs and reserves with respect to such real property and mortgage loans, together exceed, or by the making of such loan will exceed, fifty per centum of the time deposits of the bank or one hundred per centum of the aggregate of its unimpaired capital stock and its surplus, whichever is the greater. For the purposes of this subsection, principal balances owing on mortgage loans subject to the provisions of subsection A of section 68 shall, only to the extent of seventy-five per centum of such balances, be included in the total of all principal balances owing to the bank on mortgage loans. This subsection shall not, however, prevent the renewal or extension of the time for payment of a mortgage loan for the amount due thereon at the time of such renewal or extension.

B. Except as in this article otherwise provided, no bank shall make a loan secured by mortgage on real property or by mortgage on a lease of the fee of real property, nor shall any bank purchase the entire interest or a part interest in any such mortgage, if the making of such loan or the purchase of such interest would cause the total of all unpaid balances secured by a mortgage or mortgages held by the bank upon such real property or such leasehold, to exceed the limitations imposed by this article upon the amount of a mortgage loan which may be made upon the security of such real property or such leasehold.

C. 17:9A-70. Exempt transactions.

70. Exempt transactions.

A. Nothing in this article shall prevent a bank, when necessary to preserve or protect its invest-

ment in an existing mortgage loan, from modifying or waiving any of its terms or conditions, or from compromising or adjusting the principal of such loan or interest thereon, or from increasing the principal amount of the loan or making an additional loan upon the same or other security. Any such increase in principal amount and any such additional loan shall not be subject to the provisions of this article.

B. A loan secured by a mortgage upon real property or upon a lease of the fee of real property shall not be deemed a mortgage loan for the purposes of this article if such loan shall be warranted by

(1) the financial condition of one or more persons directly or indirectly obligated for the repayment of such loan, or

(2) the financial condition of one or more persons directly or indirectly obligated for the repayment of such loan and other security given to the bank for the payment of such loan, or

(3) other security given to the bank for the payment of such loan.

C. The taking of a mortgage upon real property or upon a lease of the fee of real property as security for a pre-existing indebtedness owing to a bank shall not be deemed to render such indebtedness a mortgage loan for the purposes of this article.

D. A purchase money mortgage taken by a bank on real property sold by it shall not be deemed a mortgage loan within the meaning of this article, except for the purpose of including the principal balance owing thereon in the total of the principal balances owing to the bank on mortgage loans.

ARTICLE 15

BANKS: LIMITATIONS ON OBLIGATIONS OF DIRECTORS, OFFICERS AND EMPLOYEES

C. 17:9A-71. Terms defined:

71. Definitions.

For the purposes of this article,

Controlling interest;

(1) "controlling interest" means ownership or control of a majority of the issued and outstanding capital stock or securities of a corporation, having voting rights;

Corporation;

(2) "corporation" means a corporation in which a director, officer or employee of a bank has a controlling interest or in which a director, officer or employee of a bank together with one or more other directors, officers or employees of the bank has a controlling interest;

Corporation;

(3) "corporation" includes all subsidiaries of a corporation in which subsidiaries the corporation has a controlling interest;

Partnership;

(4) "partnership" means a partnership in which a director, officer or employee of a bank is a general or limited partner;

Liability;

(5) "liability" means indebtedness and liability to a bank of every kind and in every capacity, other than liability in a fiduciary capacity in which the fiduciary may lawfully incur such liability without personal responsibility therefor; "liable" means obligated for a liability;

Board of directors:

(6) "board of directors" means at least a majority of the members of the board of directors of a bank, and "executive committee" means at least a majority of the members of the executive committee of the board of directors;

Application:

(7) "application" means a written, signed request by a director, officer or employee of a bank, or by a corporation or partnership, to be permitted to incur liability to the bank, and "applicant" means the signer of an application;

(8) liability to a bank, payable on demand, shall be deemed to have a maturity six months from the date of incurring such liability; Date of maturity;

(9) any whole or part renewal or extension of any liability to a bank incurred pursuant to this article shall be deemed to be an initial incurring of liability to the bank. Deemed initial liability.

72. Prerequisites to incurring liability; amounts. C. 17:9A-72. Incurring liability, amounts.

A. No bank shall permit a director, officer or employee of the bank or a corporation or partnership to become liable to the bank, and no such director, officer, employee, corporation or partnership shall become liable to a bank, except as authorized by this article.

B. A bank may permit a director, officer or employee of the bank or a corporation or a partnership to become liable to the bank, provided that:

(1) an application for the incurring of the proposed liability, containing such information as the commissioner may by regulation require, shall first be approved by resolution of the board of directors or of the executive committee; such resolution and the vote of each person thereon shall be recorded in the minutes of the meeting;

(2) if the applicant is an officer or employee, the proposed liability will not cause the total of all liabilities of such officer or employee to exceed two thousand five hundred dollars;

(3) if the applicant is a director, corporation or partnership, the bank shall be offered security having an ascertainable market value at least twenty per centum greater than the amount of the proposed liability, or, if no such security or only partial security is offered, the proposed unsecured liability or the portion thereof for which no security is offered is, in the opinion of the board of directors or the executive committee, warranted by a written statement of the financial condition of the applicant;

(4) the proposed liability will not cause the total of

(a) the liabilities of a director, officer or employee, and

(b) the liabilities of each corporation in which such director, officer or employee has a controlling interest, or in which such director, officer or employee together with one or more other directors, officers or employees has a controlling interest, and

(c) the liabilities of each partnership in which such director, officer or employee is a partner,

to exceed ten per centum of the aggregate of the unimpaired capital stock and the surplus of the bank.

C. When an application is made by a director of a bank or by a corporation or partnership, the applying director and any director who alone or with any one or more other directors, officers or employees of the bank has a controlling interest in the corporation, and any director who is a general or limited partner in the partnership shall not vote to grant such application.

D. When an application is approved by the executive committee, the application shall be presented and the approving resolution of the executive committee shall be read at the next meeting of the board of directors, and such presentation and reading shall be noted in the minutes of such meeting.

C. 17:9A-73. Overdrafts.

73. Overdrafts.

No bank shall permit a director, officer or employee of the bank or a corporation, or a partnership, to become liable to the bank by overdraft against a deposit account.

C. 17:9A-74. Exempt transactions.

74. Exempt transactions.

A. Any liability incurred prior to the effective date of this act which would, if incurred after the

effective date of this act, be subject to this article, may from time to time be wholly or partly renewed to the extent and in the manner authorized by the law in effect when such liability was initially incurred.

B. Nothing in this article shall apply to a mortgage loan made by a bank under Article 14 to an officer or employee of the bank or to him or her and his or her spouse, if

(1) the mortgaged property has erected thereon a one or two family dwelling occupied or to be occupied wholly or partly by such officer or employee, or

(2) the proceeds of the loan shall be used for the purpose of erecting upon the mortgaged property a one or two family dwelling to be so occupied.

C. 17:9A-75. Violations, penalties and liability.

75. Violations; penalties; liability.

A. The following shall be guilty of misdemeanors:

(1) a director, officer or employee of a bank who knowingly incurs liability to the bank in violation of subsections B and C of section 72;

(2) any person who knowingly permits or aids a director, officer or employee of a bank or a corporation or partnership to incur liability to a bank in violation of subsections B and C of section 72;

(3) a director of a bank who votes in favor of an application presented to the bank by such director or by a corporation in which such director alone, or with one or more directors, officers or employees of the bank, has a controlling interest, or by a partnership of which such director is a general or limited partner, if, pursuant to such application, liability is incurred in violation of subsections B and C of section 72;

(4) a director, officer or employee of a bank, who alone, or with one or more directors, officers or employees of the bank, has a controlling interest in a corporation or who is a general or limited partner of a partnership which presents an application to the bank pursuant to which liability is incurred in violation of subsections B and C of section 72 and who, having knowledge of such application prior to its acceptance, fails to disclose his interest to the executive committee or the board of directors prior to such acceptance.

B. Each person described in paragraphs (2), (3) and (4) of subsection A of this section shall be personally liable on demand to the bank for the liability incurred in violation of subsections B and C of section 72, with interest, and, upon payment thereof, shall be subrogated to the rights of the bank.

ARTICLE 16

BANKS: BY-LAWS

C. 17:9A-76. By-laws, adoption.

76. By-laws; adoption.

The stockholders of a bank shall have the power to make, alter and repeal by-laws. If so provided in the certificate of incorporation, the power to make, alter and repeal by-laws may be conferred upon the board of directors, but any exercise of such power by the board of directors shall be subject to alteration or repeal by the stockholders at any meeting. The by-laws may include any provision not inconsistent with this act for the regulation of the affairs of the bank.

C. 17:9A-77. Limits directors' powers.

77. By-laws; limitations on powers of directors.

A board of directors which shall be empowered to make, alter and repeal by-laws may not, however, exercise such power with respect to by-laws

(1) fixing the number of directors of the bank or the manner and time of determining such number;

(2) establishing the requirement for calling a special meeting of the stockholders; or

(3) setting forth the manner in which the by-laws may be made, altered or repealed.

78. By-laws; amendments; repeal; notice.

C. 17:9A-78. Repeal and amendments to by-laws.

By-laws shall not be made, altered or repealed by the stockholders except at a regular or special meeting of the stockholders by the affirmative vote of the holders of a majority of the capital stock of the bank entitled to vote at such meeting, and unless at least ten days prior written notice of the intended action shall have been given to the stockholders. By-laws shall not be made, altered or repealed by the board of directors except by the affirmative vote of a majority of the whole board at any regular or special meeting of the board of directors, and unless at least two days prior written notice of the intended action shall have been given to the directors. Such notice may be waived by a director at or prior to the meeting.

ARTICLE 17

BANKS: STOCKHOLDERS: MEETINGS AND ACTIONS

79. Annual meetings; notice.

C. 17:9A-79. Annual meetings, notice.

The annual meeting of the stockholders of every bank shall be held on the fourth Tuesday of January in each year. Not less than ten days prior to such date, notice of the annual meeting shall be published once in a newspaper published and circulated in the municipality in which the bank maintains its principal office, or, if there be no such newspaper, then in one published in the county in which the bank maintains its principal office or in an adjoining county, and which has general circulation in the municipality in which the bank maintains its principal office. At such annual meeting, directors shall be elected and such other business may be transacted as may properly be brought before a meeting of stockholders, except that no

business other than the election of directors or the alteration or repeal of by-laws shall be transacted at such meeting unless notice of such other business shall have been given in the manner provided by section 81. Notice of such other business need not be included in the publication of notice required by this section.

C. 17:9A-80. Special meetings, call.

80. Special meetings; call.

Special meetings of the stockholders of a bank may be called at any time by the president, the board of directors, the holders of not less than one-tenth of all shares outstanding with voting rights, or by such other officers or persons as may be so authorized in the certificate of incorporation or by-laws of the bank. At any time upon the written request of any person or persons entitled to call a special meeting, the secretary or cashier of the bank shall notify the stockholders of the call of a special meeting to be held at such time as the notice shall specify, but in no event shall such notice specify a time more than sixty days after the receipt of the request.

C. 17:9A-81. Special meetings, notice.

81. Special meetings; notice.

Notice of a special meeting of stockholders shall be given to the stockholders not less than ten nor more than thirty days prior thereto, by mail, postage prepaid, addressed to each stockholder at his address as it appears on the books of the bank. The notice shall specify the place, day and hour of the meeting and the nature of the business to be transacted. No business may be transacted at a special meeting except that specified in the notice of the meeting.

C. 17:9A-82. Commissioner to act upon failure to make call.

82. Special meetings; failure to issue call; action by commissioner.

If the secretary or cashier neglects or refuses to issue a call for a special meeting as provided in section 80, the person or persons making the request may petition the commissioner to issue an order compelling the calling of such a meeting. The commissioner shall issue such an order upon

such a petition if he finds that a request for a call for a special meeting has been made pursuant to section 80.

83. Place and hour of meeting; adjournments. C. 17:9A-83. Place, hour and adjournments.

All meetings of stockholders shall be held at the principal office of the bank and shall be convened at such hour as is fixed by the by-laws or, if not so fixed, at such hour as shall be stated in the call for the meeting. Any annual or special meeting may be adjourned for any period of time. When any meeting is adjourned, it shall not be necessary to give any notice of the adjourned meeting.

84. List of stockholders. C. 17:9A-84. List of stockholders.

A. The officer of each bank having charge of its transfer and stock books shall make, at least ten days before each meeting of the stockholders after the first meeting, a complete list in alphabetical order of all the stockholders of the bank entitled to vote at the ensuing meeting, with their addresses of record as they appear on the books of the bank.

B. Such list shall be kept on file at the principal office of the bank and shall be available for examination by any stockholder during usual business hours until such meeting.

C. The stock and transfer books of the bank and such list of stockholders shall be produced by the directors at the time and place of the meeting to remain there during such meeting available for inspection by any stockholder. Such books shall be the only evidence as to the stockholders entitled to examine such books and such list and to vote at such meeting. In case of a discrepancy between such books, the transfer books shall control.

D. If any such officer having charge of such books shall fail to prepare such list, or if he shall refuse upon demand by any stockholder to exhibit such books or list or submit them to examination as provided in subsections B and C of this section, he shall for every such offense forfeit the sum of two hundred dollars to be recovered with costs by the State in any court of competent jurisdiction in an action prosecuted by the Attorney-General.

E. The neglect or refusal of any director to produce such books and list at the time and place of the meeting, or to cause such books and list to remain there during the meeting, or to permit examination thereof by any stockholder shall render such director ineligible for election to any office at such meeting.

C. 17:9A-85. Voting treasury stock.

85. Voting of treasury stock.

Shares of its own capital stock belonging to a bank shall not be voted directly or indirectly. Any shares disqualified from voting solely because of such ownership shall not be counted in determining the proportion of or the number of shares or votes required to pass or to vote upon or to consent or assent to any matter or in determining the number of shares required to constitute a quorum at any meeting of the stockholders.

C. 17:9A-86. Voting stock subject to pledge.

86. Voting of stock subject to pledge.

A stockholder who shall pledge his stock may nevertheless represent and vote such stock in person or by proxy at all stockholders' meetings, unless such stock is transferred on the books of the bank, and in the instrument of transfer it is stated that the transferee is a pledgee or a nominee of a pledgee, and that the pledgee or the nominee of the pledgee is empowered to represent and vote such stock, in which case only the pledgee or the nominee of the pledgee, in person or by proxy, may represent the stock and vote thereon.

C. 17:9A-87. Voting corporate held stock.

87. Voting of stock held by a corporation.

If shares of the capital stock of a bank are registered in the name of a corporation, such corporation may vote such shares by a proxy signed by its president or by any vice-president.

C. 17:9A-88. Voting stock held by joint tenants or tenants in common.

88. Voting of stock held by joint tenants or tenants in common.

Shares of the capital stock of a bank held jointly or as tenants in common by two or more persons may be represented and voted in person or by proxy at any meeting of the stockholders by any one of such persons, unless another joint tenant

or tenant in common seeks to represent or vote any of such shares in person or by proxy. In the latter event, the written agreement, if any, which governs the manner in which such shares shall be represented or voted, shall control if presented at the meeting. If there be no such agreement presented at the meeting, the majority in number of such joint tenants or tenants in common present in person or by proxy shall control the manner of representation and voting. If there be no such majority, or if there be two such joint tenants or tenants in common, both of whom seek to represent and vote such shares, the shares shall, for the purposes of representation and voting, be divided equally among such joint tenants or tenants in common present in person or by proxy.

89. Voting stock held by fiduciaries.

C. 17:9A-89. Voting stock held by fiduciaries.

A. Shares of the capital stock of a bank held in a fiduciary capacity may be voted in person or by proxy by the fiduciary holding such shares. If a bank holds shares of its own capital stock in a fiduciary capacity, such shares may be voted and shall be counted in determining the total number of outstanding shares at any given time.

B. If shares of the capital stock of a bank are held in a fiduciary capacity by two or more fiduciaries, such shares may be represented and voted at any meeting of the stockholders by any one of such fiduciaries, unless either (1) such fiduciary shall be acting under an instrument or decree of court which otherwise directs, or (2) two or more fiduciaries seek to represent or vote such shares in person or by proxy in a conflicting manner. If the instrument or decree of court under which the fiduciaries are acting does not provide the manner in which such shares shall be represented or voted, and the cofiduciaries are in disagreement as to such representation or voting, such shares shall be represented and voted in the manner determined by a majority of the cofiduciaries and, if they be equally divided, such shares shall not be repre-

sented or voted except pursuant to an order or decree of a court of competent jurisdiction.

C. 17:9A-90. Voting in person or by proxy.

90. Voting in person or by proxy.

A. Stockholders of a bank may vote at all meetings either in person or by proxy. Every proxy shall be executed in writing by the stockholder or his agent and shall be filed with the secretary or cashier of the bank. When a proxy is executed by an agent of a stockholder, the instrument authorizing the agent to execute the proxy, or a photostatic copy thereof, shall also be filed with the secretary or cashier of the bank.

B. No proxy shall be valid after eleven months from the date of its execution, unless a longer time is expressly provided therein, but in no event shall a proxy be valid after three years from the date of its execution. If a proxy is undated, it shall be presumed to be dated as of the date on which it is filed pursuant to this section.

C. A proxy shall be revocable at will, but its revocation shall not be effective until written notice of such revocation is filed with the secretary or cashier of the bank. A proxy shall not be revoked by the death or incapacity of the stockholder until written notice of such death or incapacity shall be filed with the secretary or cashier of the bank. Unless the by-laws otherwise provide, the presence at any meeting of any stockholder who has given a proxy shall not revoke such proxy unless the stockholder shall file written notice of such revocation with the secretary of the meeting.

D. Nothing in this section shall limit the period of validity of a proxy or permit its revocation contrary to its terms, if such proxy is coupled with an interest.

E. While a meeting of the stockholders is in progress, the filing with the secretary or cashier of the bank required by subsections A and C of this section shall be made with the secretary of the meeting.

90.1. Voting trusts.

C. 17:9A-90.1. Voting trusts.

Agreements hereafter made between two or more of the stockholders of a bank pursuant to which stock of the bank held by them is transferred to or deposited with a trustee or agent for the purpose of vesting in such trustee or agent the right to vote thereon, shall be invalid; *provided,* that nothing herein contained shall prohibit a stockholder of a bank from depositing stock of a bank with a trustee or agent under the terms of a voting trust agreement presently lawfully in effect.

91. Quorum.

C. 17:9A-91. Quorum.

At all meetings of stockholders of a bank, the presence in person or by proxy of the holders of a majority of the outstanding shares entitled to vote shall constitute a quorum for the transaction of business. Unless otherwise provided by law, the acts of the holders of a majority of the shares represented at any meeting at which a quorum is present shall be the acts of the stockholders. If a quorum is not present at a meeting, a majority in interest of the stockholders present in person or by proxy may adjourn the meeting to a fixed time.

92. Judges of election.

C. 17:9A-92. Judges of election.

A. In advance of each meeting of the stockholders of a bank, the board of directors shall appoint one judge or three judges who may be stockholders, and who shall perform the duties hereinafter in this section set forth. If a judge or judges be not so appointed, or, if appointed, shall fail or refuse to serve at such meeting or at an adjournment thereof, the chairman of the meeting shall make the appointment or fill any vacancy. If no judge shall have been appointed in advance of a meeting, the stockholders shall determine whether one or three judges shall be appointed.

B. Before entering upon his duties, each judge shall take and subscribe an oath to perform the duties of his office impartially and in good faith.

C. The judge or judges shall determine

(1) the number of shares outstanding;
(2) the number of shares represented at the meeting;
(3) the voting rights of each share;
(4) the existence of a quorum; and
(5) the authenticity, validity and effect of proxies.

They shall also

(6) hear and determine all challenges and questions arising in connection with the right to ballot;
(7) receive, count and tabulate all ballots;
(8) determine the results of balloting; and
(9) do such other acts as may be proper with respect to balloting.

If there be three judges, the decision, act or certificate of two shall be effective as the decision, act or certificate of all.

D. At the request of the chairman of the meeting, or of any stockholder or his proxy, the judge or judges shall make a report in writing of any matter determined by him or them and execute a certificate of any fact found. The judge or judges shall execute a certificate of the result of any balloting and shall deliver such certificate to the chairman of the meeting, and such certificate shall be recorded in the minutes of the meeting and filed with the bank.

E. If any person shall be elected a director at any meeting at which he served as a judge, his election shall be void and the directors shall not appoint him a director within twelve months next succeeding.

C. 17:9A-93. Officers at meeting.

93. Presiding officer and secretary of meeting.

Unless the by-laws otherwise provide, the president shall preside at, and the secretary or cashier shall take the minutes at all meetings of the stock-

holders. If either such officer is not present at any meeting of stockholders, the stockholders may elect a person to preside at such meeting, or to act as secretary of the meeting, and the secretary so chosen shall record the minutes in the minute book of the bank.

C. 17:9A-94. Capital stock, voting rights.

94. Capital stock; voting rights.

A. Except as a bank's certificate of incorporation may otherwise lawfully provide with respect to preferred stock, each share of stock shall entitle the registered holder thereof to (1) one vote with respect to each matter presented at a stockholders' meeting, and (2) one vote for each director to be elected.

B. The shares of the capital stock of a bank shall not be voted cumulatively.

C. 17:9A-95. Review of election.

95. Summary review of elections by Superior Court.

Upon application of any stockholder who questions an election of directors of a bank, the Superior Court, if such application be made within ten days after the election and if reasonable notice of the intended application shall have been given to the bank and to those whose election is questioned, shall have jurisdiction to and shall proceed in a summary fashion to consider the affidavits, proofs and allegations of the parties, or to inquire otherwise into the matter, and thereupon confirm the questioned election, or order a new election, or make such other order and give such relief as justice may require. An appeal from an order made pursuant to this section shall lie as in other cases in the Superior Court.

C. 17:9A-96. Record date.

96. Record date.

A. The board of directors may fix in advance a date, not exceeding fifty days preceding the date of any meeting of stockholders, or the date for the payment of any dividend, or the date for the allotment of rights, or the date when any change or conversion or exchange of capital stock shall take effect, as a record date for the determination of the stockholders entitled (1) to notice of and to vote

at any such meeting, or (2) to payment of any such dividend, or (3) to any such allotment of rights, or (4) to exercise rights in respect to any such change, conversion or exchange of capital stock, and in any such case only stockholders of record at the close of business on the date so fixed shall be entitled to notice of and to vote at such meeting, or to payment of such dividend, or to such allotment of rights, or to exercise such rights, as the case may be, notwithstanding any transfer of stock on the books of the bank after the record date so fixed.

B. If no such record date shall have been fixed, only stockholders of record at the close of business on the twentieth day prior to (1) the date of such meeting, or (2) the date for such dividend payment, or (3) the date for such allotment of rights, or (4) the date when such change, conversion or exchange of capital stock shall take effect, shall be entitled to notice of and to vote at such meeting, or to payment of such dividend, or to such allotment of rights, or to exercise such rights, as the case may be, notwithstanding any transfer of stock on the books of the bank subsequent to such twentieth day.

C. 17:9A-97. Inspection of stock and transfer books.

97. Inspection of stock and transfer books.

A. Every bank shall keep at its principal office the transfer books in which the transfer of stock shall be registered, and the stock books, which shall contain the names and addresses of the stockholders and the number of shares held by each. Any stockholder may at any time during business hours apply to the bank for permission to inspect such books or to make a transcript of such information therefrom as the stockholder may desire.

B. A stockholder whose application has been refused by the bank may apply to the commissioner for an order directing the bank to permit such an inspection or the making of such a transcript. The application to the commissioner shall be in duplicate, shall be verified, and shall state the stockholder's name and address; the number of shares

held by him; the name and address of counsel representing him, if any; the name and address of the principal office of the bank; and the reason for the request for such inspection or for the making of such transcript. If, upon reading the application, the commissioner shall be satisfied that the purpose for which it is made is germane to the applicant's status as a stockholder, and is made in good faith, he shall, within five days after the receipt of the application, mail a copy thereof to the bank, together with an order directing the bank to show cause why the application should not be allowed. The commissioner shall, within the same period, mail a copy of the order to show cause to the applying stockholder.

C. The order to show cause shall be returnable before the commissioner not less than five and not more than ten days after its date, and, upon the return day, the commissioner shall hear such evidence and consider such arguments of the parties or their counsel as he shall deem necessary to a fair and equitable determination. The commissioner shall, within five days from the return day of the order to show cause, make an order allowing or denying the application, as the case may be, and he shall, within the same period, mail a copy of his order to the stockholder and to the bank. If, from an inspection of the application, the commissioner shall be satisfied that it is not made for a purpose germane to the applicant's status as a stockholder, or is not made in good faith, he shall forthwith make and mail to the stockholder an order denying the application, stating his reasons for such denial.

D. The commissioner may, in his discretion, in lieu of ordering the bank to permit such inspection or the making of such transcript, require the bank to prepare envelopes addressed to the stockholders, to be mailed by the bank after the insertion therein of such matter as the stockholder shall furnish the bank after first having obtained approval by the commissioner of the sending of such matter. The

cost of the preparation of such matter and the expense of mailing shall be borne by the stockholder unless the commissioner shall, in his discretion, and upon good cause shown, direct that the expense be borne by the bank.

E. Any order of the commissioner other than an order to show cause, made pursuant to this section, shall be subject to review, hearing and relief in the Superior Court. The commissioner's failure to act within the periods limited by this section shall be deemed to be a final order denying the application.

C. 17:9A-98. Stock certificates, transfers of stock.

98. Stock certificates; transfers of stock.

A. Every bank shall issue to each of its stockholders a certificate or certificates signed by the president or a vice-president and by the cashier or an assistant cashier or the secretary or an assistant secretary, evidencing the number of shares of the capital stock of the bank held by him. If a certificate is signed on behalf of the bank by a transfer clerk or transfer agent, the signature of the president or a vice-president may be a facsimile.

B. Shares of the capital stock of a bank shall be personal property and shall be held and transferred as provided in the Uniform Stock Transfer Law, Article 2 of Chapter 8 of Title 14 of the Revised Statutes.

C. 17:9A-99. Right to purchase new stock.

99. Preemptive rights of stockholders to purchase new stock.

A. Except as otherwise provided by section 147, upon an increase of the capital stock a bank by an issue of additional shares, every stockholder shall have a right to purchase that proportion of the shares to be issued which the par value of the stock held by him bears to the aggregate par value of the capital stock of the bank before such increase, at such price, which may be in excess of par value, and within such time as shall be fixed by the amendment to the certificate of incorporation providing for the issue of such stock, unless (1) such right is waived by him, or (2) the certificate of incorporation otherwise provided at the time of the issue of the shares held by him. For the purposes of this

subsection, aggregate par value of the capital stock of a bank shall mean the aggregate par value of all shares the holders of which are entitled under this section to pre-emptive rights.

B. Unless the certificate of incorporation otherwise provided at the time when the preferred stock held by him was issued, or unless the right is waived by him, the holder of shares of preferred stock shall have the preemptive right specified in subsection A of this section only in case of the issue of (1) preferred stock of the same class held by him, or (2) preferred stock which has preference or priority, in the payment of dividends or upon liquidation, over the class of preferred stock held by him.

C. Shares of the capital stock not purchased by stockholders in the exercise of the rights provided by subsections A or B of this section, shall be sold to such persons as shall be determined by the board of directors, at a price not less than that specified in the amendment to the certificate of incorporation.

100. Liability of stockholders.

C. 17:9A-100. Stockholders' liability.

Except as otherwise provided by any law heretofore enacted or by the certificate of incorporation of a bank heretofore organized, the holders of the shares of the capital stock of a bank shall not be liable, by reason of their holding such stock, for any debts, contracts, or obligations of the bank, or for assessments to restore impairments of the capital stock of the bank. In those cases in which any such liability has been imposed upon stockholders by any law heretofore enacted or by any certificate of incorporation heretofore filed, such liability shall terminate one year from the effective date of this act.

ARTICLE 18

BANKS: DIRECTORS: COMMITTEES: OFFICERS

C. 17:9A-101. Directors, number.

101. Directors; number; method of determination.

A. Every bank shall be managed by a board of not less than five and not more than twenty-five directors.

B. If the certificate of incorporation does not fix the number of directors, and does not provide for the fixing of such number by either the board of directors or the stockholders, the by-laws may fix such number or provide that either the stockholders or the board of directors may fix such number; and, in the absence of any such provision in the by-laws, the stockholders shall, at any meeting at which directors are to be elected, determine the number of directors to be elected at such meeting.

C. 17:9A-102. Directors, election, vacancies and terms.

102. Directors; election; vacancies; tenure.

A. Directors shall be elected by ballot of the stockholders at each annual meeting. The persons receiving the greatest number of votes shall be the directors. When an increase in the number of directors is authorized, the newly created directorships shall be filled by the stockholders. The board of directors may, at its option, fill any other vacancy in the board. If, following a vacancy, less than five directors or less than a quorum remain, the directors in attendance at the next regular or special meeting of the board shall fill the vacancy.

B. A director elected at an annual meeting of the stockholders shall hold office from the time when a majority of all directors elected at such meeting shall have qualified, until the time when a majority of the directors elected at the next annual meeting shall have qualified. A director otherwise elected or appointed shall hold office from the time when he shall have qualified until the time when a majority of the directors elected at the next annual meeting shall have qualified.

103. Directors; stock ownership; oath. C. 17:9A-103.

A. Each director shall own in good faith and hold in his own name not less than five hundred dollars par value unpledged shares of the capital stock of the bank. Directors stock ownership.

B. Each director shall, following his election or appointment and before assumption of any duties as a director, take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the bank, and that he will not knowingly violate, or knowingly permit to be violated, any provision of this act, and that he owns in good faith and holds in his own name not less than five hundred dollars par value unpledged shares of the capital stock of the bank. Such oath, subscribed by the director and certified by the officer before whom it is taken, shall be transmitted to the commissioner and filed in the department. Oath.

104. Directors; disqualification. C. 17:9A-104.

A director who ceases to be the owner of shares as specified in section 103, or who, within thirty days after his election or appointment, or, in case of his disability, within such further time as the commissioner shall fix, fails to subscribe the oath specified in section 103, or who defaults for thirty days in payment of an undisputed obligation to the bank, shall cease to be a director. Directors, disqualifications.

105. Directors; quorum. C. 17:9A-105.

A majority of the members of the board of directors shall constitute a quorum for the transaction of business. Except as otherwise provided by this act, action taken by a majority of a quorum shall be the action of the board. Directors, quorum.

106. Directors; compensation. C. 17:9A-106.

Directors shall receive such compensation for attendance at directors' meetings and for services rendered as members of committees of the board as the board of directors may from time to time by resolution provide. Directors, compensation.

107. Chairman of board of directors. C. 17:9A-107.

A bank may, in its by-laws or by resolution of its board of directors, create the office of chairman of Chairman of board.

the board of directors and define his powers and duties.

C. 17:9A-108. Executive committee.

108. Directors; executive committee.

A. If the number of directors of a bank exceeds nine, the certificate of incorporation or by-laws of the bank may provide for an executive committee of the board of directors to be appointed from time to time by the board of directors from among the directors. The executive committee shall have not less than five members. A majority of the executive committee shall constitute a quorum. Vacancies in the executive committee shall be filled by the board of directors. The board of directors may appoint one or more directors as alternate members of the executive committee to act in the absence or disability of members of the committee, and while so acting such alternate members shall have all the powers of members of the committee. Subject to the provisions of this act and of the certificate of incorporation and the by-laws of the bank, the executive committee may exercise all of the powers of the board of directors with respect to the affairs of the bank, except that the executive committee may not

(1) exercise such powers while a quorum of the board of directors is actually convened for the conduct of business;

(2) declare a dividend or approve any other distribution to stockholders;

(3) make, alter or repeal the by-laws of the bank;

(4) elect or appoint any officer or director; or

(5) exercise any other power which this act specifically provides shall be exercised by at least a majority of all the directors.

B. The minutes of each meeting of the executive committee shall be presented to the board of directors at its next meeting following such meeting of the executive committee; except that, when such

meeting of the board of directors occurs within two days following the day of such meeting of the executive committee, such minutes shall, if not presented at such first meeting, be presented to the board of directors at its second meeting following such meeting of the executive committee.

C. 17:9A-109. Directors, qualified bank, trust committee.

109. Directors; qualified bank; trust committee.

A. If the number of directors of a bank which is a qualified bank exceeds nine, the certificate of incorporation or by-laws of the bank may provide for a trust committee to be appointed from time to time by the board of directors from among the directors. The trust committee shall have not less than five members. A majority of the trust committee shall constitute a quorum. Vacancies in the trust committee shall be filled by the board of directors. The board of directors may appoint one or more directors as alternate members of the trust committee to act in the absence or disability of members of the committee, and while so acting such alternate members shall have all the powers of members of the committee. Subject to the provisions of this act and of the certificate of incorporation or by-laws of the bank, the trust committee may exercise all the powers of the board of directors with respect to

(1) acceptance or rejection of appointment in any fiduciary or agency capacity;

(2) retention, sale or other disposition of real or personal property held in any fiduciary or agency capacity;

(3) investment and disbursement of funds held in any fiduciary or agency capacity;

(4) exercise of voting and all other rights arising out of or incidental to any property, real or personal, held in any fiduciary or agency capacity;

(5) reviews of administration, and of assets held in any fiduciary or agency capacity;

(6) resignation as fiduciary or agent or other actions terminating service as fiduciary or agent;

(7) authorizing the execution, sealing with the bank's seal and delivery of, any instrument necessary or appropriate to effectuate or evidence any of the foregoing powers of the trust committee; and

(8) all other duties and powers of the bank in the administration of its fiduciary and agency functions.

B. The minutes of each meeting of the trust committee as to sales and purchases of real and personal property shall be presented to the board of directors at its next meeting following such meeting of the trust committee; except that, when such meeting of the board of directors occurs within two days following the day of such meeting of the trust committee, such minutes shall, if not presented at such first meeting, be presented to the board of directors at its second meeting following such meeting of the trust committee.

C. 17:9A-110. Other committees.

110. Directors; other committees.

The by-laws of a bank may provide for other committees of the board of directors in addition to the committees elsewhere in this act authorized, but no such other committee shall be empowered to do any act for the bank without the approval of such act by the board of directors.

C. 17:9A-111. Officers: Election, appointment.

111. Officers; election; appointment; limitation.

A. At the first meeting of the board of directors following each annual meeting of the stockholders of a bank, the directors shall elect a chairman of the board of directors, if the office of chairman of the board of directors has been created pursuant to section 107, a president and one or more vice-presidents, from their own number. They shall also elect at such meeting a secretary and a cashier or treasurer who need not be directors. Other officers, including additional vice-presidents, who need not be directors, may from time to time be elected or appointed by the board of directors.

B. Any person who holds more than one office in a bank shall not sign in more than one official capacity any writing requiring the signatures of more than one officer of the bank.

112. Officers; tenure; removal.

C. 17:9A-112. Tenure and removal.

Subject to removal by the board of directors at its pleasure, or by the commissioner pursuant to section 249, each officer shall hold office from the time of his election or appointment until the first meeting of the board of directors, following the next annual meeting of stockholders, at which officers are elected or appointed.

113. Officers; vacancies.

C. 17:9A-113. Vacancies.

Any vacancy in any office may be filled by the board of directors.

114. Vice-president; stock ownership.

C. 17:9A-114. Vice-president, stock ownership.

Every vice-president of a bank shall own in good faith and hold in his own name not less than five hundred dollars par value unpledged shares of the capital stock of the bank.

115. Bonding of directors, officers, employees.

C. 17:9A-115. Officials' bonds.

Every bank shall, at its own expense, cause to be bonded for the honest performance and discharge of his duties (1) each director who handles or has charge or custody of money, securities or other valuable property of the bank or of its customers and (2) all officers and employees of the bank, in such amount and with such surety as shall be approved by the board of directors. The bonds may be individual bonds or may be one or more blanket bonds issued by a surety company or companies or one or more underwriters. The board of directors shall annually examine all such bonds, shall pass upon their sufficiency and may require a new bond or bonds or increases in the amounts thereof. The commissioner may from time to time order an increase in the amount of any such bonds.

ARTICLE 19

BANKS: AMENDMENTS TO CERTIFICATE OF INCORPORATION

C. 17:9A-116. Nature of amendments.

116. Nature of amendments.

A bank may, by amending its certificate of incorporation in the manner provided by this article,

(1) change its corporate name;
(2) increase its capital stock;
(3) decrease its capital stock;
(4) change the par value of its shares;
(5) assume the authority to exercise any or all of the powers specified in section 28;
(6) relinquish the authority to exercise any or all of the powers specified in section 28;
(7) effect any other object, which, pursuant to any other provision of this act, is required or permitted to be effected by amendment of the certificate of incorporation.

C. 17:9A-117. Procedure to amend.

117. Procedure.

Whenever the board of directors shall deem it advisable to amend the certificate of incorporation, it shall adopt a resolution setting forth the proposed amendment and fixing a date for a meeting of stockholders to take action thereon, upon such notice, not to exceed twenty days and not to be less than ten days, as the board shall determine. If, at such meeting or at any adjournment thereof, the holders of at least two-thirds of the capital stock entitled to vote shall vote in favor of the proposed amendment or any modification thereof, a certificate thereof, setting forth the amendment in full and certifying that the amendment was made in the manner required by this article, shall be made and acknowledged by two officers of the bank, one of whom shall be the president or a vice-president, and shall be submitted to the commissioner for his approval. If the commissioner shall find that the amendment is for a purpose author-

ized by law, and that all the conditions and requirements in this article and elsewhere in this act specified as prerequisites to an amendment to a certificate of incorporation have been satisfied, he shall endorse his approval upon the certificate of amendment, and shall file it in the department, and the certificate of incorporation shall thereupon be amended as set forth in the certificate of amendment.

C. 17:9A-118. Consolidating amendments.

118. Consolidation of amendments.

The board of directors may submit to the stockholders, and the stockholders may approve an amended certificate of incorporation, which shall contain the provisions of the original certificate of incorporation as amended, including the amendment, if any, then proposed, to the end that all the provisions which constitute the bank's certificate of incorporation shall be integrated within a single certificate of incorporation. All the provisions of this article applicable to amendments effected pursuant to section 117 shall be applicable to amendments effected pursuant to this section.

C. 17:9A-119. Increasing capital stock.

119. Increase in capital stock.

When the amendment effects an increase in the capital stock, and the amendment has been approved by the commissioner, the certificate of amendment shall not be filed in the department until proof is submitted to the commissioner, by the affidavit of two of the bank's officers, one of whom shall be the president or a vice-president, that the amount of the increase in capital stock has been paid to the bank in cash; except that, when such increase is effected by a transfer or transfers from undivided profits or surplus to capital stock, such proof shall show that the requisite entries have been made in the bank's books.

C. 17:9A-120. Assuming fiduciary powers.

120. Assumption of fiduciary powers.

When the amendment is for the purpose of authorizing a bank, not a qualified bank, to become a qualified bank, the commissioner, in determining whether he shall give his approval thereto, shall give special consideration to the following:

(1) the needs of the community for trust services, and the probable volume of trust business which will be available to the bank;

(2) the condition of the bank, particularly the adequacy of its capital and surplus in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, including the proposed exercise of fiduciary powers; but no bank shall be authorized to become a qualified bank unless its capital stock amounts to at least one hundred thousand dollars;

(3) the general character and ability of the management of the bank;

(4) the nature of the supervision to be given to the proposed fiduciary activities;

(5) the qualifications, experience and character of the proposed officer or officers who will have control or supervision of the proposed fiduciary activities;

(6) whether the bank has available competent legal counsel to advise and pass upon trust matters whenever necessary; and

(7) any other matters which in the discretion of the commissioner are relevant.

C. 17:9A-121. Decreasing capital stock.

121. Decrease of capital stock.

The commissioner shall not approve an amendment effecting a decrease in the capital stock if the decrease will cause the capital stock to be less than the minimum capital stock required of banks on their organization under this act as specified in section 4; except that, in the case of banks organized prior to the effective date of this act, the commissioner may approve decreases in capital stock if he shall determine that such decreases are necessary for the continuance of an established banking business, and that the continuance of such business is in the public interest, and that

(1) if the bank is a qualified bank, the decrease will not reduce the capital stock to an

amount less than one hundred thousand dollars; or

(2) if the bank is not a qualified bank, the decrease will not reduce the capital stock to an amount less than fifty thousand dollars;

but nothing in this section shall prevent a reduction in capital stock on retirement of preferred stock pursuant to any law in effect when the preferred stock was issued.

122. Limitations. C. 17:9A-122. Limiting scope of amendments.

An amendment, to the extent that it alters an existing provision of the certificate of incorporation or adds a provision not theretofore included in the certificate of incorporation, shall contain only such provision as it would be lawful and proper to insert in an original certificate of incorporation made at the time of the filing of such amendment; except that, when the amendment is made to increase the capital stock of a bank created prior to the effective date of this act, such amendment may be made notwithstanding that the amount of such capital stock as increased will be less than the amount required on original incorporation of a bank as specified in section 4.

123. Certificate as evidence. C. 17:9A-123. Certificate as evidence.

The certificate of amendment and the amended certificate or a copy thereof duly certified by the commissioner, shall be evidence in all courts and places.

ARTICLE 20

BANKS: PREFERRED STOCK

124. Issuance. C. 17:9A-124. Preferred stock: Issuing.

No bank shall hereafter issue preferred stock except

(1) upon its organization as a successor bank pursuant to section 16; or

(2) upon its reorganization pursuant to Article 24; or

(3) upon amending its certificate of incorporation as provided by Article 19, upon the vote of the holders of at least two-thirds of the shares of each class of stock issued by the bank; but the commissioner shall not approve such a certificate of amendment unless he shall find that the issuance of such preferred stock is in the public interest.

C. 17:9A-125. Provision in certificate of incorporation.

125. Certificates of incorporation and of amendment; provisions.

A. The certificate of incorporation of every bank hereafter authorized to issue preferred stock upon its organization pursuant to section 16, and the certificate of amendment to the certificate of incorporation of every other bank hereafter issuing preferred stock shall state:

(1) the number of classes of preferred stock to be issued, and the number of shares in each class;

(2) the par value of the shares of each class of preferred stock;

(3) the issue price of each share of preferred stock;

(4) when the issue price exceeds the par value, the use to which the excess over the par value is to be put;

(5) the priorities, preferences, and rights of each class of preferred stock;

(6) if the preferred stock is to be subject to retirement, the retirement price of each share thereof;

(7) if the preferred stock is to be subject to conversion into common stock, the terms and conditions upon which such conversion shall be effected;

(8) the rate of dividend to be paid on the preferred stock, and whether such rate is to be based upon the par value or the issue price of the stock;

(9) if a sinking fund is to be established for the retirement of preferred stock, the terms and conditions governing the establishment and maintenance of such fund;

(10) the amount which shall be paid upon each such share of preferred stock upon the dissolution of the bank.

B. In addition to the matters required by subsection A of this section, the certificate of incorporation or certificate of amendment may contain such other provisions as may be necessary or convenient, including, by way of description and not by way of limitation,

(1) a provision that, upon a meeting called to approve the voluntary dissolution of the bank, the holders of preferred stock may have two votes for each share of stock;

(2) a provision for the increase of the common stock, without further act of the stockholders, upon the conversion of preferred stock into common stock;

(3) a provision that, upon the issuance of preferred stock, or upon the issuance of common stock to effect a conversion of preferred stock, such stock may be issued without an offer thereof to existing stockholders.

126. Priorities; preferences; rights; limitations. Every issue of preferred stock shall be subject to the following:

C. 17:9A-126. Priorities, limitations.

(1) the issue price for each share shall be not less than the par value, and shall be the same for all shares included within a single class;

(2) so long as a bank is not in default in the payment of dividends on preferred stock, or in meeting any requirements specified in its certificate of incorporation for the maintenance of a sinking fund for the retirement

of preferred stock, the holders of preferred stock shall have no greater voting rights than the holders of common stock; but, if so provided in the certificate of incorporation, the holders of preferred stock of any class or classes shall, upon either such default, have two votes for each share of such stock so held;

(3) the retirement price, if any, of each share of preferred stock shall be not less than its par value or greater than its issue price, plus any accrued dividends thereon;

(4) no more than the par value of shares of preferred stock shall be charged against the capital stock of a bank upon retirement of such stock;

(5) no preferred stock shall be retired if the effect of such retirement would be to reduce the capital stock of the bank below the minimum specified in section 121;

(6) the valuation placed upon preferred stock for the purpose of its conversion into common stock shall be not less than its par value or greater than its issue price, plus any accrued dividends thereon. The valuation placed upon common stock issued on the conversion of preferred stock shall be not less than the par value of such common stock;

(7) the dividend rate shall not exceed six per centum per annum of the par value of such stock or of the issue price thereof, if the issue price is greater;

(8) dividends on all preferred stock shall be cumulative.

C. 17:9A-127. Dividends.

127. Dividends.

No dividend shall be declared or paid on common stock until all accrued dividends shall have been paid on preferred stock, or until funds shall have been set aside for such payment; nor shall any dividends be paid on common stock until the provisions, if any, of the certificate of incorporation governing the establishment and maintenance of

a sinking fund for the retirement of preferred stock, shall have been satisfied.

128. Priority on dissolution. C. 17:9A-128. Priority on dissolution.

Upon a bank's dissolution in any manner, the holders of preferred stock shall be entitled to receive in full the amount specified in the certificate of incorporation, before any distribution is made to the holders of common stock.

129. Consideration for preferred stock. C. 17:9A-129. Consideration.

Except to the extent otherwise expressly provided in this act, no bank shall issue its preferred stock for any consideration other than money.

130. Retirement or conversion.

Upon the retirement or conversion of preferred stock, a certificate thereof, in such form as the commissioner shall approve, shall be made by any two officers of the bank, and shall be filed in the department within ten days after such retirement or conversion. C. 17:9A-130. Retirement.

131. Application of article; limitation. C. 17:9A-131. Application of article, limitation.

Preferred stock issued prior to the effective date of this act shall be subject to this article, except insofar as the provisions of this article would impair any right vested under the law pursuant to which such stock was issued.

Article 21

BANKS: MERGER

132. Definitions. C. 17:9A-132. Banks: Terms defined.

As used in this article,

(1) "merging bank" shall mean a bank which is merged into another bank;

(2) "receiving bank" shall mean a bank into which one or more other banks are to be merged.

133. What banks may merge. C. 17:9A-133. Mergers.

Any two or more banks, all of which have their principal offices in the same county, may, with the approval of the commissioner, merge one or more

of them into another of them as provided in this article.

C. 17:9A-134. Merger agreement, authorization.

134. Merger agreement; authorization.

The boards of directors of the several banks proposing to merge shall authorize the execution of a merger agreement which shall contain

(1) the name of each merging bank and the location of the principal office and branch offices of each merging bank;

(2) the name of the receiving bank and the location of its principal office and branch offices;

(3) the name by which the receiving bank will be known after the merger is effected;

(4) the names of the persons who will be the directors of the receiving bank;

(5) the names of the persons who will be the officers of the receiving bank;

(6) the location then occupied by the principal office or a branch office of a merging bank or the receiving bank at which the principal office of the receiving bank will be maintained;

(7) the locations then occupied by the principal offices and branch offices of the merging banks and the receiving bank which will be continued as branch offices of the receiving bank;

(8) the effective date of the merger;

(9) the amount of the capital stock, the number of shares into which it will be divided, the par value of each share, and the amount of the surplus which the receiving bank will have after the merger is effected;

(10) the basis upon which shares of the receiving bank will be issued for shares of each merging bank;

(11) such other provisions, not inconsistent with the provisions of this act, as may be necessary or appropriate to effect the merger.

135. Capital requirements.

C. 17:9A-135. Capital requirements.

A. When all the parties to a merger were organized prior to the effective date of this act, the capital stock of the receiving bank after merger shall be not less than an amount equal to the sum of the following: one hundred thousand dollars for each qualified bank which is a party to the merger, and fifty thousand dollars for each bank not a qualified bank, which is a party to the merger.

B. When any party to a merger shall have been organized after the effective date of this act, the capital stock and surplus of the receiving bank after merger shall at least equal the sum of the following:

(1) the minimum capital stock and surplus required of a bank on its establishment at the location to be occupied by the principal office of the receiving bank after the effective date of the merger, as such minimum is specified in section 4, and

(2) an amount equal to such minimum capital stock and surplus so specified in section 4, for each branch office to be maintained by the receiving bank after the effective date of the merger.

136. Approval of agreement by commissioner; review.

C. 17:9A-136. Approval of agreement, review.

A. The merger agreement, executed by all the parties thereto, shall be submitted to the commissioner who shall, within sixty days from the date of such submission, endorse thereon his approval or disapproval. If the commissioner shall disapprove the agreement, he shall forthwith file a memorandum in the department stating the reasons for his disapproval, and shall mail a copy of the memorandum to each of the banks which is a party to the merger agreement. The commissioner shall not withhold his approval unless he shall find that the merger agreement contains provisions which do

not conform to this act, or that the merger will not be in the public interest.

B. The commissioner's disapproval of a merger agreement, as provided in subsection A of this section, shall be subject to review, hearing and relief in the Superior Court.

C. 17:9A-137. Agreement submitted to stockholders, filing.

137. Submission of agreement to stockholders; filing.

A. If the commissioner approves the merger agreement, it shall, within sixty days after the date of such approval, be submitted to the stockholders of each of the banks which are parties to the agreement, at separate meetings called for that purpose upon at least thirty days notice. A copy of the merger agreement shall be mailed to each stockholder of each of the banks which are parties to the agreement with the notice of the stockholders' meetings.

B. If the agreement is approved by the stockholders of each bank holding at least two-thirds of the capital stock entitled to vote, that fact shall be certified as to each bank by its president or a vice-president and the certifications shall be attached to the agreement. The agreement shall then be filed in the department, and thereupon it shall become effective.

C. 17:9A-138. Agreement as evidence.

138. Merger agreement as evidence.

A. A copy of the merger agreement, certified by the commissioner, shall be evidence in all courts and places.

B. A copy of the merger agreement, certified by the commissioner, may be recorded in the office of the county recording officer charged with the duty of recording instruments affecting title to real property in such county, and such record shall have the same effect as if duly executed and acknowledged deeds to real property and assignments of mortgages affecting real or personal property owned by the merging banks had been made and delivered by the merging banks to the receiving bank, and had been duly recorded.

139. Corporate existence; offices; rights and obligations. C. 17:9A-139. Corporate existence, offices, rights and obligations.

Upon the merger of two or more banks,

(1) the corporate existence of each merging bank shall be merged into that of the receiving bank, and the property and rights of each merging bank shall thereupon vest in the receiving bank without further act or deed;

(2) the receiving bank may, without complying with the requirements of subsections C or E of section 19, or the requirements of section 20, establish and maintain its principal office and branch offices at the locations specified in the merger agreement;

(3) the rights and obligations of each merging bank shall become the rights and obligations of the receiving bank;

(4) if the receiving bank is a qualified bank, all fiduciary and agency duties and relationships of each merging bank shall vest in the receiving bank and be performed by it in the same manner as though the receiving bank itself originally assumed such fiduciary and agency duties and relationships;

(5) any pending action by or against a merging or receiving bank shall survive the merger and the receiving bank shall be substituted for the merging bank.

140. Rights of dissenting stockholders; settlement by agreement. C. 17:9A-140. Dissenting stockholders' rights.

A stockholder who does not vote to approve a merger agreement at the meeting prescribed by section 137 may, within thirty days following the filing of the agreement in the department as provided by section 137, serve a demand upon the receiving bank for the payment to him of the value of his shares of stock. The bank may, within ten days of the receipt of such demand, offer to pay the stockholder a sum for his shares, which, in the opinion of the board of directors of the receiving

bank, does not exceed the amount which would be paid upon such shares if the business and assets of the bank whose stock such stockholder holds were liquidated on the day of the filing of the agreement pursuant to section 137.

C. 17:9A-141. Appraisers.

141. Appointment of appraisers.

If a stockholder fails to accept the sum offered for his shares pursuant to section 140, he may, within three weeks after the receipt by him of the bank's offer of payment, or, if no offer is made by the bank, within three weeks after the date upon which his demand was served upon the bank as specified in section 140, apply to the Superior Court, upon not less than ten days notice to the bank, for the appointment of a board of three appraisers to determine the value of his shares of stock as of the day of the filing of the merger agreement pursuant to section 137. If it shall appear to the court that there are other stockholders who have the right to make a similar application, the court shall continue such application until the time herein limited for making such applications has expired. The court shall order that all applications in respect to the stock of any one bank be consolidated, and it shall, in respect to any one bank, appoint a single board of three appraisers to determine the value of the shares of all stockholders of such bank making such application.

C. 17:9A-142. Duties of appraisers.

142. Duties of appraisers; report; exceptions; appeal.

A. The appraisers shall be sworn to the faithful discharge of their duties. They shall meet at such place or places, and shall give such notice of their meetings as the court may prescribe. The bank and each stockholder who has made an application pursuant to section 141, may be represented by counsel in the proceedings before such appraisers, and may present such evidence to them as shall be material to the issue. The determination of any two of the appraisers shall control. Upon the conclusion of their deliberations, the appraisers shall file in the Superior Court a report and ap-

praisal of the value of the shares of stock, and shall mail a copy thereof to the bank and to each stockholder who has made application for the appraisal of the value of his shares.

B. The bank and each stockholder who has made an application pursuant to section 141 shall have ten days after the filing of the report and appraisal within which to file exceptions thereto in the Superior Court. In the absence of the filing of such exceptions, the report and appraisal shall be binding upon the bank and upon such stockholders, and the bank shall pay each such stockholder the value of his shares, as reported by the appraisers, with interest from the date of the filing of the merger agreement pursuant to section 137, at such rate, not in excess of the legal rate, as shall be fixed by the appraisers. If exceptions are filed, the court shall make such order thereon as shall be just, and an appeal shall lie therefrom as in other cases in the Superior Court, except that no such appeal shall be taken after thirty days from the filing of such order.

C. The Superior Court shall fix the compensation of the appraisers, which shall be paid by the bank, and shall be vested with full jurisdiction over all matters arising out of an application made pursuant to section 141. In the case of a vacancy in the board of appraisers, the Superior Court shall, on its own motion, or upon motion of a stockholder, or of the receiving bank, fill such vacancy.

C. 17:9A-143. Assignment of stock to bank.

143. Assignment of stock to bank.

Upon payment by the bank of the value of shares of stock pursuant to this article, the holder thereof shall assign such shares to the bank.

C. 17:9A-144. Stockholder's failure to act.

144. Effect of stockholder's failure to act.

A stockholder who fails to act pursuant to sections 140 or 141 shall be forever barred from bringing any action to enforce his right to be paid the value of his shares in lieu of continuing his status as a stockholder in the receiving bank.

C. 17:9A-145. Obligation to stockholder.

145. Obligation of bank to pay stockholder.

An offer by the bank and an acceptance thereof by the stockholder pursuant to section 140 and the determination of value upon proceedings brought pursuant to sections 141 and 142 shall constitute a debt of the receiving bank for the recovery of which an action will lie.

C. 17:9A-146. Petition for injunction.

146. Petition for injunction by stockholder.

A. A stockholder may, not later than five days prior to the date of the meeting called pursuant to section 137, apply to the Superior Court by petition to enjoin the merger on the ground that the agreement is unfair or inequitable, or contrary to law. Upon the filing of such petition, the court shall, upon five days notice to the bank of which the petitioner is a stockholder, proceed summarily to a determination of the merits of the application, and shall make such order or decree as shall be equitable and just. An appeal from an order or decree made pursuant to this section shall lie as in other cases in the Superior Court, but such appeal shall be taken within thirty days from the filing of such order or decree in the court.

B. A stockholder who fails to file a petition as specified in subsection A of this section shall thereafter be forever barred from bringing any action to enjoin, set aside, or otherwise affect such merger.

C. 17:9A-147. Issuing new stock certificates.

147. Issuance of new stock certificates.

A. The receiving bank shall require each stockholder of each merging bank to surrender his certificates of stock of each such bank, and shall, upon such surrender, issue in lieu thereof certificates for such number of its own shares as such stockholder is entitled to receive pursuant to the terms of the merger agreement.

B. The increase in a receiving bank's capital stock resulting from the issuance of its shares in exchange for the shares of each merging bank pursuant to the merger agreement shall not entitle the stockholders of the receiving bank to acquire additional shares.

148. Merger or consolidation of a bank with a national banking association. C. 17:9A-148. Merger with national bank

A. A bank may merge into or consolidate with a national banking association with the approval of the holders of two-thirds of the capital stock of such bank entitled to vote. The directors of the bank shall file in the department a certificate over their signatures that such approval has been given, and that the directors intend to act in pursuance thereof. Upon the taking effect of the merger or consolidation, the bank shall be deemed to have surrendered its charter.

B. Upon such merger or consolidation, all the property and rights of such bank shall vest in the national banking association in the manner prescribed by section 139 and the rights and obligations of the bank and the national banking association, and of all depositors, other creditors, stockholders and other persons shall be the same as those defined in section 139.

C. Any stockholder of the bank who fails to approve such merger or consolidation shall have the right to demand and to be paid the value of his shares of stock in the manner, and subject to the conditions and limitations provided by sections 140 to 144, inclusive, except that demand for payment shall be made not later than three months from the date of the filing of the certificate pursuant to subsection A of this section, and the value of such shares shall be computed as of that date.

D. No merger or consolidation shall be effected pursuant to this section unless, at the time of the merger or consolidation, the laws of the United States shall authorize a national banking association to merge into or consolidate with a bank, with all the property and rights of such national banking association vesting in the bank in the manner prescribed by section 139.

ARTICLE 22

CONVERSION OF NATIONAL BANKING ASSOCIATION INTO BANK

C. 17:9A-149. Conversion of national banking association: Requirements.

149. Prerequisites to conversion.

A national banking association which has its principal office in this State may, if authorized by the laws of the United States, become a bank in the manner following:

(1) it shall take such action, in the manner prescribed by the laws of the United States, as shall make its dissolution as a national banking association and its conversion into a bank effective at a future day certain;

(2) a majority of its directors shall, before its dissolution becomes effective, execute, acknowledge and submit to the commissioner a certificate of incorporation setting forth the matters specified in paragraphs (1), (2), (3), (4), (5), (8), (9) and (10) of section 3, together with such proof as the commissioner shall require that its dissolution and conversion will be effected on the future day certain named, and together with an affidavit setting forth the matters specified in paragraphs (1) and (2) of subsection A of section 9.

C. 17:9A-150. Procedure.

150. Procedure.

The submission to the commissioner of the certificate of incorporation, the proof, and the affidavit pursuant to section 149, shall constitute an application for charter, and thereafter all proceedings shall be as specified in sections 10, 11, 12, 13, 14, 15 and 17, except that the capital and surplus need not be paid in cash, but may consist of assets of the national banking association approved by the commissioner as to value.

C. 17:9A-151. Capital stock and surplus.

151. Capital stock and surplus.

The capital stock and surplus of a bank incorporated pursuant to this article shall be at least equal to the minimum capital stock and surplus required by section 4.

152. Effect of conversion. C. 17:9A-152. Effect of conversion.

Upon compliance with the requirements of this article,

(1) the bank shall be authorized to transact business pursuant to this act;

(2) the property and rights of the national banking association shall vest in the bank without further act or deed;

(3) the rights and obligations of the national banking association shall become the rights and obligations of the bank;

(4) if the bank is a qualified bank, it shall, without further act or deed and without order or decree of any court, succeed the national banking association in every fiduciary and agency capacity of the association, unless prohibited by the instrument under which the association acted in such fiduciary or agency capacity; and

(5) any pending action by or against the national banking association shall survive its conversion into a bank, and the bank shall be substituted for the association.

153. Rights of dissenting stockholders. C. 17:9A-153. Dissenting stockholders' rights.

If no provision is made therefor in the laws of the United States, a stockholder of a national banking association who does not assent to the conversion of the association may, at any time within sixty days after the filing of the certificate of incorporation pursuant to section 150, demand payment of the value of his shares as of the date upon which the conversion became effective, and thereupon he shall be entitled to be paid the value of his shares of stock according to the method and subject to the limitations specified in Article 21 relating to dissenting stockholders of a merging or receiving bank.

154. Issuance of stock. C. 17:9A-154. Issuing stock.

Stockholders of a national banking association who do not demand payment for their shares of

stock as specified in section 153, shall become stockholders of the bank, and shall be entitled to receive stock of the bank in an amount which bears the same ratio to the entire capital stock of the bank that the stock held by such stockholder in the association bore to the entire capital stock of the association. In the exchange of stock, the bank may issue preferred stock to those who held preferred stock in the association, and may provide for such of the priorities and preferences to which such stock was entitled when held in the association, as may be lawful under the provisions of this act.

ARTICLE 23

BANKS: DISSOLUTION

C. 17:9A-155. Dissolution: Procedure.

155. Procedure.

A. A bank may be dissolved in the manner provided by chapter 13 of Title 14 of the Revised Statutes, except that the filings required to be made by section 14:13–1 of the Revised Statutes shall be made in the department, and the commissioner shall perform the acts therein provided to be performed by the Secretary of State; and except further, that the consent of the holders of three-fourths of all the stock of the bank shall be required before a bank may effect its voluntary dissolution.

B. If a bank has heretofore suspended or shall hereafter suspend the transaction of its business, except that incidental to the liquidation and distribution of its assets, and such suspension has heretofore continued or shall hereafter continue for a period of not less than twelve months, and such bank has not been dissolved pursuant to law, the commissioner may make an order, to be filed in the department, forfeiting the bank's rights, powers and privileges as a corporation, and, upon such filing, the corporate rights, powers and privileges of the bank shall cease, and the bank shall thereupon be dissolved. This subsection shall not abridge or affect the rights and powers conferred by Article 42.

156. Effect. C. 17:9A-156. Effect.

Upon its dissolution pursuant to section 155 or upon the filing of an order of the commissioner pursuant to section 17, the bank, its officers, directors, stockholders, depositors and other creditors shall become and be subject to all the provisions of chapter 13 of Title 14 of the Revised Statutes.

ARTICLE 24

BANKS: REORGANIZATION

157. Application of article. C. 17:9A-157. Reorganization: Application of article.

A bank may reorganize in the manner provided by this article if

(1) it is insolvent, or has suspended its business for lack of funds to carry it on, and the commissioner is in possession of its property and business; or

(2) a receiver has been appointed pursuant to section 303.

158. Who may propose plan; approval or disapproval by commissioner. C. 17:9A-158. Plan.

A. The commissioner, a bank acting by its board of directors, or three or more depositors or other creditors of the bank who have claims, liquidated as to amount and not contingent as to liability, amounting in the aggregate to ten thousand dollars or more, or the holders of not less than ten per centum of the capital stock of the bank may propose a plan for the reorganization of the bank.

B. If the plan is not proposed by the commissioner or by the bank, it shall first be submitted to the commissioner for approval. The commissioner shall approve a plan if he is satisfied

(1) that it complies with the provisions of section 161;

(2) that it is fair, equitable and feasible;

(3) that the persons who will be the directors and officers of the bank upon reorgan-

ization, possess capacity and fitness for the duties and responsibilities with which they will be charged; and

(4) that the interest of the public will be served to advantage by the adoption of the plan.

C. 17:9A-159. Petition to court for approval.

159. Petition to Superior Court for approval of plan.

A. The commissioner, or the bank, if either is the proponent of a plan of reorganization, or other proponents of a plan which has been approved by the commissioner pursuant to section 158, may, if no other petition has been filed pursuant to this section, file a petition in the Superior Court for an order to show cause why the plan should not be approved by the court. The proposed plan of reorganization shall be set forth in the petition or annexed thereto. If the commissioner or the bank is not the proponent of the plan, the commissioner's written approval of the plan shall be annexed to the petition.

B. Upon the filing of a petition pursuant to subsection A of this section, the court shall make an order, returnable in not less than fourteen days after its service, directing the commissioner, if he is not the proponent of the plan, and the depositors, other creditors, and stockholders of the bank, to show cause why the proposed plan, or such modified plan as may be prepared under the direction of the court, should not be approved. The order shall be served within one week of its date by mailing a copy of the order and a copy of the proposed plan to the commissioner, if he is not the proponent of the plan, and to each depositor, other creditor, and stockholder at his address as it appears on the bank's records.

C. If it appears to the court that the depositors, other creditors or stockholders of the bank are so numerous that service upon each of them is impracticable or will impose unnecessary hardship, the court may direct that service and publication be made in the manner provided by section 278.

160. Jurisdiction of Superior Court. C. 17:9A-160. Court's jurisdiction.

A. Proceedings in the Superior Court pursuant to this article shall be deemed to be a suit in such court and the court shall have power to make such orders and decrees as may be necessary to

(1) determine the rights, equities and priorities of all parties;

(2) fix the division of creditors and stockholders into classes according to the nature of their respective claims or stock;

(3) approve a plan in compliance with the provisions of this article; and

(4) consummate such plan as may be approved by the court.

B. For the purpose of classifying creditors in proceedings pursuant to this article, the Superior Court shall, if necessary, upon application of any party, fix a hearing or hearings, upon notice to the holders of secured claims and such other persons as the court may designate, to determine summarily the value of the security and to classify as unsecured the amount in excess of such value.

161. Provisions of plan of reorganization. C. 17:9A-161. Provisions of plan.

A. Every plan of reorganization shall state:

(1) the names of the persons who will be the directors of the bank;

(2) the names of the persons who will be the officers of the bank;

(3) the amount of the capital stock, the classes into which it will be divided, the par value of the shares of each class, and the number of shares in each class; if preferred stock is to be issued, the plan shall state the matters specified in subsection A of section 125;

(4) the amount of the surplus of the bank upon reorganization;

(5) the powers authorized by this act which the bank will have power to exercise;

(6) the claims of creditors, if any, which will be paid in cash in full;

(7) the creditors or stockholders, or any class of creditors or stockholders, not adversely affected by the plan, and the provisions, if any, with respect to them;

(8) the provisions for any class or classes of creditors or stockholders adversely affected by the plan;

(9) the means for execution of the plan; and

(10) the provisions for payment of all costs and expenses of reorganization and other allowances which may be approved or made by the court.

B. In addition to the matters required by subsection A of this section, a plan of reorganization may contain other appropriate provisions not inconsistent with the provisions of this act including, by way of description and not by way of limitation,

(1) provision for the termination of any executory contract, including a lease of real property;

(2) provision for the settlement or adjustment of obligations owing to the bank and for the disposition of such obligations which are not settled or adjusted in the plan;

(3) provision for one or more classes of preferred stock, to be issued for cash, or in whole or in part satisfaction of claims of depositors or other creditors, or in exchange for shares of the capital stock of the bank of any class or classes;

(4) the transfer to a trustee or trustees of any part of the bank's assets for liquidation for the benefit of one or more or all of the classes of creditors and stockholders; and

(5) the merger of the bank with another bank or other banks.

C. 17:9A-162. Court's approval of plan.

162. Approval of plan by the court.

On the return of the order to show cause made pursuant to section 159, or at any continuance thereof, the court shall afford the commissioner and all parties in interest an opportunity to be heard concerning the proposed plan and any objections thereto or modifications thereof. As a result of such hearing, the proposed plan may be modified under the direction of the court. If, following such hearing, the court shall find that the plan, as proposed or modified,

(1) complies with the provisions of this article,

(2) is fair, equitable and feasible, and,

if the plan is proposed by the bank,

(3) that the persons who will be the directors and officers of the bank upon reorganization, possess capacity and fitness for the duties and responsibilities with which they will be charged; and

(4) that the interest of the public will be served to advantage by the adoption of the plan,

it shall make an order approving the plan and fixing a time within which the creditors and stockholders adversely affected thereby may accept or reject the plan. Such time shall not be less than thirty days from the date of the order.

C. 17:9A-163. Transmittal of plan.

163. Transmittal of plan and court approval to creditors and stockholders.

Upon approval of the plan by the court, as provided by section 162, the commissioner or receiver who is in possession of the property and business of the bank shall transmit to all depositors, other creditors and stockholders who are affected by the plan,

(1) a copy of the plan as approved;

(2) a copy of the opinion of the court, if any, approving the plan, or a summary of the opinion approved by the court;

(3) a summary of the rights of depositors, other creditors and stockholders provided in sections 164, 165 and 166, approved by the court; and

(4) such other matters as the court may deem necessary or desirable for the information of depositors, other creditors and stockholders.

C. 17:9A-164. Acceptance or rejection of plan.

164. Acceptance or rejection of plan.

A. Following the approval of a plan by the court and its transmittal to depositors, other creditors and stockholders pursuant to sections 162 and 163, the proponent or proponents of the plan shall solicit acceptances from creditors and stockholders of each class adversely affected by the plan. Acceptances of creditors and stockholders shall be filed in the court.

B. No acceptances shall be required of creditors or stockholders of any class which is not adversely affected by the plan, or of stockholders of any class, if the court determines that the liabilities of the bank are in excess of its assets.

C. No person shall, without the consent of the court, solicit any acceptance, conditional or unconditional, of any plan, or any authority, conditional or unconditional, to accept any plan, whether by proxy, deposit, power of attorney or otherwise, until after the entry of an order approving such plan and its transmittal to depositors, other creditors and stockholders as provided in sections 162 and 163. Any such acceptance or authority given, procured or received prior to such approval and transmittal shall be invalid, unless such consent of the court has been so obtained.

D. Any depositor, other creditor or stockholder who is adversely affected by the plan may file a rejection of the plan in the Superior Court within the time limited by the order of the court made pursuant to section 162. Each depositor, other creditor or stockholder who fails to file such a rejection shall be deemed to have accepted the plan.

E. Every fiduciary, every banking institution, insurance company or other corporation of this State, and every officer of this State or of a county, municipality, school district, public board, commission or other body of this State shall have the power to accept or reject a plan of reorganization of a bank and to do such other acts as may be necessary to make such acceptance or rejection effective.

F. If the acceptance or rejection of a plan by the holder of any claim or stock is not in good faith, in the light of or irrespective of the time of acquisition thereof, the court may, after hearing upon notice, direct that such claim or stock be disqualified for the purpose of determining the requisite majority for the acceptance of a plan, as provided in subsection G of this section.

G. If two-thirds in amount of the claims or shares of any class of creditors or stockholders accept or are deemed to have accepted the plan, all creditors or stockholders in such class shall be bound by the plan.

165. Provision for classes of creditors or stockholders not bound by plan.

C. 17:9A-165. Provisions for classes of creditors not bound by plan.

A. The court, upon such notice and hearing as it shall determine, shall, subject to confirmation of the plan, provide for any class of creditors which is adversely affected by and is not bound by the plan, adequate protection for the realization by the creditors of such class of the value of their claims against the property dealt with by the plan and affected by such claims,

(1) by the transfer or sale, or by the retention by the bank, of such property subject to such claims; or

(2) by a sale of such property free of such claims, at not less than a fair upset price, and the transfer of such claims to the proceeds of such sale; or

(3) by appraisal and payment in cash of the value of such claims; or

(4) by such other method as will, under and consistent with the circumstances of the particular case, equitably and fairly provide such protection.

B. The court, upon such notice and hearing as it shall determine, shall, subject to confirmation of the plan, provide for any class of stockholders which is adversely affected by and is not bound by the plan, adequate protection for the realization by the stockholders of such class of the value of their equity, if any, in the property of the bank dealt with by the plan,

(1) by the sale of such property at not less than a fair upset price; or

(2) by appraisal and payment in cash of the value of their stock; or

(3) by such other method as will, under and consistent with the circumstances of the particular case, equitably and fairly provide such protection;

but the protection afforded by this subsection shall not be required if the court shall determine that the liabilities of the bank are in excess of its assets.

C. 17:9A-166. Confirmation of plan.

166. Confirmation of plan.

A. Upon the filing of a petition alleging that depositors, other creditors and stockholders holding two-thirds in amount of the claims or shares of each class are bound by the plan, as provided in section 164, exclusive of creditors and stockholders whose acceptances are not required pursuant to subsections B and F of section 164, and exclusive of each class of creditors or stockholders for which provision is made pursuant to section 165, the court shall make an order directing the commissioner, if he is not the proponent of the plan, and all depositors, other creditors and stockholders of the bank to show cause why the plan should not be confirmed. Service of such order shall be made as in the case of the order to show cause made pursuant to section 159.

B. On the return of the order to show cause made pursuant to subsection A of this section, or at any continuance thereof, the court shall make an order confirming the plan if it is satisfied that the allegations of the petition, required by subsection A of this section, are true.

C. 17:9A-167. Allowances for cost and expenses.

167. Allowances for services, costs and expenses. The Superior Court may allow reasonable compensation for services rendered and reimbursement for proper costs and expenses incurred by the commissioner, the bank, and depositors, other creditors and stockholders, and their counsel, in connection with the submission by them of a plan or suggestions for modification of a plan, or in connection with objections by them to the approval or confirmation of a plan. In fixing any such allowances, the court shall give consideration only to the services which contributed to the reorganization of the bank, or to the rejection of a plan of reorganization, and the proper costs and expenses incidental thereto.

C. 17:9A-168. Consummation of plan.

168. Consummation of plan.

A. If no appeal from the order confirming the plan is pending at the expiration of the time limited by section 172, a copy of the plan, certified by two officers of the bank named in the plan, shall be filed in the department, together with such proof as the commissioner shall require that no such appeal is pending.

B. If an appeal shall be taken from the order confirming the plan, no action shall be taken to consummate the plan pending final disposition of the appeal. If the appeal results in an affirmance of the order confirming the plan, or if the plan is modified and confirmed in conformance with the decision of the appellate court, a copy of the plan as finally confirmed, certified by two officers of the bank named in the plan, shall be filed in the department with such proof of the final disposition of the appeal as the commissioner shall require.

C. Following the filing of a certified copy of the plan in the department pursuant to subsection A or

subsection B of this section, and following the consummation of the plan pursuant to its provisions and pursuant to such orders of the court as may be necessary therefor, the commissioner shall issue a certificate of authority to the bank. Upon the issuance of the certificate of authority the bank shall be authorized to transact business pursuant to this act.

D. Any certificate, agreement or other instrument required to be executed, or executed and acknowledged, for the purpose of the consummation of the plan may be executed, or executed and acknowledged, by such persons as shall be named therefor by the court or in the plan of reorganization, if there shall be no persons otherwise authorized by law to execute, or execute and acknowledge, such certificates, agreements or other instruments.

C. 17:9A-169. Amending corporate certificate.

169. Amendment of certificate of incorporation.

A. Whenever a plan of reorganization confirmed by the court and filed in the department contains one or more provisions which may be effected under this act only by an amendment to the certificate of incorporation of the bank, a certificate of amendment, provided for by section 117, or an amended certificate of incorporation, provided for by section 118, shall be executed and acknowledged by two officers of the bank named in the plan of reorganization, one of whom shall be the president or a vice-president. The provisions of section 117 for a resolution by the board of directors of the bank setting forth the proposed amendment and for the approval of the proposed amendment or any modification thereof by the stockholders, shall not be required in the case of a certificate executed pursuant to this section. Such certificate shall be submitted to the commissioner for his approval.

B. If the commissioner shall find that a certificate which has been executed pursuant to this section conforms to the plan of reorganization, he shall endorse his approval upon the certificate and shall file it in the department. The certificate of incorporation of the bank shall thereupon be

amended as set forth in the certificate of amendment or in the amended certificate of incorporation.

C. 17:9A-170. Modification of plan.

170. Modification of plan.

A. A plan of reorganization may be modified, with the approval of the Superior Court, at any time prior to the issuance of the certificate of authority pursuant to subsection C of section 168, if, in the opinion of the court, the modification does not materially and adversely affect the interests of the depositors, other creditors or stockholders of the bank.

B. If the court finds that the proposed modification merits consideration, and that it materially and adversely affects the interests of the depositors, other creditors or stockholders of the bank, it shall fix a time for a hearing for the consideration of the proposed modification. The proceedings upon the proposed modification, and the rights of the depositors, other creditors and stockholders with respect thereto shall be as provided in sections 162 to 169, inclusive.

C. 17:9A-171. Effect on claims and property.

171. Effect of reorganization upon claims and property.

Upon the issuance of the certificate of authority pursuant to subsection C of section 168,

(1) the plan shall be binding upon the bank and upon all of its depositors, other creditors and stockholders; and

(2) the property dealt with by the plan shall be free and clear of all claims and interests, except as provided in the plan or in such order as the court may make authorizing or directing the transfer of such property.

C. 17:9A-172. Appeals.

172. Appeals.

An appeal from any order or decree of the Superior Court made pursuant to this article shall lie as in other cases in such court, but such appeal shall be taken within thirty days from the filing of the order or decree appealed from.

C. 17:9A-173. Limiting actions.

173. Limitation on actions.

No reorganization effected pursuant to the provisions of this article shall be questioned in any action in any court unless such action is instituted within three months from the issuance of the certificate of authority pursuant to subsection C of section 168.

ARTICLE 25

SAVINGS BANKS: INVESTMENTS

C. 17:9A-174. Investments: Application of article.

174. Application of article.

A. The provisions of this article shall apply to the investment of the funds of all savings banks. All investments of money and all sales and transfers of securities may be made as provided in this article, notwithstanding any provision in the certificate of incorporation prescribing the number of managers who shall act in the investment of money and the sale or transfer of securities.

B. The powers conferred by this article shall be cumulative, and an investment or loan made pursuant to one section or subsection hereof shall not abridge the power to make an investment or loan pursuant to any other section or subsection.

C. 17:9A-175. Securities.

175. Federal, State, county and municipal securities.

A. A savings bank may invest in

(1) stocks, bonds, and notes or obligations of or guaranteed by the United States, or those for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof;

(2) bonds or obligations of or guaranteed by this State or heretofore authorized by the laws of this State to be issued pursuant to any law of this State; by any commission appointed by the Supreme Court of New Jersey, as the said court was constituted prior to September 15, 1948;

(3) bonds, notes or obligations of or guaranteed by any other state of the United States

which has not, within ten years prior to the making of the investment, defaulted in the payment of any part of the principal or interest of any debt evidenced by bonds, notes or obligations;

(4) bonds, notes or obligations of any county, municipality, public school district, union graded school district, regional board of education, water district, sewer district, or other municipal or political subdivision of this State, issued pursuant to a law of this State; *provided,* that, the issuer has not, within five years prior to the making of the investment, been in default for more than six months in the payment of any part of the principal or interest of any debt evidenced by its bonds, notes or obligations;

(5) bonds, notes or obligations of any city or county of any other state of the United States issued pursuant to a law of that state; *provided,* (a) that, the issuer has not, within ten years prior to the making of the investment, defaulted in the payment of any part of the principal or interest of any debt evidenced by bonds, notes or obligations; and (b) that the total indebtedness of such city or county is limited by law to ten per centum of its assessed valuations; Proviso.

(6) bonds, debentures or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1916, known as the "Federal Farm Loan Act", as amended or supplemented from time to time;

(7) bonds, debentures or other obligations issued by the Home Owners' Loan Corporation or by any other agency or administration succeeding to its functions or powers, under the act of congress of June 13, 1933, known as the "Home Owners' Loan Act of 1933", as amended or supplemented from time to time;

(8) bonds, debentures or other obligations issued by any national mortgage association under the act of congress of June 27, 1934, known as the "National Housing Act", as amended or supplemented from time to time;

(9) bonds issued, guaranteed or assumed by any governmental unit, which, if issued, guaranteed or assumed by a private company, would be legal for investment under any of the provisions of this article; and

(10) other investments presently or from time to time hereafter authorized by law.

B. No savings bank shall make an investment pursuant to any one of paragraphs (6), (7) or (8) of subsection A of this section at any time when the total of all the investments of the nature authorized by such paragraph exceeds, or if the making of such an investment would cause such total to exceed, two per centum of its deposits. No savings bank shall make an investment pursuant to paragraph (9) of subsection A of this section in the bonds of any one such governmental unit at any time when the total of all its investments in such bonds of such unit exceeds, or if the making of such investment would cause such total to exceed, two per centum of its deposits. The acquisition of any such investment as a result of a refunding or other refinancing or an exchange of any investment authorized by such paragraphs shall not be considered the making of an investment for the purposes of this subsection.

C. 17:9A-176. Veterans' loans.

176. Veterans' loans.

A. A savings bank may invest in

(1) veterans' loans made pursuant to the Veterans' Business Loan Act (1944), approved April 14, 1944, as amended or supplemented from time to time; and

(2) veterans' loans made pursuant to Title III of the act of congress of June 22, 1944, known as the "Servicemen's Readjustment Act

of 1944", as amended or supplemented from time to time; *provided,* that all such loans are insured or guaranteed by the Administrator of Veterans' Affairs or other agency of the United States under said act, or that the said Administrator or agency has made a commitment to insure or guarantee such loans.

B. Mortgages on real property taken as security for loans made pursuant to subsection A of this section shall not be subject to section 181, except that mortgages made pursuant to paragraph (2) of subsection A of this section shall be included in determining whether total mortgage investments are within the limitation prescribed by subsection B of section 181.

177. Railroad bonds.

C. 17:9A-177. Railroad bonds.

A. For the purposes of this section,

(1) "railroad company" shall include predecessor and constituent corporations, and shall mean a railroad company which is not in receivership, bankruptcy, or reorganization, and which, or the corporation or corporations to which it is the successor shall, for the five fiscal years next preceding an investment pursuant to this section, (a) have owned and operated at least five hundred miles of standard gauge railroad line within the United States, exclusive of sidings, or (b) shall have had annual railway operating revenues of not less than ten million dollars;

(2) "eligible railroad company" shall mean a railroad company

(a) which, for the latest three fiscal years preceding an investment pursuant to this section for which the necessary statistical data is available in respect to such railroad company and in respect to all Class I railroads in the United States, shall have had an average annual balance of income available for the payment of fixed charges in such

an amount that, when divided by an amount equal to its fixed charges for the last fiscal year of the said three year period, the quotient shall at least equal the quotient obtained by dividing the average annual balance of income available for the payment of fixed charges of all Class I railroads in the United States for the same three year period, by an amount equal to the fixed charges of all such Class I railroads for the last fiscal year of the said three year period; and

(b) whose average annual balance of income available for the payment of fixed charges during the said three year period, exceeds its fixed charges for the last fiscal year of the said three year period by an amount such that, when it is divided by its average annual railway operating revenues for the same three year period, the quotient shall at least equal the quotient obtained by dividing the excess of the average annual balance of income available for the payment of fixed charges of all Class I railroads of the United States for the same three year period, over the fixed charges of all such Class I railroads in the United States for the last fiscal year of such three year period, by the average annual railway operating revenues of all such Class I railroads during the same three year period; and

(c) whose average annual balance of income available for the payment of fixed charges during the same three year period shall not be less than one and one-quarter times its fixed charges for the last fiscal year of such three year period;

(3) "balance of income available for the payment of fixed charges", "fixed charges", and "railway operating revenues" shall have the same meaning, except as in this section otherwise provided, as in the accounting reports filed or published by the railroad com-

pany pursuant to regulations for common carriers by rail subject to the provisions of the Interstate Commerce Act; and

(4) "balance of income available for the payment of fixed charges" shall be computed before deduction of federal income or excess profits taxes; and, in computing "fixed charges" or "annual requirement for fixed charges" of the railroad company in whose bonds an investment is being made, there shall be excluded interest and amortization charges in respect to debt called for redemption, or which will otherwise mature, within six months from the time of such investment, and for the payment of which funds have been or are being contemporaneously set aside in trust.

B. Subject to the limitations prescribed by section 179.1, a savings bank may invest in

(1) bonds issued, guaranteed, assumed or otherwise agreed to be paid by an eligible railroad company, and which are secured (a) by a first mortgage upon not less than three-fourths of the rail mileage subject to the lien of the mortgage, or (b) by a refunding mortgage under which bonds may be issued for the retirement or refunding of all debts secured by prior lien mortgages on all or any part of the property subject to the lien of the refunding mortgage; or (c) by a mortgage prior in lien to such a refunding mortgage;

(2) bonds secured by a mortgage upon property leased to and operated by an eligible railroad company which has guaranteed, assumed, or otherwise agreed to pay (a) interest upon such bonds, and (b) a sum sufficient to pay dividends of not less than four per centum per annum during the unexpired term of the lease upon the capital stock of the lessor company outstanding at the time of the investment;

(3) bonds secured by a mortgage upon property leased to and operated by a railroad company, not an eligible railroad company, which

(a) has guaranteed or assumed or otherwise agreed to pay (1) the principal and interest of such bonds, and (2) a sum sufficient to pay dividends of not less than four per centum per annum during the unexpired term of the lease upon the capital stock of the lessor company outstanding at the time of the investments; and

(b) for at least four of the five fiscal years preceding the investment for which the necessary statistical data is available, and in the last of such fiscal years, or for at least four of five consecutive twelve-month periods ending within six months next preceding the investment, and in the last of such twelve-month periods, has had (i) a balance of income available for the payment of fixed charges not less than one and one-half times the annual requirement for fixed charges at the time of such investment, and (ii) a balance of income available for the payment of fixed charges as aforesaid, which exceeds the annual requirement for fixed charges at the time of such investment by an amount not less than seven and one-half per centum of the railway operating revenues for the same years or periods;

(4) bonds secured by a mortgage upon leased property which is prior in lien to a refunding mortgage thereon under which bonds may be issued for the retirement or refunding of all debts secured by prior lien mortgages on all or any part of the property covered by the refunding mortgage, provided the bonds secured by such refunding mortgage meet the requirements specified in paragraph (2) or (3) of subsection B of this section;

(5) bonds secured by mortgage upon a railroad terminal, depot, tunnel or bridge used by

or leased to and operated by one or more railroad companies which has or have guaranteed, assumed or otherwise agreed to pay the principal and interest of such bonds, and at least one of which shall be an eligible railroad company; or at least two of which shall each meet the requirements specified in subparagraph (b) of paragraph (3) of subsection B of this section; and

(6) bonds of any railway terminal or dock company of this State secured by first mortgage on terminal or dock property (a) which fronts on the Hudson river or New York bay, (b) which is assessed for the purpose of taxation at a value in excess of the aggregate unpaid principal amount of all outstanding bonds secured by a mortgage lien thereon, and (c) which is used as a dock or terminal railroad by a railroad company or its successor operating in this State upon the effective date of this act; *provided,* that no part of the principal or interest of such bonds is in default at the time of the investment. Proviso.

178. Public utility bonds. C. 17:9A-178. Public utility bonds.

A. As used in this section,

(1) "bonds of a public utility company" shall mean bonds issued, guaranteed, assumed, or otherwise agreed to be paid by a public utility company;

(2) "public utility company" shall include constituent and predecessor companies, and shall mean a corporation at least eighty-five per centum of whose gross operating revenues are derived within the United States from the generation, or from the sale or furnishing to consumers, over systems owned or leased by it, of one or more of the following:

(a) artificial gas, or natural gas, or a mixture of the two;

(b) electricity;

(c) water;
(d) telephone services;
(e) telegraph services;

(3) "net operating revenues available for fixed charges" shall mean gross operating revenues less all operating expenses, but before deduction for (a) renewals and depreciation and (b) state and federal income and profits taxes;

(4) "fixed charges" shall mean charges for (a) rentals, (b) interest on all outstanding mortgage debt, and (c) regularly recurring charges for amortization of discount and expense allocable to mortgage debt, but shall exclude inter-company items;

(5) "fixed assets" shall mean real property, interests in real property, plants, equipment, transmission or distribution systems, and other assets commonly accepted as fixed assets, and shall include fixed assets leased to a public utility company and operated by it under a lease expiring, by its terms, in not less than fifty years from the date an investment is made pursuant to this section;

(6) "book value of fixed assets" shall mean the value of such assets as shown on the books of the public utility company, less reserves for depreciation and renewals.

B. A savings bank may invest in

(1) bonds of a public utility company (a) whose gross operating revenues, for the five fiscal years next preceding the investment for which the necessary statistical data is available or for five consecutive twelve-month periods ending within six months of the time the investment is made, have averaged at least two million five hundred thousand dollars for each such year or period, and (b) whose average net operating revenues available for fixed charges for the last three of such years or periods have equaled not less than two and

one-half times the average annual requirement for fixed charges for the same years or periods;

(2) bonds of a public utility company (a) which derives at least ninety-five per centum of its gross operating revenues from the sale of water, and (b) whose gross operating revenues, for the five fiscal years next preceding the investment for which the necessary statistical data is available or for five consecutive twelve-month periods ending within six months of the time the investment is made, have averaged at least five hundred thousand dollars for each such year or period, and (c) whose average net operating revenues available for fixed charges for the last three of such years or periods have equaled not less than one and three-quarters times the average annual requirement for fixed charges during the same years or periods.

C. Bonds invested in pursuant to subsection B of this section shall be secured by a mortgage on fixed assets which is (1) a first mortgage or (2) a refunding mortgage under which bonds may be issued for the retirement or refunding of all debts secured by mortgages on all or any part of such fixed assets prior to the lien of such refunding mortgage, or (3) a mortgage prior in lien to such a refunding mortgage, or (4) is secured by the pledge of mortgage bonds constituting not less than ninety-five per centum of all the outstanding mortgage debt secured by all or part of the fixed assets which are subject to the mortgage securing such pledged bonds. The aggregate principal amount of all outstanding bonds secured (1) by the mortgage securing the bonds so invested in, directly or by pledge of bonds, and by all other mortgages equal or prior thereto in lien, to which all or any part of such fixed assets are subject, or (2) by any such refunding mortgage inferior in lien to the mortgage securing the bonds so invested in, di-

rectly or by pledge of mortgage bonds, and by all other mortgages equal or prior in lien to such refunding mortgage to which all or any part of such fixed assets are subject, shall not, at the time of the investment exceed (1) sixty-six and two-thirds per centum of the book value of such fixed assets, in the case of bonds invested in pursuant to paragraph (1) of subsection B of this section, or (2) seventy per centum of the book value of such fixed assets, in the case of bonds invested in pursuant to paragraph (2) of subsection B of this section.

D. A mortgage securing bonds shall satisfy the requirements of this section notwithstanding that it is

(1) subject to the lien of prior mortgages securing bonds which have been called for redemption or which will otherwise mature within six months of the time of the investment, and for the payment of which funds have been set aside in trust; and such bonds shall not be deemed to be outstanding for the purpose of computing the sixty-six and two-thirds per centum and the seventy per centum limitations prescribed by subsection C of this section;

(2) subject to the lien of current taxes or assessments not past due;

(3) subject to the lien of past due taxes or assessments which are bona fide contested;

(4) subject to construction or other liens arising out of operations common to public utility companies of similar character and size.

E. A savings bank may invest in debentures or other bonds of a public utility company notwithstanding that such bonds or debentures are unsecured, or, if secured, that the mortgages securing them do not satisfy the requirements of subsection C of this section; *provided,* (1) that the gross operating revenues within the United States of the public utility company, for the five fiscal years next preceding the investment for which the neces-

sary statistical data is available, or for five consecutive twelve-month periods ending within six months of the time the investment is made, have averaged not less than twenty million dollars for each such year or period; and (2) that the average net operating revenues of the public utility company available for fixed charges, including charges on all outstanding funded debt, whether secured or unsecured, for the last three of such years or periods have equaled not less than four times the average annual requirement for fixed charges for the same years or periods.

F. No savings bank shall make an investment pursuant to this section at any time when the total of all such investments exceeds, or if the making of such an investment would cause such total to exceed, forty per centum of the deposits.

G. No savings bank shall make an investment pursuant to this section in any obligation for the payment of which any one public utility company is primarily liable, at any time when the total of all of its investments in such obligations of such company exceeds, or if the making of such an investment would cause such total to exceed, two per centum of its deposits. The acquisition of any such obligation as a result of a refunding or other refinancing or exchange of such obligations theretofore invested in shall not be considered the making of an investment for the purposes of this subsection.

C. 17:9A-179. Equipment obligations.

179. Equipment obligations.

Subject to the limitations prescribed by section 179.1, a savings bank may invest in equipment obligations or certificates secured by equipment or car trust, lease, conditional sale or first lien on railroad equipment. The aggregate principal amount of such obligations or certificates shall not exceed (1) eighty per centum of the purchase price paid for the equipment which secures such obligations or certificates, or (2) eighty per centum of the value of such equipment as it is carried on the books of the issuer of such obligations or certifi-

cates at the time of the issue, which ever is the lower. The obligations or certificates so invested in shall mature within fifteen years of the date of their issue, serially or in equal annual or semi-annual installments beginning not later than three years after the date of issue.

C. 17:9A-179.1. Limitation on railroad obligations.

179.1. Limitations on investments in railroad obligations.

A. No savings bank shall make an investment pursuant to section 177 or section 179 at any time when the total of all its investments made pursuant to both such sections exceeds, or if the making of any such investment would cause such total to exceed, twenty-five per centum of its deposits.

B. No savings bank shall make an investment pursuant to section 177 or section 179 in any obligation for the payment of which any one corporation is primarily liable, at any time when the total of all its investments in such obligations of such corporation exceeds, or if the making of such an investment would cause such total to exceed, two per centum of its deposits; nor shall any savings bank make an investment pursuant to section 177 or section 179 in any obligation (1) which is secured by lien upon properties in any one system of railroads under unified operation, or (2) for the payment of which any corporation in such system is primarily liable, or (3) which is dependent as to legality for investment by a savings bank upon the obligation, assumption or guarantee of any corporation in such system, at any time when the total of all its investments in such obligations of all corporations in such system exceeds, or if the making of such an investment would cause such total to exceed, five per centum of its deposits. The acquisition of any such obligation as a result of a refunding or other refinancing or exchange of such obligations theretofore invested in shall not be considered the making of an investment for the purposes of this subsection.

180. Industrial obligations.

C. 17:9A-180. Industrial obligations.

A. A savings bank may invest in bonds, debentures, notes, or other obligations which mature within thirty years from the time of the investment, and which are issued by an industrial company incorporated within and transacting business within the United States,

(1) whose annual consolidated net sales or consolidated gross income has averaged not less than ten million dollars for the five fiscal years next preceding the investment for which the necessary statistical data is available; and

(2) whose annual consolidated net income available for dividends has averaged not less than one million dollars for the five fiscal years next preceding the investment for which the necessary statistical data is available; and

(3) whose total consolidated debt, including current liabilities, as shown on its latest published consolidated balance sheet, does not exceed forty per centum of its gross assets less reserves as shown on such balance sheet; and

(4) whose consolidated current assets, as shown on its latest published consolidated balance sheet, are not less than three times its consolidated current liabilities as shown on such balance sheet. In computing current assets and current liabilities for the purposes of this paragraph, there shall be eliminated from current assets, cash and United States Government notes, bonds, treasury bills and certificates of indebtedness in an amount not in excess of federal income and excess profits taxes included in current liabilities, and there shall be eliminated from current liabilities such federal income and excess profits taxes in an amount not in excess of the amount eliminated from current assets; and

(5) whose consolidated net income for the five fiscal years next preceding the investment for which the necessary statistical data is

available after deducting reserves, regularly recurring charges for amortization of discount and expense allocable to funded debt, and after deducting all other charges except interest, income and profits taxes, has averaged not less than four times the average annual consolidated interest charges during such period; and

(6) whose consolidated net income, computed as prescribed in the next preceding paragraph, has not, in two or more of the five fiscal years next preceding the investment for which the necessary statistical data is available, been less than twice the annual consolidated interest charges during the same years; and

(7) whose consolidated net income, computed as prescribed in paragraph (5) of this subsection, for the last fiscal year next preceding the investment for which the necessary statistical data is available, was (a) not less than three times the consolidated interest charges for such year, and (b) not less than three times the annual consolidated charges on the funded debt outstanding at the time of the investment. For the purposes of this section, "debt" shall exclude all debt which has been called for redemption or which otherwise matures within six months from the time of the investment, and for the payment of which funds have been set aside in trust.

B. "Industrial company" shall for the purpose of this section, include predecessor and constituent corporations, and shall mean corporations engaged in manufacturing, mining, merchandising, commercial financing, and other corporations commonly accepted as industrial companies.

C. No savings bank shall make an investment pursuant to this section at any time when the total of all such investments exceeds, or if the making of such an investment would cause such total to exceed, twenty-five per centum of its deposits.

D. No savings bank shall make an investment pursuant to this section in any obligation for the payment of which any one industrial company is primarily liable, at any time when the total of all of its investments in such obligations of such company exceeds, or if the making of such an investment would cause such total to exceed, two per centum of its deposits. The acquisition of any such obligation as a result of a refunding or other refinancing or exchange of such obligations theretofore invested in shall not be considered the making of an investment for the purposes of this subsection.

181. Mortgage loans.

C. 17:9A-181. Mortgage loans.

A. A savings bank may make mortgage loans in the manner and subject to the limitations prescribed by this section. For the purposes of this section, "mortgage loan" shall include every indebtedness secured by mortgage on real property or on a lease of the fee of real property, except as otherwise provided by subsection B of section 176, and a savings bank shall be deemed to have made a mortgage loan when

(1) it lends money to a borrower upon the security of real property; or

(2) it buys a part of or the entire interest in any indebtedness secured by mortgage upon real property.

B. No savings banks shall make a mortgage loan at any time when the total cost of acquisition by the savings bank of all real property owned by it, other than real property held for the purposes specified in subparagraph (a) of paragraph (5) of section 24, and the total of all principal balances owing to the savings bank on mortgage loans, less all writeoffs and reserves with respect to such real property and mortgage loans, together exceed, or by the making of such loan will exceed, seventy per centum of its deposits. For the purposes of this subsection, principal balances owing on mortgage

loans made pursuant to paragraph (2) of subsection M of this section shall, only to the extent of seventy-five per centum of such balances, be included in the total of all principal balances owing to the savings bank on mortgage loans.

C. Every mortgage loan shall be evidenced by a note or bond, and shall be secured by a mortgage on the fee of real property located within this State, or, if outside this State, upon the fee of real property located within fifty miles of the principal office of the savings bank. Every mortgage shall be certified to be a first lien by an attorney-at-law of the state in which the real property is located, or certified or guaranteed to be a first lien by a corporation authorized to guarantee titles to land in such State. For the purposes of this section, a mortgage shall be deemed to be a first lien, notwithstanding the existence of a prior mortgage or mortgages held by the savings bank, or a lien for current taxes or assessments not due or payable at the time the loan is made, and notwithstanding the existence of leases, building restrictions, easements, encroachments, or covenants which, in the opinion of an officer of the savings bank designated for that purpose by the board of managers, do not materially lessen the value of the real property to be mortgaged.

D. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is a one-family dwelling, or upon which such a dwelling is in the course of construction or is to be constructed, the amount of the mortgage loan shall not exceed eighty per centum of the first fifteen thousand dollars of the appraised value of the real property, plus fifty per centum of the excess, if any, of such appraised value over fifteen thousand dollars, but no mortgage loan made pursuant to this subsection shall exceed sixteen thousand dollars.

E. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is a two-, a three-, or a four-family

dwelling, or upon which such a dwelling is in the course of construction or is to be constructed, the amount of the mortgage loan shall not exceed eighty per centum of the first twenty thousand dollars of the appraised value of the real property, plus fifty per centum of the excess, if any, of such appraised value over twenty thousand dollars.

F. The instrument evidencing a mortgage loan made pursuant to either subsection D or subsection E of this section shall require that

(1) interest shall be paid on such loan monthly, and that equal monthly payments be made in reduction of such loan at an annual rate equal to at least five per centum of the original amount of such loan; or

(2) that a constant sum be paid monthly in an amount sufficient for current interest and for the payment of the loan in full in not more than twenty years from the making of such loan.

G. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is a building or buildings other than dwellings of the nature described in subsections D and E of this section, or upon which such other buildings are in the course of construction or are to be constructed, the amount of the mortgage loan shall not exceed sixty-six and two-thirds per centum of appraised value of such real property. The instrument evidencing a mortgage loan made pursuant to this subsection shall require that the loan be repaid in full in not more than ten years from the date it is made; and (a) if the amount of such loan, when made, exceeds fifty per centum of the appraised value of the real property, that payments shall be made in reduction thereof at least semi-annually, at an annual rate equal to at least two per centum of the original amount of such loan; or (b) if the amount of such loan, when made, does not exceed fifty per centum of the appraised

value of the real property, that payments shall be made in reduction thereof at least semi-annually, at an annual rate equal to at least one per centum of the original amount of such loan. When, however, the amount of such loan does not, when made, exceed fifty per centum of the appraised value of such real property, and the instrument evidencing such loan requires that it be paid in full in not more than five years from the date it is made, the instrument need not require that any payment be made in reduction of such loan prior to its maturity date.

H. When the real property offered as security for a mortgage loan is of the nature described in subsections D or E of this section, and the amount of the loan does not exceed sixty-six and two-thirds per centum of the appraised value of such real property, the instrument evidencing such loan shall be sufficient if it conforms to the requirements of either subsection F or subsection G of this section.

I. A mortgage loan may be made for the purpose of enabling a borrower to construct a building or buildings upon real property owned by him, and, in such a case, the appraised value of the real property shall include the value of the building or buildings to be constructed, but at no time shall a greater sum be advanced on account of such a loan than, in the opinion of (1) the appraisers hereinafter provided for, or (2) one of such appraisers and an officer of the savings bank designated for that purpose by the board of managers, is warranted by the state of completion of the buildings in process of construction.

J. When the real property offered as security for a mortgage loan consists of unimproved land, and the proceeds of such loan are not to be used to construct a building on such land, the amount of such loan shall not exceed thirty per centum of the appraised value of such real property. The instrument evidencing a loan made pursuant to this subsection shall require that such loan be paid in full in not more than five years from the date it is made. No loan made pursuant to this sub-

section shall exceed ten thousand dollars, or one-quarter of one per centum of the deposits of the savings bank, whichever is greater; nor shall any such loan be made at any time when the total of all such loans exceeds, or if the making of such loan would cause such total to exceed, one per centum of the deposits of the savings bank.

K. No mortgage loan shall be made except upon a certificate signed by two or more appraisers who shall be either members of the board of managers or such other persons as the board of managers shall designate. The certificate shall certify that the appraisers have inspected the real property to be mortgaged, shall set forth or incorporate by reference all factors which, in their judgment, are materially determinative of the value of the real property, and shall disclose as separate items the value placed upon land and upon improvements, if any. The appraisers shall also certify that, in their opinion, the real property furnishes adequate security for the amount of the loan to be made. The certificate shall be filed with the permanent records of the savings bank, and shall be preserved until the savings bank has no interest, as mortgagee or otherwise, in the real property.

L. Purchase money mortgage loans made by a savings bank on the sale of real property owned by it shall not be subject to the preceding subsections or to subsection P of this section, except that such loans shall be included in determining whether the total amount of mortgage loans held by a savings bank exceeds seventy per centum of its deposits.

M. In addition to the mortgage loans authorized by the preceding subsections of this section, a savings bank may make mortgage loans secured by

(1) a mortgage which is a first lien upon the lease of the fee of real property in this State of a camp meeting association; *provided,*

(a) that the real property is subject to no lien or encumbrance other than such

lease, or of the character permissible under subsection C of this section;

(b) that the lease expires in not less than twenty-five years from the time such loan is made;

(c) that the camp meeting association has consented to the making of such mortgage loan;

(d) that the amount of such loan shall not exceed sixty-six and two-thirds per centum of the appraised value of the leasehold estate; and

(e) that the commissioner has approved the making of such loans by savings banks upon leases of real property of such camp meeting association;

(2) mortgages which are first liens on real estate located in this State, New York, or Pennsylvania, and which are insured by the Federal Housing Administrator under the act of congress of June 27, 1934, known as the "National Housing Act," as amended or supplemented from time to time, or which the Administrator, or other officer or agency which succeeds to his powers and functions, has made a commitment to insure.

All the provisions of this section shall be applicable to loans made pursuant to this subsection except to the extent that such provisions are inconsistent with this subsection, and except that the restrictions in this section contained upon the percentage of the mortgage loan to the appraised value of the mortgaged property and upon the term of the loan and the rate of amortization thereof shall not be applicable to loans made pursuant to paragraph (2) of this subsection.

N. The instrument evidencing a mortgage loan may be in such form, and may contain such provisions, not inconsistent with law, as the savings bank may choose to insert for the protection of its lien and the preservation of its interest in the real property mortgaged to it.

O. Notwithstanding the limitations prescribed by the preceding subsection or by subsection P of this section, a savings bank may

(1) for the purposes of preventing or mitigating loss, or of preserving the lien of its mortgage, or of conserving the value of the real property affected by its mortgage, (a) extend the time for the payment of principal or interest, (b) modify or waive any of the terms or conditions of the instrument evidencing a mortgage loan, (c) settle or compromise all or part of the amount due or to grow due on a mortgage loan, (d) sell or assign the mortgage loan, or a participation therein, for such consideration as it shall deem proper, and (e) advance funds for the payment of any tax, lien, charge or claim whatsoever; and

(2) make a loan in addition to an existing mortgage loan held by it, upon the security of the same real property and secured by the existing mortgage or by an additional mortgage subsequent in lien only to such existing mortgage, in an amount not in excess of one thousand dollars or ten per centum of the unpaid balance then due upon such existing mortgage, whichever is less; *provided,* (a) that the proceeds of such additional loan are used for the repair, rehabilitation, or alteration of such real property, and (b) that, beginning within one year after its date, such additional loan shall be payable in equal monthly installments at a rate sufficient to pay such loan in full in not more than five years from its date or at the maturity of the existing mortgage, whichever shall be earlier. If so provided in the original mortgage, persons who acquire any rights in or liens upon the mortgaged real property subsequent to the recording of the original mortgage, shall hold such rights and liens subject to the prior lien of the original mortgage as security for such additional loan; and in

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such case, no title certificate or insurance under subsection C of this section shall be required with respect to such additional loan.

P. Except as otherwise provided by this section, no savings bank shall make a mortgage loan if the making of such loan would cause the total of all unpaid balances of such loans held by the savings bank upon the security of the same real property or leasehold, to exceed the limitations imposed by this section upon the amount of a mortgage loan which may be made upon the security of such real property or such leasehold.

C. 17:9A-182. Loans on collateral security.

182. Loans on collateral security.

A. In addition to loans elsewhere in this act authorized, a savings bank may make loans

(1) to a depositor, in a sum or sums not greater than the amount of his deposit, upon the promissory note of the depositor, secured by the pledge of his deposit;

(2) to any person, in an amount or amounts aggregating not more than five thousand dollars, upon the pledge of a life insurance policy or policies issued by a company which has been authorized to transact business in this State for not less than five years next preceding the making of such loan; but no such loan shall exceed ninety per centum of the cash surrender value of such policy or policies; and

(3) to any person, in an amount or amounts aggregating not more than twenty-five hundred dollars, upon the pledge of securities which (a) have a value not less than twice the amount of such loan, and (b) are of the kind in which a savings bank may by law invest, or (c) if not eligible for such investment, have a readily ascertainable market value and are listed upon a registered stock or securities exchange.

B. No savings bank shall make any loan of the character described in paragraphs (2) or (3) of subsection A of this section at any time when the total of all such loans made pursuant to both of such paragraphs exceeds, or if the making of such a loan would cause such total to exceed, ten per centum of its deposits.

183. Legality of investments; retention of investments. C. 17:9A-183. Legality and retention of investments.

A. The board of managers, in determining whether any investment is lawful, may rely upon statistical, financial, corporate or other information as to such investment, and upon ratings or other opinion as to the financial or other status thereof or its legality for investment, contained in or offered by any financial, statistical, investment, rating or other publication or service published for the use of investors and accepted as reliable by the commissioner, or upon information contained in the prospectus circulated with a new issue and filed with the Securities and Exchange Commission.

B. An investment made by a savings bank, legal when made, may be retained by a savings bank, but nothing herein shall relieve the board of managers from the duty to exercise reasonable discretion in deciding whether to retain or to dispose of such investment; *provided,* that any securities issued in exchange for a lawful investment under any reorganization or recapitalization, if not legal for investment, shall be sold or disposed of within five years from the time of acquisition by the savings bank, unless, upon application by the savings bank to the commissioner, he shall extend the time for the sale or disposition thereof.

Article 26

SAVINGS BANKS: DEPOSITS

184. Deposits; maximum and minimum amounts. C. 17:9A-184. Deposits: Maximum and minimum amounts.

A. A savings bank may receive on deposit any sum of money that may be offered for that purpose

by any person, or by order or direction of any court of record or officer of any such court.

B. A savings bank may (1) limit to any sum it deems expedient, the aggregate amount which any one depositor may deposit, and (2) fix the minimum amount of any deposit which it will receive at not over ten dollars, and (3) refuse to receive a deposit, and (4) return all or any part of any deposit at any time. The aggregate amount of deposits, other than capital deposits, to the credit of any one person other than any governmental, state, county, municipal or other public authority, body, board, officer or agent shall not exceed (1) ten thousand dollars exclusive of accrued interest, or (2) ten per centum of the surplus of the savings bank as shown by its latest annual report, whichever amount is greater, but in no case shall the aggregate amount exceed twenty-five thousand dollars exclusive of accrued interest, unless the deposit was made prior to March 14, 1927, or pursuant to the order or direction of a court of record or officer of any such court.

C. 17:9A-185. Payments to depositors, regulations.

185. Payments to depositors; regulations.

Subject to the provisions of Article 35, the deposits made in a savings bank, together with any dividends or interest credited thereto, shall be repaid to the depositors, or to their legal representatives or other persons entitled thereto, after demand, in such amounts, in such manner, at such times, upon such notice and under such regulations, as the board of managers may from time to time prescribe. The regulations (1) shall be posted in a conspicuous place in the principal room where deposits are customarily received, and (2) shall be printed in the pass books or other evidence of deposit furnished by the savings bank, and (3) shall be evidence between the savings bank and the depositors of the terms upon which the deposits therein acknowledged are made and held.

186. Interest and dividends. C. 17:9A-186. Interest and dividends.

A. Except as may otherwise be provided by law now or hereafter enacted, every savings bank

(1) shall allow interest or dividends upon the deposits therewith, so that the depositors receive, as nearly as possible, all the profits of the savings bank, after deducting necessary expenses and reserves and after reserving an amount the managers deem expedient as a surplus or contingent fund for the security of depositors, which, to the amount of twenty-five per centum of the deposits, the managers may accumulate and hold, to meet any contingency or loss;

(2) may (a) classify its depositors according to the character, amount, activity and duration of their dealings with it, (b) regulate the interest or dividends allowed so that each depositor receives the same ratable proportion of interest or dividends as all others of his class, and (c) declare and pay upon so much of the deposit of each depositor as does not exceed one thousand dollars, interest or dividends at a greater rate per annum than that which it declares and pays upon so much of the deposit as exceeds one thousand dollars;

(3) shall not declare or allow interest or dividends on any deposits for a longer period than they have been deposited, except that deposits made not later than the fifth business day of any monthly period for which interest or dividends are declared or allowed, or the tenth business day of the month commencing any quarterly or longer interest or dividend period, may have interest or dividends declared upon them for the whole of the period or month when so deposited;

(4) may, whenever its surplus amounts to at least fifteen per centum of its deposits other than capital deposits, declare, out of such surplus in excess of fifteen per centum of such

deposits, an extra dividend to depositors; and shall, within one year of the time its surplus reaches an amount equal to twenty-five per centum of such deposits, divide equitably substantially all of the surplus in excess, at the time of such division, of twenty-five per centum of such deposits, as an extra dividend to depositors, in addition to other interest or dividends herein authorized; *provided*, that, in either such case no such extra dividend shall be declared or paid except after one month's prior written notice to the commissioner of its intention to declare and pay such dividend;

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(5) may refuse to allow interest or dividends on deposit balances of less than ten dollars;

(6) may refuse to allow interest or dividends upon sums on deposit for less than three months; and

(7) may refuse to allow interest or dividends for a fractional part of a month, or upon a fractional part of a dollar.

B. No dividends or interest shall be declared, credited or paid, except by the authority of a vote of the board of managers duly entered upon its minutes. No savings bank which is a qualified bank shall declare or pay any interest or dividend in an amount which would reduce its surplus to less than one hundred thousand dollars.

ARTICLE 27

SAVINGS BANKS: CASH BALANCES

C. 17:9A-187. Cash balances.

187. Cash balances.

Every savings bank shall maintain cash balances of not less than three per centum of its aggregate deposits other than capital deposits. The cash balances may consist of (1) lawful currency of the United States, or (2) demand deposits made (a) in a reserve depositary as defined in section 49, or (b) in a federal home loan bank of which the savings bank is a member.

ARTICLE 28

SAVINGS BANKS: MANAGERS: OFFICERS

188. Board of managers; number; qualifications; oath.

C. 17:9A-188. Managers and officers: Board.

A. Every savings bank shall be managed by a board of not less than nine and not more than twenty-one managers. Not less than two-thirds of the managers shall be residents and citizens of this State.

B. Each manager shall, following his election and before he assumes office, take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the savings bank, and that he will not knowingly violate, or knowingly permit to be violated, any provisions of law applicable to the savings bank. Such oath shall be subscribed by the manager making it, certified by the officer before whom it is taken, and shall be transmitted to the commissioner and filed in the department.

C. A manager who, within thirty days after his election, or, in case of his disability, within such further time as the commissioner shall fix, fails to subscribe the oath specified in subsection B of this section, shall cease to be a manager.

D. Vacancies in the board of managers shall be filled by the board within one year after the vacancies occur. If the board fails to do so, the commissioner may fill any vacancy with a person qualified under this article.

E. The board of managers may meet at such times and so often as they shall deem necessary, but shall meet at least once in each calendar month excepting July and August. A meeting held in January of each year shall be designated the annual meeting of the board.

F. Managers shall be elected by a plurality of the votes of the members of the board of managers at the time in office, present and voting at such election, including those managers whose terms are then expiring. Except as hereinafter provided,

each manager shall be elected for a term of six years, and until his successor is elected and shall have qualified. Managers shall be eligible for election to succeed themselves. Elections of managers shall be held biennially at an annual meeting of the board.

G. Every savings bank hereafter organized shall, at the first meeting of its board of managers, divide the managers named in its certificate of incorporation into three classes of equal size; the members of one class shall hold office until the second annual meeting of the board next succeeding the first meeting; the members of one class shall hold office until the fourth annual meeting next succeeding the first meeting; and the members of one class shall hold office until the sixth annual meeting next succeeding the first meeting, so that, at each election of managers following the first meeting, an equal number of managers shall be elected.

H. Every savings bank heretofore organized shall, at the first annual meeting of the board in January following the effective date of this act, divide its managers into three classes of equal size. The division may be by lot, or on the basis of age or seniority, or otherwise as the board of managers may determine. The members of one class shall be elected to serve for two years; the members of one class shall be elected to serve for four years; and the members of one class shall be elected to serve for six years, so that, at each election following the first annual meeting of the board after the effective date of this act, an equal number of managers shall be elected.

I. The requirements of subsections G and H of this section shall be satisfied if the number of managers in any one class of managers does not exceed by more than one the number of managers in any other class.

J. All classifications and elections of managers made pursuant to this section shall be certified by any two officers of the savings bank, and shall be filed in the department within fifteen days after such classification or election.

K. Except as herein otherwise provided, the acts of a majority of the board of managers at any time in office shall be the acts of the savings bank.

189. Board of managers; change in number.

C. 17:9A-189. Changes in number on board.

A. The board of managers may, from time to time, increase or decrease the number of managers within the limits prescribed by subsection A of section 188; *provided,* that, except to the extent permissible pursuant to subsection I of section 188, (1) the number of managers after such increase or decrease shall be a multiple of three, and (2) such increase or decrease shall not create a disparity between the numbers of members in the several classes.

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B. A copy of the resolution changing the number of managers, certified by two officers of the savings bank, shall be filed in the department within fifteen days after its adoption.

190. By-laws; chairman of the board; committees.

C. 17:9A-190. By-laws, chairman and committees.

A. The board of managers of every savings bank shall have power to make, amend and repeal by-laws not inconsistent with this act, providing for the management of its property; the regulation and government of its affairs; the terms of office, manner of appointment, duties and powers of officers and committees; and such other matters as the board may from time to time deem advisable.

B. The by-laws may provide for and the board of managers may appoint or elect a chairman of the board of managers; an executive committee of the board of managers; a trust committee, when the savings bank is a qualified bank; and other committees. For the purpose of this section, the provisions of sections 107, 108, 109 and 110 shall be applicable to savings banks, and the board of managers shall have all the powers and be subject to all the limitations therein conferred or imposed upon the board of directors, and the chairman of the board of managers, the executive committee, the trust committee, and other committees shall, respectively, have the powers and be subject to the

limitations imposed by sections 107, 108, 109 and 110.

C. 17:9A-191. Tenure.

191. Officers; tenure.

The board of managers shall elect from its own number a president and a vice-president, and may elect or appoint, from its own number or otherwise, such other officers, including additional vice-presidents, as it may from time to time see fit. The tenure of officers shall be fixed in the by-laws or by resolution of the board of managers.

C. 17:9A-192. Removal.

192. Officers and managers; removal.

A. A manager of a savings bank may be removed at any time by vote of two-thirds of the entire membership of the board at the time in office.

B. An officer of a savings bank may be removed at any time by vote of a majority of the entire membership of the board at the time in office.

C. 17:9A-193. Compensation.

193. Officers and managers; compensation.

A savings bank may pay its managers for attendance at meetings of the board, or for service upon committees, or for other service rendered, such reasonable compensation as shall be from time to time fixed by a vote of a majority of the board of managers; and it may pay its officers and employees such reasonable compensation as shall be fixed by the managers. The commissioner may direct that the amount of such compensation be reduced if in his judgment it is excessive.

C. 17:9A-194. Bonding.

194. Officers and managers; bonding.

Every savings bank shall cause its managers, officers and employees to be bonded in the manner required by section 115. For the purposes of this section, "bank" as used in section 115 shall include savings banks, and "directors" as used in the said section, shall include managers of savings banks.

C. 17:9A-195. Prohibited transactions.

195. Officers and managers; prohibited transactions.

No manager of a savings bank shall have any interest whatever, direct or indirect, in the gains or profits thereof, except as a depositor, or directly or indirectly receive any pay or emolument for his services, except as provided in section 193. No

manager or officer, shall, directly or indirectly, for himself, or as the agent, trustee or partner of others, and no spouse, child, or spouse of a child of a manager or officer, shall borrow any of its funds, or become an indorser, surety or obligor, in any manner whatever, for any moneys loaned by or borrowed from it. Any person who becomes indebted to a savings bank contrary to the provisions of this section shall be guilty of a misdemeanor.

ARTICLE 29

SAVINGS BANKS: RETIREMENT BENEFITS

C. 17:9A-196. Retirement benefits: Officers and employees.

196. Retirement benefits for officers and employees.

A. A savings bank may, from time to time, adopt, alter, or rescind a plan or plans providing for the retirement of its officers and employees, and for the payment to them for life, or for a period certain, of such retirement benefits, within the limits prescribed by this section, and at such times, as the board of managers may from time to time determine. If a plan provides for the payment of such benefits for a period certain, it may also provide, as the board of managers shall determine, that, if such officer or employee shall die before the expiration of such period, the benefits shall be paid for the remainder of such period to any one or more person or persons who shall be the spouse or next of kin or dependents of such officer or employee, as he shall designate in the manner provided by such plan.

B. A retirement plan adopted or continued pursuant to this section may provide for

(1) a fund (a) accumulated from the income of the savings bank or (b) set aside out of surplus; and, as the board of managers shall from time to time determine, (c) out of which retirement benefits may be paid directly, or which may be used in whole or in part for the purchase of annuity or insurance contracts, or

both; and (d) to which officers and employees may make contributions; or

(2) a trust fund or funds accumulated or set aside and administered for the purposes and in the manner provided by paragraph (1) of this subsection, to be held in trust by the savings bank or by a trustee or trustees designated by the savings bank, and which shall not be subject to any law against perpetuities, restraints on alienation, or perpetual accumulations; or

(3) the purchase of group annuity or insurance contracts, or both, the premiums upon which may be paid in full by the savings bank, or in part by the savings bank and in part by its officers and employees, as the board of managers may from time to time determine; or

(4) a fund accumulated by contributions made thereto by two or more corporations authorized to transact business as a bank, savings bank or national banking association in this State or in any other State, pursuant to a retirement system created under the laws of this State or of the State of New York, limited in membership to such corporations and providing for the retirement of officers and employees of such corporations, with or without contributions by such officers and employees.

C. No officer or employee of any savings bank shall be eligible to receive payment of retirement benefits pursuant to this section unless

(1) such officer or employee has attained the age of at least sixty years and has served the savings bank as an officer or employee, or both, for not less than fifteen years; or

(2) such officer or employee has attained the age of at least fifty years, has served the savings bank as an officer or employee, or both, for not less than ten years, and has become incapacitated from any cause from continuing his duties as such officer or employee; or

(3) such officer or employee has served the savings bank as an officer or employee, or both, for not less than fifteen years and has become incapacitated from any cause from continuing his duties as such officer or employee.

D. A retirement plan which involves the holding and administration of a fund or funds solely by the savings bank, or by a trustee or trustees, without purchase of annuity or insurance contracts, shall provide that, upon termination of employment for any cause other than retirement pursuant to such plan, or upon death prior to such retirement, all contributions made by an officer or employee shall be repaid to such officer or employee, or to the beneficiary designated by him. Such fund or funds shall not be liable for the payment of depositors' or creditors' claims. A retirement plan which involves the purchase of annuity or insurance contracts shall provide that, upon termination of employment for any cause other than retirement pursuant to such plan, or upon death prior to such retirement, the officer or employee, or the beneficiary designated by him, shall be entitled to so much of the incidents of ownership thereof as shall have been purchased by his contributions, and in addition thereto to so much of the incidents of ownership thereof as shall have been purchased by the savings bank for his benefit as shall be provided in such plan, and no depositor or creditor of any savings bank shall have any claim or right in any such contract or the proceeds thereof by reason of any payment made therefor or thereon by such savings bank.

E. No savings bank shall pay or contract for the payment of any annual retirement benefit which shall exceed (1) sixty per centum of the average annual salary paid during the last thirty-six months of service preceding retirement or (2) one-sixth of one per centum of such annual salary multiplied by the number of months of service, whichever is less. When the plan involves the pur-

chase of annuity or insurance contracts, or participation in a retirement system pursuant to paragraph (4) of subsection B of this section, the contribution by the savings bank toward the premium or other charges thereon shall not exceed the sum required for the payment of the maximum benefits in this subsection set forth. Nothing in this section shall prevent the payment of greater benefits if the officer or employee contributes the premium or other charges for the purchase or return of benefits in excess of the maximum limited by this subsection.

F. In determining the eligibility for retirement hereunder of any officer or employee, (1) the period or periods during which the employment of such officer or employee shall, in time of war or emergency, be or have been interrupted by service in the military or naval service of the United States or of this State, or in the Coast Guard or Merchant Marine of the United States, or in any auxiliary or reserve corps serving therewith, or by engagement in any war work by enlistment or induction under any selective service or similar statute, or, with leave of the savings bank, by engagement in any war relief, social service or other activity related to war conditions, or, in time of peace, by absence on leave and engagement in training or temporary service of a similar character, and (2) a period not exceeding three months after termination of such service or engagement, and (3) a period not exceeding one year of incapacity as a result of such service or engagement, and (4) the period of service of such officer or employee in another savings bank which has been merged into the savings bank or whose business has been taken over by the savings bank, shall be included in the period of such officer's or employee's service or employment in the savings bank.

G. Any benefit payable under the provisions of this section shall be subject to execution, attachment, garnishment or other legal process to the

extent and by the same procedure as provided by law in respect to execution upon or garnishment of wages or other earnings. No such benefit shall be assignable or subject to advancement, but, in the discretion of the board of managers, all or a part thereof may be paid in accordance with the written order of the retired officer or employee, or, in case of his disability, may be applied by the savings bank for his use or benefit or for that of his dependents.

H. If the by-laws so provide, the board of managers may delegate the administration of any plan adopted pursuant to this section to its executive committee or to a pension committee appointed by it.

I. A savings bank which, on the effective date of this act, is paying an officer or employee a retirement benefit, pension or disability benefit pursuant to law in effect at the time of his retirement or disability, is authorized to continue the payment thereof.

J. A savings bank which, on the effective date of this act, operates a plan for the retirement of pensioning of officers and employees or for payment to them of disability benefits pursuant to law in effect at the time of the adoption of such plan, is authorized to continue such plan, and it may, with the approval of the commissioner, if such approval is required by subsection K of this section, alter such plan from time to time in a manner not inconsistent with the provisions of this section.

K. Every plan adopted or substantially altered pursuant to this section shall, before it is placed in operation, be submitted to the commissioner for his approval. The commissioner may disapprove such plan or alteration thereof if he shall find (1) that it does not conform to law or (2) that its adoption or alteration would be hazardous to the savings bank, or (3) that its provisions are unfair or inequitable. The commissioner may, from time to time, make such orders in respect to the maintenance and administration of a plan as, in his judg-

ment, the condition of the savings bank may require.

L. In addition to the powers conferred by the foregoing subsections of this section, a savings bank may pay

(1) premiums for insurance on the lives or health of its officers or employees under policies commonly known as group insurance policies; or

(2) premiums on behalf of its officers or employees for mutual hospitalization or hospital service insurance; or

(3) reasonable amounts for reasonable periods to aid officers or employees in meeting the expenses of accident, illness, or other disability; or

(4) regular compensation, in whole or in part, to officers or employees who are disabled by accident, illness, or otherwise; or

(5) reasonable amounts for reasonable periods to former officers or employees who are retired and who are not eligible for retirement benefits under such retirement plan as may be in operation; or

(6) the reasonable cost of educational and recreational facilities and activities for its officers and employees, or for the promotion of their health and general welfare.

ARTICLE 30

SAVINGS BANKS: AMENDMENTS

C. 17:9A-197. Amendments: Certificate of incorporation.

197. Amendments to certificate of incorporation; objects.

A savings bank may, by amending its certificate of incorporation in the manner provided by this article

(1) change its corporate name; or

(2) assume the authority to exercise any or all of the powers specified in paragraphs (1), (5), (6) and (9) of section 28; or

(3) relinquish the authority to exercise any or all of the powers specified in section 28; or

(4) effect any other object which pursuant to any other provision of this act is required or permitted to be effected by amendment of the certificate of incorporation.

198. Amendments; procedure.

C. 17:9A-198. Procedure.

A. Whenever the board of managers of any savings bank shall deem it advisable to amend the certificate of incorporation, it shall, by a vote of not less than two-thirds of the managers then in office, adopt a resolution setting forth the proposed amendment, and shall publish notice of intention to apply to the commissioner for approval of such amendment at least once a week for four successive weeks, in the manner provided in section 10. A copy of the resolution, certified by two officers, together with proof of such publication shall be submitted to the commissioner. If the commissioner shall find that the amendment is for a purpose authorized by law, and that all the requirements in this article and elsewhere in this act specified as prerequisites to an amendment of a certificate of incorporation by a savings bank have been satisfied, he shall endorse his approval upon the certificate of amendment, and shall file it in the department, and the certificate of incorporation shall thereupon be amended as set forth in the certificate of amendment.

B. When the amendment is for the purpose specified in paragraph (2) of section 197, the commissioner shall give special consideration to the following:

(1) the needs of the community for trust services, and the probable volume of trust business which will be available to the savings bank;

(2) the condition of the savings bank, particularly the adequacy of its capital deposits, if any, and surplus in relation to its deposit

liabilities and other corporate responsibilities, including the proposed exercise of fiduciary powers; but no savings bank shall be authorized to make such an amendment unless its capital deposits, if any, and surplus amount to at least one hundred thousand dollars;

(3) the general character and ability of the management of the savings bank;

(4) the nature of the supervision to be given to the proposed fiduciary activities;

(5) the qualifications, experience and character of the proposed officer or officers who will have control or supervision of the proposed fiduciary activities;

(6) whether the savings bank has available competent legal counsel to advise and pass upon trust matters whenever necessary; and

(7) any other matters which, in the discretion of the commissioner, are relevant.

ARTICLE 31

SAVINGS BANKS: MERGER

C. 17:9A-199. Mergers: What banks may merge.

199. What banks may merge.

Any two or more savings banks, all of which have their principal offices in the same county, may, with the approval of the commissioner, merge one or more of them into another of them, as provided herein.

C. 17:9A-200. Agreement.

200. Merger agreement; authorization.

The boards of managers of the several savings banks proposing to merge shall, by a vote of two-thirds of the members of each board then in office, authorize the execution of a merger agreement which shall contain the matters required to be set forth as provided in section 134, so far as applicable, and, for the purposes of this section, the word "directors" as used in section 134, shall be deemed to mean managers.

C. 17:9A-201. Adjustment of depositors' interest.

201. Adjustment of interests of depositors.

The merger agreement, for the purpose of equalizing or adjusting the interests of the respec-

tive depositors of the merging savings banks in the respective surpluses thereof, or in the respective assets thereof according to a fair valuation, may provide for the declaration and payment of a special dividend, at the time and in the manner therein provided, to the respective depositors who are such at the close of business on the day preceding the meetings of the respective boards of managers to take action upon the proposed merger agreement, or may provide for the distribution of specified assets among such depositors.

C. 17:9A-202. Surplus requirements.

202. Surplus requirements.

The surplus of the savings bank after the merger shall at least equal the sum of the following:

(1) the minimum capital deposits required of a savings bank on its establishment at the location to be occupied by the principal office of the savings bank after the effective date of the merger, as such minimum is specified in section 8, and

(2) an amount equal to the minimum surplus as required in subsection F of section 19 for each branch office to be maintained by the savings bank after the effective date of the merger.

C. 17:9A-203. Approval of agreement, review.

203. Approval of agreement by commissioner; review.

The merger agreement, executed by all the parties thereto, shall be submitted to the commissioner, and thereafter all proceedings thereon shall be as prescribed by section 136.

C. 17:9A-204. Publication of notice, filing.

204. Publication of notice of merger agreement; filing.

A. If the commissioner approves the merger agreement, it shall be open to the inspection of depositors and other parties in interest at the offices of the savings banks which are parties to the merger. Notice of the merger shall be published within fifteen days after the date of the approval by the commissioner, at least once, in a newspaper in

which a notice under section 10 might be published, and proof of such publication shall be filed in the department, together with a copy of the merger agreement, and the merger shall thereupon become effective at the time specified in the merger agreement.

C. 17:9A-205. Corporate existence, officers, rights and obligations.

205. Corporate existence; offices; rights and obligations.

A. Upon the merger of two or more savings banks

(1) the corporate existence of each merging savings bank shall be merged into that of the receiving savings bank, and the property and rights of each merging savings bank shall thereupon vest in the receiving savings bank without further act or deed;

(2) the receiving savings bank may, upon complying with the requirements of section 202, establish and maintain its principal office and branch offices at the locations specified in the merger agreement;

(3) the rights and obligations of each merging savings bank shall become the rights and obligations of the receiving savings bank;

(4) if the receiving savings bank is a qualified bank, all fiduciary and agency duties and relationships of each merging savings bank shall vest in the receiving savings bank and be performed by it in the same manner as though the receiving savings bank had itself originally assumed such fiduciary and agency duties and relationships;

(5) any pending action by or against a merging or receiving savings bank shall survive the merger and the receiving savings bank shall be substituted for the merging savings bank.

B. As used in this section,

(1) "merging savings bank" shall mean a savings bank which is merged into another savings bank;

(2) "receiving savings bank" shall mean a savings bank into which one or more other savings banks are merged.

C. 17:9A-206. Certified copy as evidence, recording.

206. Certified copy of agreement; use as evidence; recording.

A. A copy of the merger agreement, certified by the commissioner, shall be evidence in all courts and places.

B. A copy of the merger agreement, certified by the commissioner, may be recorded in the office of the county recording officer charged with the duty of recording instruments affecting title to real property in such county, and such record shall have the same effect as if duly executed and acknowledged deeds to real property and assignments of mortgages affecting real or personal property owned by the merging savings banks had been made and delivered by the merging savings banks to the receiving bank, and had been duly recorded.

Article 32

SAVINGS BANKS: DISSOLUTION

C. 17:9A-207. Dissolution: Procedure.

207. Dissolution; procedure.

A. If the managers of a savings bank deem it advisable and in the public interest that the savings bank be dissolved, they shall, by the vote of at least two-thirds of all the managers, at a regular or at a special meeting called for the purpose upon not less than twenty days written notice, adopt a resolution to that effect.

B. A copy of the resolution, certified by any two officers of the savings bank, shall be filed in the department, together with an affidavit by such officers that the resolution was adopted in the manner prescribed by subsection A of this section, and the commissioner shall thereupon fix a time and place for a hearing, and shall require publication of notice of the impending dissolution to be made in newspapers and for the period specified in section 10.

C. If, as a result of such hearing, and upon proof by affidavit of two officers of the savings bank that publication of the notice has been made pursuant to subsection B of this section, the commissioner shall determine that it is in the public interest that the savings bank be dissolved, he shall make an order accordingly, to be filed in the department, and shall designate a date in such order upon which the dissolution shall become effective.

D. On and after the date so fixed by the commissioner, the savings bank shall be dissolved, and it shall transact no further business except that concerned with the winding up of its affairs. Upon its dissolution pursuant to this section, or pursuant to section 17, or pursuant to any other law of this State, the managers shall become trustees in dissolution, and the savings bank, its managers and creditors, including depositors, shall be subject to the provisions of chapter 13 of Title 14 of the Revised Statutes.

ARTICLE 33

SAVINGS BANKS: SURPLUS

C. 17:9A-208. Surplus: Determining.

208. Surplus; determination by savings bank.

A. For the purpose of determining the surplus of a savings bank from time to time, the board of managers shall value the assets of the savings bank as follows:

(1) all bonds, notes and other obligations for the payment of money not in default as to principal or interest for more than one month, other than mortgage loans, shall be valued at the cost thereof to the savings bank, less, if the cost exceeds the face value thereof, an amount at least equal to the sum of (a) periodical amortization of such excess in an amount sufficient to reduce such cost to the face value thereof at the maturity thereof, and (b) additional amortization sufficient to reduce such cost to the price at which the same

is redeemable at the time being or, if not then redeemable, at the earliest redemption date;

(2) mortgage loans shall be valued at the amount due thereon, unless in default, according to their terms, for more than three months;

(3) all bonds, notes and other obligations for the payment of money, other than mortgage loans, if in default as to principal or interest for more than one month, and all mortgage loans, if in default, according to their terms, for more than three months, and all other assets not otherwise specified in this section, shall be valued at such amounts as shall be determined by the board of managers to represent the true value thereof, not in excess of cost; and

(4) real property held by a savings bank in accordance with subparagraph (a) of paragraph (5) of section 24, and all fixtures, furniture and equipment, shall be valued at an amount not in excess of cost less depreciation, or, if cost is not ascertainable, at such amount as shall be determined by the board of managers to represent the true value thereof;

provided, that in lieu of such valuation of the assets specified under the foregoing paragraphs (3) and (4) of this subsection, the board of managers may establish specific or general valuation reserves applicable thereto in amounts equal to the excess of the book value thereof on the books of the savings bank over such true value.

B. This section shall not affect

(1) the power of the commissioner to order a savings bank (a) to increase any valuation reserve established pursuant to subsection A of this section or (b) to write down any asset valued in the manner required by this section, if, upon due consideration, he finds that (i) such reserve is insufficient, or (ii) the values determined by the board of managers do not

represent true value, or (iii) conditions are such that the valuation of assets in the manner required by any provision of this section would constitute transacting business in an unsafe manner; or

(2) the power of the board of managers to establish valuation or other reserves applicable to specific assets or groups or classes of assets in such amounts as the board of managers may from time to time determine, notwithstanding that such assets have been valued in the manner required by this section; or

(3) the commissioner in the exercise of the powers conferred by section 265.

ARTICLE 34

BANKS AND SAVINGS BANKS: PROHIBITED ACTS

C. 17:9A-209. Prohibited acts: Use of capital stock or surplus.

209. Use of capital stock or surplus.

A. No bank shall use any part of its capital stock or surplus paid in pursuant to its certificate of incorporation until it receives a certificate of authority pursuant to section 14.

B. No savings bank shall use any part of its capital deposits paid in pursuant to its certificate of incorporation until it receives a certificate of authority pursuant to section 14.

C. 17:9A-210. Write-up assets, changes in reserves.

210. Write-up of assets; changes in reserves.

No bank or savings bank shall, except with the written approval of the commissioner, write up any of its assets, or reduce or eliminate any reserve which shall have been established by it pursuant to paragraph (4) of subsection A of section 50, or with respect to its furniture and fixtures, its banking houses, or its other real estate, or any other reserve which shall have been established at the direction of the commissioner; but this section shall not prevent a charge to a reserve established for a specific purpose or contingency or a transfer from such a reserve when such purpose or contingency shall have happened or shall have been removed.

211. Liability secured by own stock. C. 17:9A-211. Liability secured by own stock.

No bank shall permit the incurring of any liability to it on the security of shares of its own capital stock; but a bank may take shares of its own capital stock as security or additional security for a debt previously contracted in good faith.

212. Acquisition of own stock. C. 17:9A-212. Acquisition of own stock.

No bank shall purchase or otherwise acquire shares of its own capital stock, except as a result of a merger or to prevent or minimize loss upon a debt previously contracted in good faith; shares of stock so purchased or acquired shall be sold not later than one year after the date of purchase or acquisition unless the commissioner, prior or subsequent to the expiration of the one year period or prior or subsequent to the expiration of any extended period, shall extend or further extend the time for sale.

213. Limitations on exercise of powers. C. 17:9A-213. Limitations on exercise of powers.

Except as otherwise provided by law, only a banking institution shall exercise within this State any of the powers enumerated in paragraph (4) of section 24, paragraphs (4), (5) and (13) of section 25, and paragraphs (1) and (5) of section 26, and no corporation other than a qualified bank shall exercise within this State any of the powers specified in paragraphs (3), (4), (5), (6), (7), (8) and (9) of section 28, provided that no corporation organized prior to March 24, 1899, authorized to exercise all or any of the powers specified in paragraph (13) of section 25 or in paragraph (3) of section 28, shall be prohibited from exercising such powers.

213.1. Limitations on power to guarantee. C. 17:9A-213.1. Limiting powers to guarantee.

Except as in this act or otherwise by law provided, no bank or savings bank shall have power to guarantee the obligations of others; or to insure or indemnify against the acts, omissions, undertakings, liabilities or losses of others.

214. Violations; penalty. C. 17:9A-214 Violations, penalty.

A violation of this article shall be a misdemeanor and the Superior Court shall have jurisdiction to enjoin such violation at the suit of the commissioner.

ARTICLE 35

DEPOSITS AND WITHDRAWALS

C. 17:9A-215. Deposits and withdrawals: Minors.

215. Minors' deposit accounts.

Deposits may be made with a banking institution by or in the name of a minor. A minor may endorse and deposit to the credit of his account with a banking institution checks and other instruments for the payment of money which are payable to him or to his order. Moneys to the credit of such an account shall be subject to withdrawal by the minor by checks or other instruments for the payment of money. In all transactions with respect to such an account a minor shall, as between himself and the banking institution, be deemed to be of legal age.

C. 17:9A-216. Trusts.

216. Deposits by one person in trust for another

A. A banking institution may accept deposits in the name of an individual depositor in trust for a named beneficiary. The banking institution shall honor withdrawals from and charges against such an account by the trustee during his lifetime. If the beneficiary survives the trustee, the banking institution shall pay any moneys to the credit of the account at the death of the trustee to the beneficiary or upon his order, unless the beneficiary is under eighteen years of age at the death of the trustee, in which event, the banking institution may pay such moneys

(1) to the beneficiary or upon his order after he becomes eighteen years of age, or

(2) to the legal guardian of the beneficiary, wherever appointed, or

(3) if a certificate of appointment of a legal guardian is not filed with the banking institution, to a person authorized to receive such moneys pursuant to section 3:7–29 of the Revised Statutes.

If the trustee survives the beneficiary, any moneys to the credit of the account at the death of the

trustee shall be paid by the banking institution to the trustee's executor or administrator or to any other person authorized by statute to receive such moneys without administration as spouse or next of kin of the trustee. A banking institution which makes any payment pursuant to this subsection shall, to the extent of such payment, be released from all claims of the trustee, the beneficiary, their legal representatives, and all persons claiming under or through them, but nothing in this subsection shall impair the rights, if any, of creditors of the trustee.

B. Subsection A of this section shall not apply to moneys deposited by a trustee acting under a will, other fiduciary instrument, court order or decree.

C. Moneys heretofore or hereafter deposited to the credit of an account opened prior to the effective date of this act in the name of an individual depositor as trustee for a named individual shall be subject to the law in effect on the date when such account was opened.

C. 17:9A-217. Payments at death.

217. Deposits by one person payable at death to another.

A banking institution may accept deposits in the name of an individual depositor payable at the death of the depositor to a named individual. The banking institution shall honor withdrawals from and charges against such an account by the depositor or his legal guardian, wherever appointed, during the depositor's lifetime. If the named individual survives the depositor, the banking institution shall pay any moneys to the credit of the account at the death of the depositor to the named individual or upon his order, unless such individual is under eighteen years of age at the death of the depositor, in which event, the banking institution shall pay such moneys

(1) to the named individual or upon his order after he becomes eighteen years of age, or

(2) to the legal guardian of the named individual, wherever appointed, or

(3) if a certificate of appointment of a legal guardian is not filed with the banking institution, to a person authorized to receive such moneys pursuant to section 3:7–29 of the Revised Statutes.

If the depositor survives the named individual, any moneys to the credit of the account at the death of the depositor shall be paid by the banking institution to the depositor's executor or administrator or to any other person authorized by statute to receive such moneys without administration as spouse or next of kin of the depositor. Nothing in this section shall impair the rights, if any, of creditors of the depositor.

C. 17:9A-218. Joint accounts.

218. Joint deposit accounts.

When a deposit has been or shall be made with a banking institution in the names of two persons, payable to either, or payable to either or to the survivor, any moneys to the credit of the account may be paid to either of said persons during the lives of both and, in case of the death of either of said persons, the moneys to the credit of the account shall, unless otherwise provided in the deposit contract, be paid to the survivor, and the legal representative of the one dying shall have no right thereto notwithstanding that such moneys or any part thereof may have been the property of the one dying. Nothing in this section shall impair the rights, if any, of creditors of either depositor.

C. 17:9A-219. Cofiduciaries accounts.

219. Cofiduciaries' deposit accounts.

Instruments for the payment of money may be indorsed and deposited to the credit of an account of cofiduciaries with a banking institution, and withdrawals may be made from such account by check or otherwise, by any one or more of such cofiduciaries who shall be authorized in writing by all the cofiduciaries to make such indorsements and deposits or withdrawals, unless the will or other instrument or the court order or decree under

which such cofiduciaries are acting otherwise provides.

C. 17:9A-220. Death or incompetency.

220. Payment by banking institution after death or incompetency of depositor.

A. In the absence of actual notice of the death or incompetency of a depositor, received by a banking institution at the office at which the depositor's account is maintained, the banking institution may, notwithstanding such death or incompetency, pay any instrument for the payment of money made, drawn or accepted by the depositor or by his agent thereunto authorized in writing.

B. Notwithstanding that actual notice of death of a depositor has been received at the office of a banking institution in which the depositor's account is maintained, any check or demand draft made, drawn or accepted by the depositor, or, prior to his death, by his agent thereunto authorized in writing, and presented for payment not later than ten days from its date, shall be paid by the banking institution or payment thereof refused in the same manner as such payment would have been made or refused if death had not occurred.

C. A banking institution shall not be liable for damages, penalty or tax by reason of any payment made pursuant to this section.

C. 17:9A-221. Depositor's agent.

221. Authority of depositor's agent to indorse and deposit instruments after death or incompetency of the depositor.

The death or incompetency of a depositor who has in writing appointed an agent to indorse instruments for the payment of money and to deposit such instruments to the credit of the depositor's account with a banking institution shall not terminate the authority of the agent to make such indorsements and deposits and such authority shall continue until the banking institution shall receive, at the office in which the account is maintained, actual notice of such death or incompetency.

C. 17:9A-222. Interstate bodies.

222. Deposits of interstate bodies.

A banking institution accepting deposits from the Port of New York Authority, or the Palisades

Interstate Park Commissioners, or the Delaware River Joint Commission may give a good and sufficient undertaking, with such surety as shall be approved by such depositor, that the banking institution shall faithfully pay upon the order of the depositor all moneys to the credit of the depositor, at such times or upon such demands as may be agreed upon with such depositor, or, in lieu of such surety, furnish security for such deposits of such character and amount and upon such terms and conditions as may be agreed upon.

C. 17:9A-223. Adverse claims.

223. Adverse claim to deposits.

Notice to any banking institution of an adverse claim to a deposit to the credit of any person shall not be effectual to cause the banking institution to recognize the adverse claimant unless the adverse claimant shall either procure a restraining order, injunction or other appropriate process against the banking institution from a court of competent jurisdiction in a cause wherein the person to whose credit the deposit stands is a complainant or is a defendant who has been served with process, or shall execute and deliver to the banking institution, in form and with surety acceptable to it, a bond indemnifying the banking institution against any liability, loss, damage, costs and expenses on account of the payment of the adverse claim or the dishonor of checks, notes or other instruments requiring payment of money by or for the account of the person to whose credit the deposit stands on the books of the banking institution. This section shall not apply when the person to whose credit the deposit stands is a fiduciary for the adverse claimant, and the facts showing such relationship and reasonable cause for belief that the fiduciary is about to misappropriate the deposit are made to appear by affidavit of the claimant.

C. 17:9A-224. Postponement of payments.

224. Postponement of deposit payments by commissioner.

A. The commissioner may, whenever in his judgment the circumstances so warrant, direct any bank or savings bank:

(1) to postpone for any length of time the payment of all or any proportion of its demand or time deposits, as he may deem necessary and expedient, to be determined by him according to the ability of the bank or savings bank to pay withdrawals; and

(2) thereafter to receive new deposits upon such terms as shall be approved by the commissioner.

B. Whenever the commissioner shall direct any bank or savings bank to act under the provisions of this section, he may make such rules and regulations as he shall deem proper for the protection of the bank or savings bank and its depositors, and may require daily reports of its financial condition and operations.

C. All moneys received by a bank or savings bank as new deposits pursuant to paragraph (2) of subsection A of this section shall be given preference over all liabilities of the bank or savings bank incurred prior to action by the commissioner pursuant to this section.

C. 17:9A-225. Stop-payment orders.

225. Stop-payment orders; stop-payment orders on certified checks.

A. No banking institution shall stop payment of any check certified by it.

B. An oral order to a banking institution to stop payment of an uncertified check or draft against an account of a depositor shall not be effective after the first full business day following the day on which such order was received. An oral order may not be renewed orally. Nothing in this subsection shall require a banking institution to accept a stop-payment order unless it is given in writing.

C. A written order to a banking institution to stop payment of an uncertified check or draft against an account of a depositor shall not be effective for more than three months after the day on which such order was received. Such written order may be renewed from time to time. A renewal order shall be in writing and shall not be effective

for more than three months after the day on which such renewal order was received.

C. 17:9A-226. Forged, altered and unauthorized instruments, commercial accounts.

226. Forged, altered and unauthorized instruments; commercial accounts.

A. No banking institution shall be liable to a depositor for an amount charged to or collected from him because of the payment by the banking institution of a check, note, acceptance or other instrument for the payment of money upon which the signature of the depositor was forged, or which was made, drawn. or accepted without authority, or which was raised or otherwise materially altered, unless, within two years after the return of such instrument to the depositor, he shall notify the banking institution in writing that his signature was forged or that the instrument was made, drawn, or accepted without authority, or that it was raised or otherwise materially altered.

B. No banking institution shall be liable to a depositor for an amount charged to or collected from him because of the payment by the banking institution of a check, note, acceptance or other instrument for the payment of money upon which the signature of any party, other than that of the depositor, was forged, or which was indorsed without authority, unless, within two years after the return of such instrument to the depositor, he shall notify the banking institution in writing that the signature of a party to the instrument, other than that of the depositor, was forged or that the instrument was indorsed without authority.

C. No banking institution shall be liable to a depositor for an amount charged to or collected from him because of the payment by the banking institution of a check, note, acceptance or other instrument for the payment of money upon which the signature of any party was forged, or which was raised or otherwise materially altered, if the banking institution shall establish

(1) that the depositor failed to exercise due diligence in discovering, and giving notice to

the banking institution that an amount was charged to or collected from him because of the payment by the banking institution of any such check, note, acceptance or other instrument for the payment of money; and

(2) that such lack of diligence contributed to the payment by the banking institution of an amount so charged to or collected from the depositor for the recovery of which the depositor seeks to hold the banking institution liable.

D. This section shall apply only to commercial or checking accounts.

C. 17:9A-227. Forged, altered and unauthorized instruments, savings account.

227. Forged, altered and unauthorized instruments; savings accounts.

A. No banking institution shall be liable to a depositor for any payment upon any receipt, draft or other order for the withdrawal or payment of money from the depositor's account upon which the signature of any party was forged, or which was made, drawn or indorsed without authority, or which was raised or otherwise materially altered, if payment is made upon presentation of the pass book or other evidence of credit or deposit furnished by the banking institution and if such withdrawal or payment is entered therein, unless within two years after such entry the depositor shall notify the banking institution in writing that the signature of a party to the receipt, draft or other order was forged, or that it was made, drawn or indorsed without authority, or that it was raised or otherwise materially altered.

B. This section shall apply only to savings accounts.

C. 17:9A-228. Liability for error.

228. Liability for error in nonpayment of check.

No banking institution shall be liable to a depositor because of the nonpayment through mistake or error and without malice of a check, note, draft, bill of exchange or acceptance which it should have paid, unless the depositor shall allege and prove actual damage by reason of such nonpayment, and

in such event the liability shall not exceed the actual pecuniary loss directly and naturally ensuing in the ordinary course of events from such nonpayment.

C. 17:9A-229. Refusal to pay check, liability of drawer or maker.

229. Refusal of payment of check or demand instrument presented after one year; liability to drawer or maker.

When a check or other instrument payable on demand at any banking institution is presented for payment more than one year from its date, such banking institution may, unless expressly instructed by the drawer or maker to pay the same, refuse payment thereof, and no liability shall thereby be incurred to the drawer or maker for nonpayment of the check or other instrument.

ARTICLE 36

BANK COLLECTION CODE

C. 17:9A-230. Bank collection code: Short title.

230. Short title.

This article may be cited as the "Bank Collection Code"

C. 17:9A-231. Construction.

231. Construction as uniform law.

This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

C. 17:9A-232. Application of rules.

232. Application of rules of law, equity and law merchant.

In any case not provided for in this article, the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments and banking, shall continue to apply.

C. 17:9A-233. Terms defined.

233. "Bank" and "item" defined.

For the purposes of this article,

(1) "bank" shall mean a banking institution. A branch office of any banks shall be deemed a bank;

(2) "item" shall mean any check, note or other instrument providing for the payment of money.

C. 17:9A-234. Bank of deposit as agent.

234. Bank of deposit as agent; exceptions; credit revocable; withdrawal of credit; effect; rights of bank as owner.

Except as otherwise provided by agreement and except as to subsequent holders of a negotiable instrument payable to bearer or indorsed specially or in blank, where an item is deposited or received for collection, the bank of deposit shall be agent for the depositor for its collection and each subsequent collecting bank shall be subagent of the depositor but shall be authorized to follow the instructions of its immediate forwarding bank and any credit given by any such agent or subagent bank therefor shall be revocable until such time as the proceeds are received in actual money or an unconditional credit given on the books of another bank, which such agent has requested or accepted. When any such bank allows any revocable credit for an item to be withdrawn, such agency relation shall nevertheless continue except the bank shall have all the rights of an owner thereof against prior and subsequent parties to the extent of the amount withdrawn.

C. 17:9A-235. Provisional credit.

235. Provisional credit; when subject to revocation.

A credit given by a bank for an item drawn on or payable at such bank shall be provisional, subject to revocation at or before the end of the day on which the item is deposited in the event the item is found not payable for any reason. Whenever a credit is given for an item deposited after banking hours such right of revocation may be exercised during the following business day.

C. 17:9A-236. Indorsements.

236. Indorsements; "for deposit"; "pay any bank or banker"; guaranties of restrictive indorser; presumptions as to ownership; conversion to restrictive indorsement; negativing presumptions of ownership.

A. An indorsement of an item by the payee or other depositor "for deposit" shall be deemed a restrictive indorsement and indicate that the indorsee bank is an agent for collection and not owner of the item.

B. An indorsement "pay any bank or banker" or having equivalent words shall be deemed a re-

strictive indorsement and shall indicate the creation of an agency relation in any subsequent bank to whom the paper is forwarded unless coupled with words indicating the creation of a trustee relationship and such indorsement or other restrictive indorsement whether creating an agency or trustee relationship shall constitute a guaranty by the indorser to all subsequent holders and to the drawee or payor of the genuineness of and the authority to make prior indorsements and also to save the drawee or payor harmless in the event any prior indorsement appearing thereon is defective or irregular in any respect, unless such indorsement is coupled with appropriate words disclaiming such liability as guarantor.

C. When a deposited item is payable to bearer or indorsed by the depositor in blank or by special indorsement, the fact that such item is so payable or indorsed shall not change the relation of agent of the bank of deposit to the depositor, but subsequent holders shall have the right to rely on the presumption that the bank of deposit is the owner of the item. The indorsement of an item by the bank of deposit or by any subsequent holder in blank or by special indorsement or its delivery when payable to bearer, shall carry the presumption that the indorsee or transferee is owner provided there is nothing upon the face of the paper or in any prior indorsement to indicate an agency or trustee relation of any prior party. But where an item is deposited or is received for collection indorsed specially or in blank, the bank may convert such an indorsement into a restrictive indorsement by writing over the signature of the indorser the words "for deposit" or "for collection" or other restrictive words to negative the presumption that such bank of deposit or indorsee bank is owner; and in the case of an item deposited or received for collection payable to bearer, may negative such presumption by indorsing thereon, the words "received for deposit" or "received for collection" or words of like import.

237. Bank to exercise ordinary care; extent of liability. C. 17:9A-237. Exercise of ordinary care, liability.

It shall be the duty of the initial or any subsequent agent collecting bank to exercise ordinary care in the collection of an item and when such duty is performed such agent bank shall not be responsible, if for any cause payment is not received in money or an unconditional credit given on the books of another bank, which such agent bank has requested or accepted. An initial or subsequent agent collecting bank shall be liable for its own lack of exercise of ordinary care but shall not be liable for the neglect, misconduct, mistakes or defaults of any other agent bank or of the drawee or payor bank.

238. Ordinary care; forwarding and presentment; methods; item payable in another town or city; in same town or city. C. 17:9A-238. Ordinary care, forwarding and presentment, methods.

A. When an item is received on deposit or by a subsequent agent bank for collection, payable in another town or city, it shall be deemed the exercise of ordinary care to forward such item by mail, not later than the business day next following its receipt either (1) direct to the drawee or payor in the event such drawee or payor is a bank or (2) to another bank collecting agent according to the usual banking custom, either located in the town or city where the item is payable or in another town or city.

B. When an item is received on deposit or by a subsequent agent bank for collection, payable by or at another bank in the same town or city in which such agent bank is located, it shall be deemed the exercise of ordinary care to present the item for payment at any time not later than the next business day following the day on which the item is received either (1) at the counter of the drawee or payor by agent or messenger or (2) through the local clearing house under the regular established procedure, or according to the usual banking custom where the collecting or payor bank is located in an outlying district.

C. 17:9A-239. Forwarding and presentment, other methods.

239. Forwarding and presentment; other methods. The designation of the methods in section 238 shall not exclude any other method of forwarding or presentment which under existing rules of law would constitute ordinary care.

C. 17:9A-240. Item deemed paid when mailed.

240. When mailed items deemed paid.

When the item is received by mail by a solvent drawee or payor bank, it shall be deemed paid when the amount is finally charged to the account of the maker or drawer.

C. 17:9A-241. Bank not liable on forwarded item.

241. Forwarded item; bank not liable for loss.

When an agent bank forwards an item for collection, it shall not be responsible for its loss or destruction in transit or, when in the possession of others, for its inability to repossess itself thereof, provided there has been no lack of ordinary care on its part.

C. 17:9A-242. Settlement with collecting bank, method, liability.

242. Settlement with collecting bank; methods; liability of bank.

When ordinary care is exercised, any agent collecting bank may receive in payment of an item without becoming responsible as debtor therefor, whether presented by mail, through the clearing house or over the counter of the drawee or payor, in lieu of money, either (a) the check or draft of the drawee or payor upon another bank or (b) the check or draft of any other bank upon any bank other than the drawee or payor of the item or (c) such method of settlement as may be customary in a local clearing house or between clearing banks or otherwise; *provided,* that whenever such agent collecting bank shall request or accept in payment an unconditional credit which has been given to it on the books of the drawee or payor or on the books of any other bank, such agent collecting bank shall become debtor for such item and shall be responsible therefor as if the proceeds were actually received by it in money.

Proviso.

C. 17:9A-243. Check of remitting bank as payment.

243. Collecting bank may take check of remitting bank as payment.

When ordinary care is exercised, any agent collecting bank may receive from any subsequent bank

in the chain of collection in remittance for an item which has been paid, in lieu of money, the check or draft of the remitting bank upon any bank other than itself or the drawee or payor of the item or such other method of settlement as may be customary; *provided,* that whenever such agent collecting bank shall request or accept an unconditional credit which has been given to it on the books of the remitting bank or on the books of any other bank, such agent collecting bank shall become debtor for such item and shall be responsible therefor as if the proceeds were actually received by it in money. Proviso.

244. Dishonor by nonpayment of mailed item; when proper; election; liability of collecting bank. C. 17:9A-244. Nonpayment of mailed item, recourse.

When an item is duly presented by mail to the drawee or payor, whether or not the same has been charged to the account of the maker or drawer thereof, or returned to such maker or drawer, the agent collecting bank so presenting may, at its election, exercised with reasonable diligence, treat such item as dishonored by nonpayment and recourse may be had upon prior parties thereto in any of the following cases:

(1) when the check or draft of the drawee or payor bank upon another bank received in payment therefor shall not be paid in due course;

(2) when the drawee or payor bank shall without request or authority tender as payment its own check or draft upon itself or other instrument upon which it is primarily liable;

(3) when the drawee or payor bank shall give an unrequested or unauthorized credit therefor on its books or the books of another bank; or

(4) when the drawee or payor shall retain such item without remitting therefor on the day of receipt or on the day of maturity if payable otherwise than on demand and received by it prior to or on such day of maturity.

Proviso.

Provided, however, that in any case where the drawee or payor bank shall return any such item unpaid not later than the day of receipt or of maturity as aforesaid in the exercise of its right to make payment only at its own counter, such item cannot be treated as dishonored by nonpayment and the delay caused thereby shall not relieve prior parties from liability.

Proviso.

Provided, further, that no agent collecting bank shall be liable to the owner of an item when, in the exercise of ordinary care in the interest of such owner, it makes or does not make the election above provided or takes such steps as it may deem necessary in cases (2), (3) and (4) above.

C. 17:9A-245. Notice of dishonor.

245. Notice of dishonor; notice upon copy when permitted; delay excused.

In case of the dishonor of an item duly presented by mail as provided for in section 244, notice of dishonor of such item to prior parties shall be sufficient if given with reasonable diligence after such dishonor, and further in the event of failure to obtain the return of any such item notice of dishonor may be given upon a copy or written particulars thereof, and delay in giving notice of dishonor caused by an attempt with reasonable diligence to obtain return of such item shall be excused.

C. 17:9A-246. Closed banks, receiver's duties.

246. Bank failing or being closed; duty of receiver; rights of parties as to items forwarded, presented or collected; when assets impressed with trust.

A. When the drawee or payor, or any other agent collecting bank shall fail or be closed for business by the commissioner or by action of the board of directors or by other proper legal action, after an item shall be mailed or otherwise intrusted to it for collection or payment but before the actual collection or payment thereof, it shall be the duty of the receiver or other official in charge of its assets to return such item, if the same is in his possession, to the forwarding or presenting bank with reasonable diligence.

B. Except in cases where an item or items is treated as dishonored by nonpayment as provided in section 244, when a drawee or payor bank has presented to it for payment an item or items drawn upon or payable by or at such bank and at the time has on deposit to the credit of the maker or drawer an amount equal to such item or items and such drawee or payor shall fail or close for business as above, after having charged such item or items to the account of the maker or drawer thereof or otherwise discharged his liability thereon but without such item or items having been paid or settled for by the drawee or payor either in money or by an unconditional credit given on its books or on the books of any other bank, which has been requested or accepted so as to constitute such drawee or payor or other bank debtor therefor, the assets of such drawee or payor shall be impressed with a trust in favor of the owner or owners of such item or items for the amount thereof, or for the balance payable upon a number of items which have been exchanged, and such owner or owners shall be entitled to a preferred claim upon such assets, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank.

C. When an agent collecting bank other than the drawee or payor shall fail or be closed for business as above, after having received in any form the proceeds of an item or items intrusted to it for collection, but without such item or items having been paid or remitted for by it either in money or by an unconditional credit given on its books or on the books of any other bank which has been requested or accepted so as to constitute such failed collecting or other bank debtor therefor, the assets of such agent collecting bank which has failed or been closed for business as above shall be impressed with a trust in favor of the owner or owners of such item or items for the amount of such proceeds and such owner or owners shall be en-

titled to a preferred claim upon such assets, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank.

ARTICLE 37

COPY OF RECORDS: DESTRUCTION OF RECORDS

C. 17:9A-247. Banking records.

247. Banking records.

Any banking institution may cause to have copied or reproduced by any photostatic, photographic or miniature photographic process which correctly and accurately copies or reproduces, or forms a medium of copying or reproducing, all or any part of its documents and records relating to the accounts of its depositors and the operation of its business, other than its notes, bonds, mortgages and other securities and investments, and may substitute the copy or reproduction, in either positive or negative form, for the original thereof. Thereafter, the copy or reproduction, in the form of a positive print thereof, shall be deemed for all purposes to be an original counterpart of the original thereof and shall have the same force and effect as the original thereof, and the banking institution may destroy or otherwise dispose of the original; but no copy or reproduction of any deposit slip relating to the account of any depositor and no copy or reproduction of any withdrawal order relating to the savings or time deposit account of any depositor shall be deemed to be an original counterpart of the original thereof or to have the same force and effect as the original thereof until six years after the date appearing on the original, which date shall be deemed to be the date appearing on the copy or reproduction.

C. 17:9A-248. Fiduciary and agency records.

248. Fiduciary and agency records.

Any qualified bank, acting in any fiduciary or agency capacity, may cause to have copied or reproduced by any photostatic, photographic, or miniature photographic process which correctly and

accurately copies or reproduces, or forms a medium of copying or reproducing, all or any part of its documents, books, records, correspondence and all other instruments, papers and writings relating to the conduct of its affairs in any fiduciary or agency capacity. At the expiration of six years following the date of termination of such fiduciary or agency relationship by the allowance of a final account, release, court decree or by any other means of termination, the copy or reproduction, in the form of a positive print thereof, shall be deemed for all purposes to be an original counterpart thereof and shall have the same force and effect as the original thereof, and the qualified bank may destroy or otherwise dispose of the original.

ARTICLE 38

BANKS AND SAVINGS BANKS: REMOVAL OF DIRECTORS, MANAGERS AND OFFICERS

249. Removal of director, manager or officer.

C. 17:9A-249. Removal of officials, employees.

A. Whenever, in the opinion of the commissioner, any director, manager or officer of a bank or savings bank shall have continued to violate any law relating to such bank or savings bank or shall have continued unsafe or unsound practices in conducting the business of the bank or savings bank after having been directed by the commissioner to discontinue such violation of law or such unsafe or unsound practices, the commissioner may cause notice to be served upon such director, manager or officer to appear and show cause before him and the banking advisory board why he should not be removed from office. A copy of a notice so served shall be sent to each of the other directors or managers of the bank or savings bank by registered mail. If, after granting such director, manager or officer a reasonable opportunity to be heard, the commissioner, with the approval of the banking advisory board, finds that he has continued to violate any law relating to such bank or savings bank, or has continued unsafe or unsound practices in

conducting the business of the bank or savings bank, after having been directed by the commissioner to discontinue such violation of law or such unsafe or unsound practices, the commissioner may make an order removing such director, manager or officer from office. A copy of such order shall be served upon such director, manager or officer and upon the bank or savings bank of which he is a director, manager or officer. After the service of the copies of such order, such director, manager or officer shall cease to be a director, manager or officer of the bank or savings bank.

B. Any director, manager or officer who, after service upon him of a copy of such order, participates in any manner in the management of the bank or savings bank shall be guilty of a misdemeanor.

C. No part of the record of any proceedings under subsection A of this section shall be made public or disclosed to anyone except the director, manager or officer involved and the other directors or managers of the bank or savings bank involved, except in connection with proceedings brought pursuant to subsection B of this section.

Article 39

Banks and Savings Banks: Indemnification of Directors, Managers, Officers and Employees

C. 17:9A-250. Actions against officials, indemnification.

250. Actions against directors, managers, officers or employees; indemnification.

A. Any person made a party to any action, suit or proceeding by reason of the fact that he is or was, or that a decedent for whose estate such person is acting as fiduciary was, a director, manager, officer or employee of a bank or savings bank, or of any corporation which he serves or served or which such decedent served as a director, manager, officer or employee at the request of the bank or savings bank, because of its interest in such corporation, shall be indemnified by the bank or savings bank against reasonable costs, expenses and

counsel fees paid or incurred in connection with such action, suit or proceeding, or in connection with any appeal therein, and against all sums paid, other than to the bank or savings bank, in settlement or compromise of such action, suit or proceeding, provided that

(1) the action, suit or proceeding, insofar as it affects such person, is abandoned, settled or compromised or is prosecuted to a final determination wherein it shall not be finally adjudged that such person or such decedent, was derelict in the performance of his duties, and

(2) a majority of all the members of the board of directors or board of managers shall (a) determine that such person or such decedent was not derelict in any substantial way as charged in the action, suit or proceeding, and (b) fix the amount, if any, for which such person shall be indemnified.

B. No director of a bank or manager of a savings bank shall vote for indemnification of any person, as provided in this section, if such director or manager is or shall have been a party to the action, suit or proceeding. If, in the case of a bank, a majority of the board of directors shall be so disqualified, the stockholders of the bank shall determine whether such person or such decedent has been derelict in any substantial way as charged in the action, suit or proceeding, and shall fix the amount of the indemnity, if any, to be paid to such person. If, in the case of a savings bank, a majority of the board of managers shall be so disqualified, a majority in number of the depositors of the savings bank present in person or by proxy at a meeting called upon ten days' notice addressed to each depositor at his address as it appears upon the records of the savings bank, shall determine whether such person or such decedent has been so derelict, and shall fix the amount of the indemnity, if any, to be paid to such person. Notwithstanding

that a majority of such board of directors or board of managers shall not be so disqualified, such board may delegate to the stockholders of the bank or to the depositors of the savings bank, at a meeting of such depositors called as hereinbefore in this subsection provided, the power (1) to determine whether such person or such decedent was so derelict and (2) to fix the amount of indemnity, if any, to be paid to such person.

C. The provisions of this section shall enlarge but in no way limit the powers of a bank or savings bank to indemnify any such person.

Article 40

BANKS AND SAVINGS BANKS: PERPETUAL CHARTERS

C. 17:9A-251. Perpetual corporate existence.

251. Perpetual existence for banks and savings banks heretofore or hereafter organized.

Every bank and savings bank heretofore or hereafter organized, regardless of the term of its existence specified in its certificate of incorporation, shall have perpetual existence, subject to liquidation and dissolution as otherwise provided in this act.

Article 41

BANKS AND SAVINGS BANKS: REPORTS AND EXAMINATIONS: VALUATIONS BY COMMISSIONER

C. 17:9A-252. Terms defined.

252. Definitions.

For the purposes of this article,

(1) "bank" shall mean a bank or savings bank;

(2) "board of directors" shall include the board of directors of a bank and the board of managers of a savings bank; and

(3) "director" shall include a director of a bank and a manager of a savings bank.

C. 17:9A-253. Examination of bank by public accountant.

253. Examinations of a bank by a public accountant or other qualified person.

A. The board of directors of every bank shall cause examinations of the affairs of the bank to be made from time to time by or under the supervision of a person who is not a director, officer or employee of the bank, and who is a public accountant, or such other person whose qualifications for making such examination have been approved by the commissioner. The scope of such examinations shall be determined by regulations of the commissioner or, in the absence of such regulations, by the board of directors of the bank.

B. Each examination made pursuant to subsection A of this section shall be commenced not earlier than four months after the date of the commencement of an examination by the commissioner pursuant to section 260, and not later than twelve months following the commencement of the next preceding examination made pursuant to subsection A of this section.

C. The board of directors of a bank may, whenever it shall deem it advisable, cause examinations of the affairs of the bank to be made other than as required by this section.

C. 17:9A-254. Report of examination.

254. Report on examination; statement by directors; filing.

A. Within sixty days after the completion of an examination made pursuant to section 253, a report thereof, in such form as the commissioner may prescribe, certified by the person by whom or under whose supervision the examination was made, shall be presented to the directors at a meeting of the board. The board of directors thereupon shall cause a statement to be prepared showing in detail such of the assets of the bank, other than loans, which, in the judgment of the board, have a value less than the value at which they are carried on the books of the bank, and stating the value, in its judgment, of such assets. There shall also be included in the statement a list of those loans which, in the judgment of the board, are (1) worthless, or (2) doubtful, or (3) insufficiently secured.

B. Within the same sixty day period specified in subsection A of this section, the directors shall file in the department (1) a copy of the report of the examination, certified as required by said subsection, and (2) a copy of the statement prepared pursuant to said subsection, certified by an officer of the bank.

C. 17:9A-255. Extensions of time by commissioner.

255. Extensions of time by commissioner.

The commissioner shall have the power, for good cause shown, to decrease the four month period specified in subsection B of section 253 by not more than thirty days; to extend the twelve month period specified in subsection B of section 253 for a further period not exceeding three months; and to extend the sixty day period specified in section 254 for a further period not exceeding thirty days.

C. 17:9A-256. Reports to commissioner.

256. Reports to the commissioner.

A. Every bank shall make and file in the department, not less than two reports during each year, in the form prescribed by the commissioner.

B. Every report filed pursuant to subsection A of this section shall state in detail and under appropriate heads the assets and liabilities of the bank at the close of business on any day specified by the commissioner, and shall be filed in the department within ten days after the receipt by the bank of a request therefor. The report shall be attested by the signatures of at least three directors who are not officers of the bank, and shall be verified by the oaths or affirmations of at least two officers of the bank. The commissioner may extend for not more than ten days the time within which such report shall be filed.

C. The commissioner shall have power to call for special reports from a bank when, in his judgment, such special reports are necessary in order to obtain a full and complete knowledge of its condition.

D. A bank which fails to make and transmit a report required by this section shall be subject to a penalty of one hundred dollars for each day during which such failure continues, to be recovered with

costs by the State in any court of competent jurisdiction in an action prosecuted by the Attorney General.

257. Reports of ten year dormant accounts.

C. 17:9A-257. Report of ten year dormant accounts.

A. In addition to the reports made and filed pursuant to section 256, every savings bank shall, at least once in each calendar year, make and file in the department, a sworn statement containing the name, the amount standing to his credit, the last known place of residence or post office address, and the fact of death, if known, of each depositor in whose account there is a balance of one hundred dollars or more, and who has not made a deposit or a withdrawal or presented his pass book for the entry of interest or dividend credits, for a period of ten or more years next preceding the first day of the calendar year in which such statement is made and filed. The statement shall be filed on such date as the commissioner may by regulation prescribe.

B. Each savings bank shall, within thirty days after the filing of such statement, cause a summary thereof, containing the name and last known place of residence or post office address of each such depositor, to be published in a newspaper selected as designated in section 258, but no such publication shall be required in respect to depositors whose names have been advertised, in the manner prescribed by this section, for two successive years.

C. Not less than two months prior to the filing of any statement pursuant to this section, the savings bank shall make inquiry for the purpose of locating each such depositor, by mailing a registered letter or notice addressed to him at his last known place of residence or post office address.

D. Proof of the publication and mailing of notice required by this section shall be made by affidavit of two officers of the savings bank, and shall be filed in the department.

E. For each willful violation of this section, the savings bank shall be subject to a penalty of one

hundred dollars, to be recovered with costs by the State in any court of competent jurisdiction in an action prosecuted by the Attorney General.

C. 17:9A-258. Publishing summary of report.

258. Publication of summary of report.

A summary of each report filed pursuant to subsection A of section 256, in such form as the commissioner shall prescribe, shall be published once by the bank in a newspaper published and circulated in the municipality in which the bank maintains its principal office, or, if there be no such newspaper, then in one published in the county in which the bank maintains its principal office, or in an adjoining county, and which has a general circulation in such municipality. The publication shall be made within two weeks after the filing of the report, and the cost thereof shall be paid by the bank. Proof of publication shall be made and filed in the department.

C. 17:9A-259. Statement of conditions, contents.

259. Statements of condition; contents.

No bank and no officer, director or agent of any bank shall issue, publish, display or circulate any statement or report purporting to show the bank's condition as of the date of a report filed pursuant to subsection A of section 256, which is at variance in any material respect from the summary published pursuant to section 258. No bank and no officer, director or agent of any bank shall issue, publish, display or circulate any other statement or report purporting to show the bank's condition as of any other date, which does not itemize and state its assets and liabilities as of the date of the statement or report in the same manner as required by section 258.

C. 17:9A-260. Examination of banks by commissioner.

260. Examination of banks by commissioner.

A. The commissioner shall, whenever and as often as he shall deem it advisable, cause the affairs of every bank to be examined to determine whether the bank is conducting its business in conformity with the laws of this State and its certificate of incorporation, and with safety to its depositors, other creditors and the public.

B. The officers and employees of every bank being examined shall exhibit to the examiners all its securities, books, records and accounts and shall otherwise facilitate the examination so far as it may be in their power.

C. The commissioner, a deputy commissioner, and every examiner assigned by the commissioner or by a deputy commissioner to examine the affairs of a bank may administer an oath to any person whose testimony is required for the purposes of the examination. The commissioner or deputy commissioner may compel the appearance of any person for the purposes of examination, by subpœna ad testificandum and the production of books, papers, documents, or other records by subpœna duces tecum.

261. Enforcement of subpœna.

C. 17:9A-261. Enforcement of subpœna.

If any person shall refuse to obey a subpœna or a subpœna duces tecum issued pursuant to section 260, the Superior Court may, upon application by the commissioner and proof of such refusal, make an order directing such person to obey the subpœna or subpœna duces tecum, and may punish for contempt any person disregarding such order.

262. False testimony; perjury.

C. 17:9A-262. False testimony, perjury.

A person who shall willfully testify falsely to a material and relevant matter, upon oath administered by the commissioner, a deputy commissioner, or an examiner pursuant to section 260 or section 261, shall be guilty of perjury.

263. Immunity of person testifying.

C. 17:9A-263. Immunity of person testifying.

Any person who has violated any provision of this act shall be a competent witness and compellable to testify in an examination as provided in sections 260 and 261, but, when so compelled to testify, such person shall not be liable to criminal prosecution under this act, or otherwise, for any matters in respect to which he shall be examined or to which his testimony shall relate.

C. 17:9A-264. Examinations confidential, subpœna.

264. Examinations confidential; subpœnas.

Every report and copy of a report of examination of a bank made by or under the supervision of the commissioner, and every report and copy thereof made by a bank pursuant to subsection C of section 256 shall be confidential, and shall not be made public by any officer, director or employee of a bank, and shall not be subject to subpœna or to admission into evidence in any action or proceeding in any court, except pursuant to an order of the court made upon notice to the commissioner and after affording the commissioner an opportunity to advise the court of reasons for excluding from evidence such report or any portion thereof. The court shall order the issuance of a subpœna for the production or admission into evidence of any such report or portion thereof, only if it is satisfied that (1) it is material and relevant to the issues in the proceedings, and (2) the ends of justice and public advantage will be subserved thereby. This section shall not apply to any action or proceeding instituted by the commissioner or Attorney General pursuant to any law of this State.

C. 17:9A-265. Valuation of assets.

265. Valuations of assets by commissioner.

A. For the purposes of determining whether a bank is insolvent or is in an unsafe or unsound condition to transact business, within the meaning of paragraphs (4) or (6) of subsection A of section 269, the commissioner may, in his discretion, consider that obligations described in subsection B of this section are worth

(1) their face amounts, or
(2) their cost to the bank, or
(3) any amount between their face amounts and such cost.

The commissioner may likewise, in his discretion, consider that all other assets have such values as he deems proper.

B. For the purposes of subsection A of this section, an obligation shall mean a bond or interest-bearing note or other obligation for the payment of money in sum certain, which is not in default as to principal or interest and

(1) which was issued or guaranteed by the United States, or issued by any agency, district, territory or possession of the United States, this State, any other state of the United States, the Port of New York Authority, the Palisades Interstate Park Commissioners, the Delaware River Joint Commission, the New Jersey Interstate Bridge and Tunnel Commission, the New Jersey Interstate Bridge Commission, any county, municipality, school district, board of park or sewer commissioners, or similar public authority of this State or any other state of the United States, or

(2) which was issued by any private corporation, if the obligation has a ready market over the counter, or on a stock, securities, or investment exchange.

ARTICLE 42

BANKS AND SAVINGS BANKS: ULTRA VIRES, UNLAWFUL AND UNSAFE PRACTICES: POSSESSION BY COMMISSIONER: LIQUIDATING AGENTS: RECEIVER

266. Definitions. C. 17:9A-266. Terms defined.

For the purposes of this article,

(1) "bank" shall mean a bank or savings bank;

(2) "board of directors" shall include the board of directors of a bank, and the board of managers of a savings bank; and

(3) "director" shall include a director of a bank and a manager of a savings bank.

267. Commissioner's powers on ultra vires, unlawful and unsafe practices; appeal. C. 17:9A-267.

Order to unlawful and unsafe practices.

A. If the commissioner finds that a bank is violating the provisions of its certificate of incorporation, or is conducting its business in violation of any law of this State, or in an unsafe manner, he shall order the bank to cease its ultra vires, unlawful or unsafe practices, as the case may be.

B. An order of the commissioner made pursuant to subsection A of this section shall be subject to review, hearing and relief in the Superior Court. The institution of proceedings to review such an order of the commissioner shall stay the institution of an action pursuant to section 268 and shall suspend the accrual of penalties thereunder until final determination in such proceedings and until there be a failure to appeal within thirty days after such final determination, and, if there be such an appeal, until final disposition of the appeal.

C. 17:9A-268. Penalty for failure to comply with order.

268. Penalty for failure to comply with commissioner's order.

A bank which continues to violate the provisions of its certificate of incorporation or which continues to conduct its business in violation of any law of this State, or in an unsafe manner, after having been ordered by the commissioner to cease such practices, shall be liable to a penalty of one thousand dollars to be recovered with costs by the State in any court of competent jurisdiction in an action prosecuted by the Attorney General, and it shall be liable to a like penalty for each day's additional default from and after the time specified in the order. The penalty provided by this section shall be in addition to and not in lieu of any other provision of law applicable upon a bank's failure to comply with an order of the commissioner.

C. 17:9A-269. Taking possession, causes, liquidation.

269. Possession by the commissioner; causes; liquidation, return, merger, or reorganization.

A. The commissioner may forthwith take possession of the property and business of any bank

(1) which has failed or refused to comply with the provisions of any order lawfully made by the commissioner; or

(2) which has failed or refused to submit to an examination as provided by section 260; or

(3) whose officers or directors, or any of them, willfully impede an examination made pursuant to section 260; or

(4) which is insolvent; or

(5) which has suspended its business for want of funds to carry it on; or

(6) which is, in the opinion of the commissioner, in an unsafe or unsound condition to transact business.

B. Notwithstanding the taking by the commissioner of possession of the property and business of a bank,

(1) title to all the property of the bank, including property held in fiduciary capacities, shall remain in the bank;

(2) the corporate existence of the bank shall continue unless terminated as provided in this article; and

(3) the stockholders and directors of the bank shall be entitled to meet and the stockholders, directors and officers of the bank shall be entitled to act upon any matter which does not infringe upon the powers granted to the commissioner by this article.

C. The commissioner may retain possession of the property and business of the bank for the purpose of liquidation, or he may, when he concludes that the cause or causes for his taking possession have been removed or remedied, return the property and business of the bank to the management and control of its officers and directors. He may also initiate proceedings for the merger or reorganization of the bank, and, to that end, may call stockholders' meetings.

270. Application to the Superior Court; appeal. C. 17:9A-270. Appeal to superior court.

A. A bank which feels itself aggrieved by the commissioner's taking possession of its property

and business pursuant to this article, may, at any time within ten days after possession is taken, apply to the Superior Court for an order directing the commissioner to show cause why he should not be directed to return the bank's property and business to the control and management of its officers and directors. The court, upon the return of the order to show cause, shall hear the allegations and proofs of the parties summarily, and shall make an order or decree thereon, dismissing the order to show cause or directing the commissioner to surrender possession of the bank's property and business.

B. An appeal from any order or decree of the Superior Court made pursuant to subsection A of this section shall lie as in other cases in such court, but such appeal shall be taken within thirty days from the filing of the order or decree appealed from.

C. 17:9A-271. Effect of possession by commissioner on liens.

271. Effect of possession by commissioner on liens; possession as a stay.

A. All levies, judgments, attachments and other liens, upon property obtained through legal proceedings against a bank when it is insolvent and within four months prior to the commissioner's taking possession of its property and business, and any title resulting from enforcement of any such lien, shall be void, except title obtained by a bona fide purchaser for value.

B. While the commissioner is in possession of the property and business of a bank, no person shall acquire a lien or charge on any assets of the bank for any liability of the bank existing at the time of the taking of possession.

C. So long as the commissioner retains possession of the property and business of a bank, and unless otherwise ordered by the Superior Court, upon notice to the commissioner,

(1) no person shall institute a proceeding in any court against the bank, except as authorized by this article, and the running of any

statute of limitations shall be suspended so long as the disability imposed by this paragraph remains in effect;

(2) all proceedings pending in any court when the commissioner takes possession shall be stayed; and

(3) no judgment, decree, levy, execution or distraint shall be enforced against the property of the bank.

D. The Superior Court shall have jurisdiction to make such orders as may be necessary to effect the purposes of this section.

272. Powers of commissioner.

C. 17:9A-272. Commissioner's powers.

A. While in possession of the business and property of a bank, the commissioner may, in the name of the bank

(1) continue the business of the bank in all its aspects, including, in the case of a qualified bank, the exercise of its fiduciary and agency powers; except that the commissioner may not

(a) make loans other than loans for which there are outstanding commitments and loans wholly or partly renewing obligations to the bank outstanding when possession is taken;

(b) invest the funds of the bank or of any fiduciary account other than in obligations of the United States or of this State, or in obligations unconditionally guaranteed both as to principal and interest by the United States or this State;

(c) permit withdrawals from or charges against the account of a depositor, except to the extent that deposits are made after the commissioner takes possession; or

(d) pay claims of creditors, other than depositors, arising prior to the taking of possession, except as provided in sections 284 and 286;

(2) demand, sue for, collect, receive, and take into his possession all the bank's real and

personal property, including the power to sue for and recover any property transferred in fraud of the bank's creditors;

(3) compound and settle with any of the bank's debtors or creditors, or with persons having possession of its property, or in any way responsible to the bank at law or in equity, and extend the time for payment of any obligation owing to the bank, upon such terms and conditions as he shall deem just and beneficial to the bank;

(4) make or allow set-offs according to law and equity;

(5) sell, assign, transfer, or convey all or any part of the real and personal property of the bank;

(6) prosecute or defend any suit or other legal proceeding to which the bank is a party;

(7) execute, acknowledge, and deliver any deed, assignment, release, agreement, warrant to cancel a mortgage or other lien, or other instrument necessary or appropriate to effect any sale of real or personal property, or to compromise or compound any claim, or to restore to any person any property deposited or transferred as security for the payment of a debt or the performance of an obligation, upon the payment of the debt or the performance of the obligation, or which is necessary or appropriate to effect any other power which the commissioner is authorized to exercise in respect to the business and property of such bank. Any deed or other instrument so executed and delivered shall be valid and effectual for all purposes as though executed and delivered by the officers of the bank by authority of its board of directors;

(8) do all acts necessary or appropriate to conserve the property and business of the bank.

B. The commissioner shall have the power, while in possession of the property and business of a bank, to subpœna any person to testify concerning the property and business of the bank, as in the manner provided in sections 260 and 261. Any person so subpœnaed shall be subject to the provisions of sections 262 and 263.

273. Jurisdiction of Superior Court.

C. 17:9A-273. Jurisdiction of superior court.

The Superior Court shall have jurisdiction, on application by the commissioner for instructions in respect to the administration of the bank's affairs, to make such orders and decrees thereon as law and equity shall require, but no application by the commissioner pursuant to this article shall subject the business and property of the bank to the general jurisdiction of the Superior Court, nor shall such application be construed as a surrender or abandonment by the commissioner of the powers and duties conferred and imposed upon him by this article.

274. Proceeds of liquidation; deposits; preference.

C. 17:9A-274. Proceeds of liquidation.

The proceeds of the liquidation by the commissioner of the assets of a bank shall be held by him, less the costs and expenses of administration and liquidation, until such proceeds shall be disposed of under the direction of the Superior Court. Pending such disposition, the moneys collected by the commissioner shall, from time to time, be deposited by him in a bank, and, in the case of the insolvency or suspension of the depositary, the deposits so made shall be preferred before all other deposits.

275. Employees and assistants of commissioner; counsel.

C. 17:9A-275. Employees and assistants of commissioner, counsel.

The commissioner may, from time to time, appoint one or more special assistant deputy commissioners of banking and insurance, who may or may not be employees in the department, as agent or agents, to assist him in administering the business and affairs of a bank of which he has taken possession, and he may, from to time, hire such employees and assistants as he shall deem necessary

to the proper administration of the business and affairs of such bank, including officers and employees of the bank. He may further, notwithstanding any other provision of law, appoint an attorney or a counsellor-at-law of this State, who need not be a member or an employee of the Department of Law of this State, to represent and advise him and to act as counsel in the administration of the business and property of the bank. The commissioner may, at the expense of the bank, obtain such security for the faithful performance of the duties of such assistant deputy commissioners, counsel, and other employees as he shall deem necessary. Appointments of special assistant deputy commissioners and counsel made pursuant to this section shall be evidenced by writings signed by the commissioner and filed in the department.

C. 17:9A-276. Compensation.

276. Compensation of employees, assistants, and counsel.

The compensation of the special assistant deputy commissioners, counsel, and of all other persons engaged in the administration of the business and affairs of a bank of which the commissioner has taken possession, and all other expenses of administration and liquidation, shall be fixed by the commissioner, subject to the approval of the Superior Court as hereinafter provided, and shall, upon the certificate of the commissioner, be paid out of the funds of the bank.

C. 17:9A-277. Accounting by commissioner, notice to claimants.

277. Accounting by commissioner; notice to claimants.

A. On making the first application to the Superior Court for approval of expenses of administration, pursuant to this article, the commissioner shall file in the court an accounting of the administration of the bank's affairs from the date on which possession was taken, including an accounting of the administration of the bank's affairs by the commissioner's predecessor or predecessors in office, when such possession was initially taken by a predecessor. On making each further application to the court for approval of expenses of adminis-

tration, the commissioner shall file in the court a further accounting for the period elapsed since the last prior accounting, and shall include a summary of the administration of the bank's affairs for the periods covered by prior accountings.

B. Upon the filing of an application and an accounting, pursuant to subsection A of this section, the court shall make an order directing all stockholders of the bank and all depositors and other creditors entitled to a distributive share of the proceeds of the bank's liquidation to show cause, upon at least ten days notice, why the accounting should not be approved, and why the expenses of administration should not be allowed in the amounts determined by the commissioner. Copies of the order to show cause shall be mailed to stockholders and depositors and other creditors at their addresses as they appear on the bank's records.

C. 17:9A-278. Hearing on accounting.

278. Hearing on accounting; representation by classes.

When it appears to the court that the stockholders or other claimants are so numerous that service of the order to show cause upon each of them, as provided by subsection B of section 277, is impracticable or will impose unnecessary hardship, the court may by order designate individual stockholders or other claimants to represent the respective classes of stockholders or other claimants, and may direct that service of a copy of the order to show cause shall be made only upon the representatives so designated. In such case, the order to show cause or a summary thereof approved by the court shall be printed once at least ten days before the return day, in a newspaper published in the municipality in which the bank has its principal office, and, if there be no such newspaper, then in a newspaper published in the county in which such municipality is located, or in an adjoining county, and which has a general circulation in such municipality.

C. 17:9A-279. Decree of court on accounting, appeal.

279. Decree of court on accounting; appeal.

Upon the return day of the order to show cause provided by subsection B of section 277, the court shall have jurisdiction to hear and determine summarily all matters arising thereon, and shall make such decree thereon as justice and equity shall require. An appeal from a decree so made shall lie as in other cases in the Superior Court, provided such appeal is taken within thirty days from the filing of the decree.

C. 17:9A-280. Notice to creditors, publication, claims barred.

280. Notice to creditors to present claims; publication; claims barred.

The commissioner shall, after taking possession of the business and property of a bank, cause notice to be given to all persons, other than depositors, who may have claims against the bank, to present their claims to him under oath at a time and place to be designated in the notice. The notice shall be published at least once in each week for three successive weeks in at least one newspaper designated by the commissioner and published in the municipality in which the bank has its principal office, and, if there be no such newspaper, then in a newspaper published in the county in which such municipality is located, or in an adjoining county, and which has a general circulation in such municipality. The time limited therein for the filing of claims shall be at least two months from the date of the last publication of the notice. A copy of the notice shall be mailed to all known creditors of the bank, other than depositors, at least thirty days before the expiration of the time limited for filing proofs of claim. Proof of the publication and mailing of the notice shall be filed in the department. Any creditor of a bank who is required by this section to file a claim and fails so to do within the time limited therefor shall not be entitled to share in the distribution of the bank's assets.

C. 17:9A-281. Verification of deposit balances.

281. Verification of deposit balances.

The commissioner shall verify all balances due depositors by causing a notice to be mailed to each depositor at his address as it appears on the rec-

ords of the bank. The notice shall state the amount of the deposit balance as it appears on the bank's records, and shall instruct the depositor that, if he disputes the amount thereof, he shall within sixty days from the date of the mailing of the notice to him, file a claim with the commissioner for the amount he claims to be due him, and, in default thereof, his claim will be allowed only in the sum stated in the notice. The failure of a depositor to file a claim within the time so limited shall be conclusive evidence of the depositor's assent to the correctness of the balance stated in the notice. An affidavit of the mailing of notices pursuant to this section shall be filed in the department.

C. 17:9A-282. Rejection of claims by commissioner, actions.

282. Rejection of claims by commissioner; actions.

If the commissioner doubts the justice or validity of any claim made pursuant to sections 280 or 281, he shall reject it or shall allow it in the amount that he deems proper and shall serve notice of his action upon the claimant, either personally or by mail. An affidavit of service of such notice shall be filed in the department. An action upon such part of the claim as is rejected shall be brought within three months after such service, unless the commissioner, or the Superior Court, for cause shown, shall grant an additional period of time, not exceeding three months, and, if not brought within any period herein limited, shall thereafter be forever barred. A statement of the claimant's rights under this section shall be included in every notice of rejection.

C. 17:9A-283. Objections to allowance of claims by commissioner.

283. Objections to allowance of claims by commissioner.

A. The Superior Court shall have jurisdiction, on petition and order to show cause, summarily to hear and to judge objections to a claim or claims allowed against the bank by the commissioner, when such objection is made by a depositor, other creditor or stockholder of the bank. If the objection is sustained by the court after notice to the commissioner and to the person to whose claim objection is

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made, the commissioner shall make no payment on the claim to the extent that an objection thereto has been sustained, unless the claim, to the extent that the objection has been sustained, is reduced to judgment or decree by a court of competent jurisdiction in an action instituted within sixty days after the Superior Court has filed its order sustaining the objection. Failure of the claimant, to whose claim objection has been sustained pursuant to this section, to bring suit within the period herein limited shall be a complete bar to the bringing of such suit thereafter.

B. Any person aggrieved by an order or decree of the Superior Court made pursuant to subsection A of this section may appeal therefrom as in other cases in that court, but such appeal shall be taken within thirty days from the filing of the order appealed from.

C. 17:9A-284. Distribution of proceeds of liquidation.

284. Distribution.

A. The proceeds of the liquidation of the assets of a bank, the property and business of which the commissioner has taken possession, shall be distributed according to the priorities and preferences provided by Chapter 14 of Title 14 of the Revised Statutes; except that, in the case of a savings bank, the surplus remaining after the payment or provision for the payment of all of its liabilities, claims and deposits, with interest or dividends to the date when possession was taken by the commissioner, and payment of or provision for all expenses upon final distribution, shall be divided pro rata among its depositors according to the amounts of their deposits at the time such possession was taken by the commissioner.

B. After the expiration of the times limited for the filing of claims and for the institution of actions upon rejected claims as provided by sections 280, 281 and 282, the commissioner may, from time to time, file an accounting in the Superior Court and apply for an order authorizing the payment of a liquidating dividend out of the funds in his hands. No distribution shall be made by the commissioner

until he has accounted as provided in sections 277, 278 and 279, and a decree is made allowing the account and directing such distribution.

C. Upon making final distribution, the commissioner shall file in the Superior Court a statement of such distribution, and he shall file in the department a certificate that such statement has been filed, specifying the date of the filing of the statement.

285. Corporate dissolution.

C. 17:9A-285. Corporate dissolution.

Upon the filing of the certificate in the department pursuant to subsection C of section 284, the bank shall be dissolved, and its corporate rights, privileges and franchises shall be terminated. A copy of the certificate, certified by the commissioner, shall be evidence in all courts and places.

286. Unclaimed funds; publication; disposition.

C. 17:9A-286. Unclaimed funds, disposition.

A. Within nine months from the date of the order authorizing a final liquidating dividend, the commissioner shall cause a notice to be published in at least one newspaper selected as in section 280 provided, containing the names and last known addresses of those persons entitled to participate in the distribution of the proceeds of the bank's assets who have failed to take payment thereof. Such publication shall be made at least once a month for three successive months, and the cost thereof shall be charged ratably against the several sums so unclaimed.

B. At the expiration of the period of publication specified in subsection A of this section, the commissioner shall file a petition in the Superior Court for leave to pay into that court the funds which then remain unclaimed. The petition shall recite the name, the last known address, and the amount due to each depositor, other creditor or stockholder who has failed to take payment of the distributive share due him. The court, on proof that the publication required by subsection A of this section has been made, shall make an order upon such petition directing the commissioner to pay the funds into court, there to be held for the

benefit of those entitled thereto. Upon payment of the funds into court, the commissioner shall be relieved of all duties and responsibilities in connection therewith.

C. The Superior Court may make an order pursuant to subsection B of this section, without the prior publication of the notice specified in subsection A, upon proof that the cost of such publication is disproportionate to the amount to be paid into court.

C. 17:9A-287. Unclaimed funds held under prior law.

287. Unclaimed funds held under prior law.

Unclaimed funds held by the commissioner, pursuant to any prior law of this State, in trust for the several persons entitled thereto in the case of a bank fully liquidated by the commissioner prior to the effective date of this act, shall be paid into the Superior Court pursuant to section 286, without publication.

C. 17:9A-288. Unclaimed funds, costs.

288. Unclaimed funds; costs.

The costs of proceedings taken pursuant to sections 286 and 287 shall be charged ratably by the Clerk of the Superior Court against the funds so deposited in the court.

C. 17:9A-289. Unclaimed funds, escheat.

289. Unclaimed funds; escheat.

Sections 286 and 287 shall not relieve the commissioner of any duty or responsibility imposed upon him by Chapter 199, Laws of 1945, as now or hereafter amended or supplemented, in respect to any bank the property and business of which he is in possession.

C. 17:9A-290. Demand by commissioner for removal of property and contents of safe deposit boxes.

290. Demand by commissioner for removal of property and contents of safe deposit boxes.

The commissioner may, after he has taken possession of the property and business of a bank, cause to be mailed to each person claiming to be, or appearing on the books of the bank to be,

(1) the owner of any package or other personal property in the custody or possession of the bank as custodian or as bailee or depositary for hire or otherwise, including the contents of any space, safe, vault or safe deposit

box theretofore opened for nonpayment of rental, or

(2) the lessee of any space, safe, vault or safe deposit box,

a notice in writing directed by registered mail to such person at his last address as it appears on the books of the bank, or at his last known address if no address appears on such books. The notice shall direct such person to remove all such property or the contents of any such space, safe, vault or safe deposit box, within a stated period, which shall be not less than sixty days from the date of such notice, and shall notify such person of the provisions of sections 290 to 298. The custodian agreement, or the contract of bailment or of deposit for hire, or the lease of any space, safe, vault or safe deposit box between the person to whom such notice is mailed and the bank shall cease upon the date for removal fixed in such notice. If any charge for acting as custodian, bailee or depositary, or if any rent for any such space, vault, safe, or safe deposit box has been paid to a date subsequent to the removal of such property or of the contents of such space, vault, safe, or safe deposit box, the charge or rent so paid shall be apportioned as of the date of such removal, and so much thereof as shall be allocable to the unexpired term of such letting shall be a debt of the bank, payable in the same manner as other unsecured and unpreferred debts, but no proof of claim shall be required to be filed in connection therewith.

291. Inventory and storage of property not removed.

C. 17:9A-291. Inventory and storage of property.

A. If property shall not be removed as provided in section 290, the commissioner shall cause such property to be inventoried, and, to that end, shall cause each space, safe, vault, or safe deposit box, and each package in the custody or possession of the bank as custodian or as bailee or depositary for hire or otherwise, to be opened and the contents, if any, to be removed. Such inventory, or opening,

removal and inventory, shall be made in the presence of the commissioner or of a person designated by him, and of a notary public, not an officer or employee of the bank. The property or contents shall thereupon be sealed by the notary public in a package marked by him with the name of the person in whose name such property or such space, safe, vault, safe deposit box, or package stands upon the books of the bank. A copy of the inventory of the property therein shall be certified and attached to the package by the notary public.

B. Each package shall be kept by the commissioner at such place as he may determine, at the expense and risk of the person in whose name it stands, until delivered to such person or until sold, destroyed or otherwise disposed of pursuant to sections 293, 294 and 295. The package may, pending final disposition of its contents, be opened from time to time by the commissioner or by a person designated by him, in the presence of a notary public, not an officer or employee of the bank, for inspection or appraisal, or to enable the commissioner to exercise any of the powers conferred or duties imposed upon him by this article. Whenever a package is opened, the commissioner or the person designated by him and a notary public, not an officer or employee of the bank, shall endorse on the outside of the package the date of opening and resealing, and shall make an affidavit which shall be attached to the package, stating the reason for the opening and the items, if any, removed therefrom, or placed or replaced therein.

C. 17:9A-292. Delivery of property to claimants.

292. Delivery of property to claimants.

At any time prior to the sale, destruction or other disposition of the contents of a package pursuant to sections 293, 294 and 295, the person in whose name such package stands may require its delivery upon payment of all charges or rent accrued, and all other charges or expenses paid or incurred to the date of the delivery, including the cost of inventorying or of opening and inventorying, the fees of the notary public, the cost of preparing and

mailing the notice, and publication, if any. If the commissioner is in doubt concerning the person entitled to such package, or if there are conflicting claims thereto, he may require an order of the Superior Court authorizing and directing the delivery of the package.

293. Sale of unclaimed property.

C. 17:9A-293. Sale of unclaimed property.

If, after the expiration of one year from the time of mailing the notice pursuant to section 290, there shall remain any unclaimed property, the commissioner shall offer it for sale at public auction upon such terms and conditions as he shall determine. After retaining from the proceeds of such sale the costs thereof, and the costs of publishing, opening, inventorying, removal, and storage, and the accrued charges or rent, the commissioner shall hold the balance of such proceeds as unclaimed funds, to be disposed of pursuant to section 286.

294. Notice of auction.

C. 17:9A-294. Notice of auction.

At least sixty days notice of a public auction to be held pursuant to section 293 shall be given by registered mail to each person claiming to have or appearing on the books of the bank to have an interest in the unclaimed property. Notice of the auction shall also be published once a week for the three weeks next preceding the week in which the auction is to take place, in a newspaper published in the municipality in which the bank last maintained its principal office, and, if there be no such newspaper, then in one published in the county in which the bank last maintained its principal office or in an adjoining county, and which has a general circulation in such municipality.

295. Disposition of unsold property.

C. 17:9A-295. Disposition of unsold property.

If any property offered for sale at public auction pursuant to section 293 shall not be sold, the commissioner may, without notice, apply to the Superior Court for leave to sell such property at private sale, and upon failure to find a purchaser therefor, to destroy such property. Upon such application, the court may make such order as in its discretion the circumstances shall require. The

proceeds of a private sale shall be held and disposed of as unclaimed funds, pursuant to section 286.

C. 17:9A-296. Liability of third person.

296. Liability of third person.

No bank or other depositary to which any property is delivered by the commissioner for safekeeping pursuant to this article, and no purchaser at any auction or private sale held pursuant to this article, shall be liable or accountable to any person for any error or irregularity of the commissioner or of any person acting on behalf of the commissioner in any proceeding taken pursuant to this article.

C. 17:9A-297. Other remedies.

297. Other remedies.

The provisions of sections 290 to 296 shall not affect or preclude any other remedy for the enforcement of the claims or rights of the commissioner, or of a bank of whose property and business he is in possession, against the person in whose name any property or any space, safe, vault or safe deposit box stands, or affect or bar the right of the commissioner or the bank to recover, before auction or sale, any debt or claim due him or it, or, after sale, so much of the debt or claim as shall not be paid by the proceeds of the auction or sale.

C. 17:9A-298. Application of article to property held under prior law.

298. Application of article to property held under prior law.

If the commissioner shall heretofore have taken possession of the business and property of any bank pursuant to the provisions of law then existing, and he (1) shall have given the notice then prescribed to the owner of any personal property in the custody or possession of the bank as custodian or as bailee, depositary for hire or otherwise, or to the lessee of any space, safe, vault or safe deposit box, and (2) shall have inventoried such property, or opened and inventoried the contents of such space, safe, vault, or safe deposit box or of any package in its custody or possession, such notice and inventorying shall be deemed to have been effected pursuant to the provisions of sections 290 and 291. In such case, all other pro-

visions of sections 290 through 297 shall be applicable with the same force and effect as if such notice and inventorying had been effected pursuant to sections 290 and 291.

C. 17:9A-299. Determination as to who shall wind up affairs.

299. Determination whether commissioner or agents, shall wind up affairs.

When the commissioner has paid in full the claims of all persons, other than stockholders, entitled to share in the distribution of the proceeds of the liquidation of the assets of a bank, other than a savings bank, the business and property of which he has taken possession, and when the commissioner has made disposition of unclaimed deposits and liquidating dividends and of unclaimed property as in this article provided and when, after all expenses of administration have been paid, there shall remain any assets of the bank to be liquidated, the commissioner shall call and preside over a meeting of stockholders to determine whether he shall continue as liquidator to wind up the affairs of the bank, or whether an agent or agents shall be elected by the stockholders for that purpose. At least twenty days notice of such a meeting shall be given by mail directed to each stockholder at his address as it appears on the bank's records.

C. 17:9A-300. Agents, powers.

300. Election of agents; powers; vacancies.

A. If, at a meeting of stockholders held pursuant to section 299, the holders of a majority of the stock shall vote, in person or by proxy, that liquidation be completed by an agent or agents elected by the stockholders, the stockholders shall elect such number of agents as they shall determine. Following such election, the commissioner shall deliver to the agents so elected all the assets of the bank remaining in his possession, custody, or control and, upon such delivery, the commissioner shall be discharged from all further duties and responsibilities in respect to the assets so delivered. A certificate of the election of the agents for liquidation and of the delivery of the assets by the commissioner shall be made by the commissioner and filed in the department. The agents shall complete the liquida-

tion of the assets of the bank, and, to the extent necessary for such liquidation, shall have the powers and shall be subject to the duties conferred or imposed upon the commissioner by this article. Upon completion of the liquidation, and upon making final distribution to stockholders, the agent or agents shall file a certificate thereof in the department, and thereupon the bank shall be dissolved, and its corporate rights, powers and franchises shall terminate.

B. Vacancies caused by the death, resignation, removal or other disability of any agent elected pursuant to this section shall be filled by the surviving agents, and a certificate thereof shall be filed in the department. The acts of a majority of the agents shall constitute the acts of the bank.

C. 17:9A-301. Continuance of liquidation by commissioner.

301. Continuance of liquidation by commissioner.

If, at a stockholders' meeting held pursuant to section 299, the stockholders vote to have liquidation continued by the commissioner, the commissioner shall continue with the liquidation, and shall wind up the affairs of the bank and shall make distribution of the proceeds thereof to the stockholders in the same manner, with all the powers and subject to all the duties as in this article provided.

C. 17:9A-302. Liability of commissioner.

302. Liability of commissioner.

The commissioner shall not be subject to any civil liability or penalty nor to any criminal prosecution for any error in judgment or discretion in any action taken or omitted by him in good faith under the provisions of this article.

C. 17:9A-303. Failure to take possession.

303. Refusal or failure of commissioner to take possession; jurisdiction of the Superior Court; appointment of receiver.

A. When a bank is insolvent or has suspended its business for lack of funds to carry it on, a creditor or stockholder may serve a written demand upon the commissioner that he take possession of the property and business of the bank. If, after the lapse of twenty days from the day upon which the demand is served upon him, the commissioner shall have failed to take possession as

in this article provided, the Attorney General, or any creditor or stockholder of the bank may apply to the Superior Court for an injunction and the appointment of a receiver or receivers in the manner provided by Chapter 14 of Title 14 of the Revised Statutes, and thereafter, so long as such proceeding is pending in the Superior Court, the powers of the court and of any receivers appointed by it, and the rights and remedies of creditors and stockholders shall be as prescribed in Chapter 14 of Title 14 of the Revised Statutes.

B. No receiver shall be appointed by the Superior Court to exercise the powers prescribed in Chapter 14 of Title 14 of the Revised Statutes unless

(1) the bank is insolvent or has suspended its business for lack of funds to carry it on;

(2) demand has been served upon the commissioner, as provided by subsection A of this section;

(3) the commissioner has failed to take possession within the time limited by subsection A of this section; and

(4) the commissioner has been made a party to the suit in the Superior Court and has been served with a copy of the petition or complaint and notice of the time and place of application for the appointment of a receiver not less than ten days prior to the application for the appointment of a receiver.

C. 17:9A-304. Acceptance of federal loan.

304. Acceptance of loans from federal government.

While in possession of the business and property of a bank pursuant to the provisions of this article, the commissioner, or a receiver or receivers appointed pursuant to section 303, may, in the name of the bank, apply for and accept a loan or loans from the United States or from any officer, board, commissioner, corporation or other body created by the United States, and may pledge as security therefor all or any part of the assets of the bank.

ARTICLE 43

BANKING ADVISORY BOARD

C. 17:9A-305. Banking advisory board: Continuance.

305. Continuance of banking advisory board.

The banking advisory board heretofore created and established in the department is continued, subject to the provisions of this act.

C. 17:9A-306. Members, qualifications.

306. Members; qualifications.

The board shall consist, as heretofore, of the commissioner, who shall be ex-officio the chairman of the board, and eight other members appointed by the Governor with the advice and consent of the Senate, as hereinafter provided. Any appointed member of the board may be removed from office by the Governor whenever, in his judgment, the public interest may so require. Of the eight appointed members, at least five shall each have had, at the time of his appointment, not less than five years of practical experience as an active executive officer in a banking institution; and three thereof may be without such qualification. At no time, however, shall there be more than a single representative on the board from any one banking institution or group of banking institutions. The five members specified to have had practical executive experience shall be appointed, insofar as deemed advisable by the Governor, from the following groups:

(1) savings banks;

(2) banks located in the Second Federal Reserve District which are not members of the Federal Reserve System;

(3) banks located in the Second Federal Reserve District which are members of the Federal Reserve System;

(4) banks located in the Third Federal Reserve District which are not members of the Federal Reserve System; and

(5) banks located in the Third Federal Reserve District which are members of the Federal Reserve System.

307. Term of office; removal; vacancies. C. 17:9A-307. Term, removal and vacancies.

A. The members of the banking advisory board appointed prior to the effective date of this act shall continue in office for the terms for which they were last appointed.

B. Subject to the provisions of subsection A of this section, and subject to removal pursuant to section 306, each member of the board shall hold office for a term of four years, and thereafter until his successor is appointed and has qualified.

C. Members of the board shall be eligible for reappointment, subject, however, to compliance with the provisions of section 306.

D. Any vacancy in the board shall be filled for the unexpired portion of the term in the same manner as for a full term.

308. Expenses of members. C. 17:9A-308. Expenses of members.

The members of the banking advisory board shall serve without compensation, but shall be reimbursed for their actual and necessary expenses in attending meetings of the board. All claims for reimbursement shall be submitted in the form and manner prescribed for like claims of the commissioner.

309. Meetings; quorum. C. 17:9A-309. Meetings, quorum.

A. The board shall meet at least bimonthly at such times and places in the State as it may determine. The commissioner may call such other meetings as he may deem necessary, and he shall call a meeting when requested by two or more members of the board. At least three days notice of every meeting shall be given to each member of the board personally, or by mail, telephone, or telegraph.

B. A majority of the members of the board shall constitute a quorum. Any action which may be taken by the board at a meeting may be taken without a meeting, provided that an instrument evidencing such action is signed by all the members of the board, and filed in the department. Any number of copies of such instrument, each bearing one

or more signatures, shall be deemed a single instrument.

C. 17:9A-310. Secretary, appointment, qualifications and duties.

310. Secretary; appointment, qualifications and duties.

The board shall elect a secretary who may be an employee of the department, but who shall receive no extra compensation for serving as secretary. The secretary shall keep an accurate record of all meetings of the board, and shall perform such other duties as may be prescribed by the board.

C. 17:9A-311. Powers.

311. Powers of the banking advisory board.

A. In addition to the powers elsewhere in this act conferred upon it, the banking advisory board shall have power, by two-thirds vote of its members,

(1) to make recommendations to the commissioner upon any matter relating to the duties of the commissioner which he may submit to it;

(2) to make recommendations to the Governor concerning legislation affecting institutions which are subject to the provisions of this act.

B. In addition to the powers specified in subsection A of this section, the banking advisory board shall have power, by two-thirds vote of its members, upon the request of and subject to the approval of the commissioner,

(1) to make, amend, and repeal regulations not in conflict with the powers conferred by law upon the commissioner, for the following purposes:

(a) to establish safe and sound methods of banking to safeguard the interests of depositors and other creditors;

(b) to define "conducting business in an unsafe manner" as applied to banks and savings banks;

(c) to define "unsafe or unsound condition to transact business" as applied to banks and savings banks;

(2) to consider the decision of the commissioner on any application for the establishment of a branch office of any bank or savings bank, or any amendment to the certificate of incorporation of any bank or savings bank, or the merger of any two or more banks or savings banks, and make recommendations to the commissioner thereon.

312. Access to departmental records; information confidential. C. 17:9A-312. Access to departmental records.

For the purpose of discharging its duties, the board shall have access to all records in the department, including reports and confidential communications, but each member of the board shall treat all information so obtained as confidential, and shall not reveal any such information to any person other than another member of the board.

313. Liability of members. C. 17:9A-313. Liability of members.

No member of the board, including the commissioner, shall be personally liable for any act done or omitted in connection with the performance of his duties under this article.

314. Report to Governor. C. 17:9A-314. Report to Governor.

The board shall submit to the Governor annually, on or before December 1, a report of the activities of the board during the period from the last prior report.

ARTICLE 44

FOREIGN BANKS

315. Definition of foreign bank. C. 17:9A-315. Foreign banks: Definition.

For the purposes of this article, "foreign bank" shall mean a corporation, other than a banking institution, organized under the laws of the United States, a territory or possession of the United States, another state, or a foreign government,

which is authorized by the laws under which it is incorporated to exercise some or all of the powers specified in paragraph (4) of section 24, paragraphs (4), (5) and (13) of section 25, and paragraphs (3), (4), (5), (6), (7), (8) and (9) of section 28.

C. 17:9A-316. Limitations.

316. Limitations on transaction of business by foreign banks in this State.

A. No foreign bank organized under the laws of a foreign government shall transact any business in this State.

B. A foreign bank, other than one excluded by subsection A of this section, may transact business in this State only as executor or as testamentary trustee or guardian, and then only when named in a decedent's will or codicil thereto. Before transacting such business in this State, a foreign bank shall secure from the commissioner a certificate of authority to transact such business. The commissioner shall not issue a certificate of authority to a foreign bank unless a qualified bank is permitted to transact business as executor, or as testamentary trustee or guardian, when named in a will or codicil thereto, in the jurisdiction in which the foreign bank has its principal office.

C. No foreign bank shall maintain an office in this State.

C. 17:9A-317. Requirements to act as fiduciary.

317. Prerequisite to qualification of foreign bank as fiduciary.

As a prerequisite to its qualification in any fiduciary capacity specified in section 316, in any court of this State, a foreign bank shall present to the court a certificate of the commissioner certifying that it is authorized to transact business in this State pursuant to this article. The certificate shall be dated not earlier than thirty days prior to the foreign bank's qualification in such court.

C. 17:9A-318. Certificate of authority, application.

318. Application to commissioner for certificate of authority.

A foreign bank desiring to secure a certificate of authority to transact business in this State shall

make application to the commissioner therefor and file or deposit with such application

(1) a copy of its certificate of incorporation, and all amendments thereto, certified by its president or a vice-president and attested under its corporate seal by its secretary, an assistant secretary, its cashier or an assistant cashier;

(2) a statement of its financial condition as of the end of the preceding calendar year, in such form as shall be prescribed by the commissioner, similarly certified and attested;

(3) an affidavit of its president or a vice-president that it has not, subsequent to July 4, 1939, originally probated in a foreign jurisdiction the will of any person known to it to have died domiciled in this State, or applied in a foreign jurisdiction for original letters of administration of the estate of any such person;

(4) a certificate executed by its president or a vice-president and attested under its corporate seal by its secretary, an assistant secretary, its cashier or an assistant cashier, that, so long as it shall have a certificate of authority,

(a) it will comply with all the requirements of the laws of this State which shall be applicable from time to time to the transaction of its business in this State;

(b) it will, promptly following adoption, submit to the commissioner a copy of each amendment or other change in its certificate of incorporation, certified and attested as provided in paragraph (1) of this section;

(c) it will not originally probate in a foreign jurisdiction the will of any person known to it to have died domiciled in this State, or apply in a foreign jurisdiction for original letters of administration of the estate of any such person;

(5) a power of attorney, executed by its president or vice-president and attested under its corporate seal by its secretary, an assistant secretary, its cashier or an assistant cashier, authorizing the commissioner and his successors in office to accept service of process upon the foreign bank in any action or proceeding against it affecting or relating to any estate or trust administered under the laws of this State, with respect to which it shall act in a fiduciary capacity specified in section 316; such power of attorney shall provide that service of any such process upon the commissioner shall have the same force and validity as if served upon the foreign bank, and that the authority therein granted shall be irrevocable and shall continue in force indefinitely, notwithstanding the expiration, revocation or surrender of the certificate of authority or renewal thereof;

(6) securities having an aggregate market value of not less than thirty thousand dollars, of such character as the commissioner shall prescribe, to be held by the commissioner as security for the performance by the foreign bank of its obligations with respect to estates and trusts administered under the laws of this State, with respect to which it shall act in a fiduciary capacity specified in section 316.

C. 17:9A-319. Issuance of certificate of authority.

319. Issuance of certificate of authority.

A. Within sixty days following the receipt of the application of a foreign bank for a certificate of authority to transact business in this State, the commissioner shall issue the certificate or make an order denying the application.

B. The commissioner shall issue the certificate if he is satisfied from the application submitted to him, or otherwise,

(1) that the foreign bank is authorized by the laws under which it is incorporated to act

as executor of or trustee or guardian under wills admitted to probate in this State;

(2) that the foreign bank has an unimpaired paid-in capital stock of not less than one hundred thousand dollars; and

(3) that the foreign bank has complied in good faith with all of the requirements of section 318.

C. Before issuing or denying a certificate of authority, the commissioner may require a foreign bank which makes application for a certificate of authority to submit to him additional information, in such form and manner as he may require.

C. 17:9A-320. Deposited securities, income, substitution, withdrawal.

320. Deposited securities; income; substitutions; withdrawal.

A. Securities deposited with the commissioner pursuant to paragraph (6) of section 318, if not transferable by delivery, shall be assigned to "The Commissioner of Banking and Insurance of New Jersey" by separate instruments of assignment which shall be deposited with the securities. Until recourse is had to the deposited securities, as specified in section 321, the foreign bank depositing such securities shall be entitled to all income therefrom, and the commissioner shall execute such instruments as shall be necessary for this purpose.

B. Substitutions for securities deposited by a foreign bank shall be made when ordered or permitted by the commissioner.

C. Upon termination of the authority of a foreign bank to transact business in this State, the commissioner shall deliver to the foreign bank the securities deposited by it and any separate instruments of assignment deposited with the securities; *provided,* that the commissioner shall first be satisfied by such proof as he shall deem adequate that all obligations secured by the deposited securities have been satisfied.

C. 17:9A-321. Recourse to deposited securities.

321. Recourse to deposited securities.

Recourse to the deposited securities may be had only upon application to the Superior Court upon

such notice as it shall direct, which shall include notice to the commissioner and the foreign bank, following the entry of a decree or judgment against the bank for a breach of any fiduciary obligation to any person for whose benefit the securities were deposited. The Superior Court shall make such order on such application as it shall deem proper and necessary to preserve the rights of all those for whose benefit the securities were deposited.

C. 17:9A-322. Duration of authority.

322. Duration of authority.

A certificate of authority issued to a foreign bank shall continue in force, unless revoked by the commissioner or surrendered by the foreign bank, until April 1 of the year following the year in which it is issued.

C. 17:9A-323. Application for renewal of authority.

323. Application for renewal of certificate of authority.

On or before February 15 of any year, a foreign bank may apply to the commissioner for a renewal of its certificate of authority for one year, commencing on the following April 1, by filing an application for such renewal and submitting therewith

(1) a statement of its financial condition as of the end of the preceding calendar year, in such form and certified and attested as specified in paragraph (2) of section 318;

(2) an affidavit of its president or a vice-president, dated not more than ten days prior to the filing of the application for renewal, setting forth the matters specified in paragraph (3) of section 318; and

(3) a certificate setting forth the matters specified in paragraph (4) of section 318, executed and attested as provided in said paragraph.

The commissioner may extend the time for filing an application for renewal.

C. 17:9A-324. Issuance of renewal certificate of authority.

324. Issuance of certificate of renewal of certificate of authority.

A. Within thirty days following the receipt of an application of a foreign bank for a renewal of its certificate of authority, the commissioner shall issue a renewal certificate or make an order denying the application.

B. The commissioner shall issue the renewal certificate if he is satisfied from the application therefor submitted to him, or otherwise,

(1) that the foreign bank continues to be authorized by the laws under which it is incorporated to act as executor of or trustee or guardian under wills admitted to probate in this State;

(2) that the foreign bank has an unimpaired paid-in capital stock of not less than one hundred thousand dollars; and

(3) that the foreign bank has complied in good faith with all of the provisions of this article.

C. Before issuing or denying a certificate of renewal of authority, the commissioner may require a foreign bank to submit to him additional information, in such form and manner as he may require.

C. 17:9A-325. Additional statements.

325. Additional statements by and examinations of foreign banks.

A. So long as a foreign bank shall be obligated in any manner with respect to any estate or trust administered under the laws of this State, the commissioner may, whenever and as often as he shall deem it advisable,

(1) require the filing by the foreign bank of additional statements of financial condition and other information as to its compliance with the provisions of this article; and

(2) examine into the affairs of the foreign bank to determine its financial condition and its compliance with the provisions of this article, such examination to be made by the

commissioner, his deputy, or any other persons so authorized by the commissioner.

B. The officers and employees of every foreign bank being examined shall exhibit to the examiners all its securities, books, records and accounts which are pertinent to the examination, and shall otherwise facilitate the examination.

C. The commissioner, his deputy, and all other persons authorized by the commissioner to examine into the affairs of a foreign bank shall have the power to examine under oath or affirmation the directors, officers and employees of the foreign bank on matters pertinent to such examination, and, for that purpose, shall have power to administer oaths and affirmations.

C. 17:9A-326. Revoking certificate of authority.

326. Revocation of certificate of authority. The commissioner shall revoke the certificate of authority or renewal thereof of a foreign bank if

(1) the foreign bank has ceased to be authorized by the laws under which it is incorporated to act as executor of or as trustee or guardian under wills admitted to probate in this State;

(2) the foreign bank, after July 4, 1939, originally probated in a foreign jurisdiction the will of any person known to it to have died domiciled in this State, or applied in a foreign jurisdiction for original letters of administration of the estate of any such person;

(3) the foreign bank does not have an unimpaired paid-in capital stock of at least one hundred thousand dollars;

(4) he finds that its financial condition makes it inadvisable to permit the foreign bank to act in the fiduciary capacities specified in section 316;

(5) the foreign bank, its directors, officers or employees refuse to permit an examination of its securities, books, records and accounts pursuant to section 325, or if any of its direc-

tors, officers or employees refuse to be examined under oath as provided in said section;

(6) the foreign bank does not, within such time as the commissioner may fix, deliver to the commissioner any information required by the commissioner under section 325;

(7) the foreign bank does not pay the costs of an examination made pursuant to section 325;

(8) the foreign bank does not maintain on deposit with the commissioner securities of the kind and in the amount required by this article;

(9) the foreign bank does not, within such time as may be fixed by the commissioner, obey an order of the commissioner to substitute other securities for securities deposited by the foreign bank;

(10) the foreign bank does not, after the time for appeal has expired and no appeal is pending, satisfy a judgment or decree against it for a breach of any fiduciary obligation with respect to any estate or trust administered by it under the laws of this State.

C. 17:9A-327. Procedure on revocation.

327. Procedure on revocation.

Before any certificate of authority or renewal of a certificate of authority of a foreign bank shall be revoked by the commissioner, he shall afford the foreign bank a hearing at which it may show cause why such revocation should not be made. The commissioner shall give the foreign bank at least ten days notice by registered mail of such hearing, addressed to its principal office as shown on the records of the department.

C. 17:9A-328. Review of commissioner's action.

328. Review of commissioner's refusal to issue a certificate or his revocation of a certificate.

A. If the commissioner shall fail for sixty days to act upon an application for a certificate of authority, or shall fail for thirty days to act upon an application for a certificate of renewal of a certificate of authority, the foreign bank may apply to

the Superior Court for a review, hearing and relief.

B. The refusal of the commissioner to issue a certificate of authority or a certificate of renewal of a certificate of authority as provided in this article, or his revocation of such a certificate, shall be subject to review, hearing and relief in the Superior Court. No application to review such a refusal or revocation shall be heard by the Superior Court unless such application is made within thirty days from the date on which notice of the action of the commissioner is mailed to the foreign bank, and unless written notice of such application is given to the commissioner, with a copy of the affidavits and proofs upon which the application is based.

C. 17:9A-329. Surrender of certificate of authority.

329. Surrender of certificate of authority.

A certificate of authority or a certificate of renewal of a certificate of authority of a foreign bank may be surrendered by filing in the department

(1) a copy of a resolution of the board of directors of the foreign bank, authorizing such surrender, certified by the secretary, an assistant secretary, the cashier or an assistant cashier of the foreign bank; or

(2) a certificate of a receiver, trustee, conservator, or other administrative or judicial officer, by whatever name described, in possession of the property and business of the foreign bank, authorizing such surrender; or

(3) a copy of a certificate of dissolution of the foreign bank, issued by the appropriate officer of the jurisdiction in which the foreign bank was incorporated, certified by such officer under his official seal; or

(4) a copy of an order or a decree of dissolution of the foreign bank made by any court of competent jurisdiction, certified by the clerk of the court under his official seal.

Upon the filing of any such certificate, the commissioner shall issue and file in the department a cer-

tificate evidencing the surrender of the authority of the foreign bank to transact business in this State.

C. 17:9A-330. Violations, disabilities and penalties.

330. Violations; disabilities; penalties.

A. A foreign bank shall not be entitled to maintain any suit in any court of this State on any cause of action arising out of its transaction of business in this State in violation of the provisions of this article.

B. A foreign bank which violates any of the provisions of this article and its directors, officers, agents and employees who participate in any such violation shall be guilty of a misdemeanor.

C. 17:9A-331. Exempt transactions.

331. Exempt transactions.

Nothing in this article shall prohibit a foreign bank from enforcing in this State obligations acquired by it in the transaction of business outside of this State, or from acquiring, holding, leasing, mortgaging, contracting with respect to, or otherwise protecting or conveying property in this State assigned, transferred, mortgaged or conveyed to it as security for, or in whole or part satisfaction of a loan or loans made by it or obligations acquired by it in the transaction of business outside of this State.

C. 17:9A-332. Sale by administrative officer.

332. Sale of real property by foreign banks in the possession of an administrative or court officer.

When the property and business of a foreign bank not authorized to transact business in this State is in the possession of a banking commissioner, receiver, conservator, or other custodian or officer, by whatever name described, such officer may sell or make other disposition of any real property in this State to which title is vested in the foreign bank or in such officer, and may effect such sale or other disposition by deeds of conveyance or other instruments; *provided,* that a certified copy of any certificate of possession by such officer, or of any judgment, order or decree of a court appointing such officer to take possession, is filed in the department. If an order or decree of a court be required by the laws under which the foreign

bank is incorporated, directing or confirming the sale or other disposition of the real property, a certified copy of such order or decree shall also be filed in the department.

ARTICLE 45

FEES AND COSTS PAYABLE TO COMMISSIONER

C. 17:9A-333. Fees payable to commissioner.

333. Fees payable by banks and savings banks.

A bank or savings bank shall pay the following fees to the commissioner for the use of the State:

(1) for filing an original certificate of incorporation	$100 00
(2) for the issuance by the commissioner of a certificate of authority	50 00
(3) For filing a certificate of amendment of a certificate of incorporation, or an amended certificate of incorporation	50 00
(4) for filing any other certificate	10 00
(5) for filing an application for approval of the establishment of a branch office or of a change in location of a principal or branch office	50 00
(6) for filing an agreement of merger	50 00
(7) for filing a copy of a plan of reorganization	50 00
(8) for filing a report required by this act	25 00
(9) for filing an affidavit required by this act	5 00
(10) for filing proof of publication and mailing, or other proof required by this act	5 00

C. 17:9A-334. Fees payable by foreign banks.

334. Fees payable by foreign banks.

A foreign bank shall pay the following fees to the commissioner for the use of the State:

(1) for filing a copy of its certificate of incorporation or amendment thereof or other change therein	$20 00
(2) for filing a statement of its financial condition	25 00
(3) for filing a power of attorney .	5 00
(4) for the issuance of a certificate of authority or a certificate of renewal of a certificate of authority	250 00

C. 17:9A-335. Costs of examination.

335. Costs of examination of a bank, savings bank or foreign bank.

Every bank, savings bank and foreign bank shall pay to the commissioner for the use of the State the reasonable costs of each examination of its affairs made pursuant to this act. The Attorney General may prosecute an action in the name of and for the benefit of the State, in a court of competent jurisdiction, against any bank, savings bank or foreign bank which fails to pay such costs of examination.

ARTICLE 46

REPEALER: STATUTORY REFERENCES: SEPARABILITY: EFFECTIVE DATE OF ACT

C. 17:9A-336. Sundry sections of Revised Statutes and laws repealed.

336. Repeal of prior law.

A. The following sections of the Revised Statutes are hereby repealed:

(1) section 7:4–7;
(2) sections 7:5–7 to 7:5–10, inclusive;
(3) sections 7:6–1 to 7:6–17, inclusive;
(4) sections 17:1A–1 to 17:1A–12, inclusive;
(5) sections 17:2–1 to 17:2–8, inclusive, insofar as they apply to banks and savings banks;

(6) sections 17:3–1 to 17:3–3, inclusive, insofar as they apply to banks and savings banks;

(7) sections 17:4–1 to 17:4–125, inclusive;

(8) sections 17:5–1 to 17:5–11, inclusive;

(9) sections 17:6–1 to 17:6–86, inclusive;

(10) sections 17:7–1 to 17:7–18, inclusive;

(11) sections 17:8–1 to 17:8–16, inclusive;

(12) sections 17:9–1 to 17:9–8.2, inclusive, and 17:9–10 to 17:9–16, inclusive;

(13) sections 17:16–1 to 17:16–19, inclusive.

B. The following acts are hereby repealed:

(1) Laws of New Jersey, 1938, Chapter 222, insofar as it applies to banks and savings banks;

(2) Laws of New Jersey, 1939, Chapters 25 and 123, and Chapter 189, insofar as it applies to banks and savings banks;

(3) Laws of New Jersey, 1940, Chapters 37 and 232;

(4) Laws of New Jersey, 1941, Chapters 39, 41, 106 and 190;

(5) Laws of New Jersey, 1942, Chapter 89;

(6) Laws of New Jersey, 1944, Chapter 30 and section 1 of Chapter 176;

(7) Laws of New Jersey, 1945, Chapter 190;

(8) Laws of New Jersey, 1946, Chapter 317;

(9) Laws of New Jersey, 1947, Chapters 258 and 268.

C. All other acts and parts of acts inconsistent with this act are hereby repealed.

C. 17:9A-337. References to Revised Statutes.

337. References to Revised Statutes.

When any section, chapter or title of the Revised Statutes is cited or referred to in this act, such citation or reference shall be deemed to refer to the section, chapter or title of the Revised Statutes as enacted and as heretofore or hereafter amended or supplemented.

338. Applicability of Title 14 of Revised Statutes. C. 17:9A-338. Applicability of Title 14.

Except to the extent specifically made applicable by this act, the provisions of Title 14 of the Revised Statutes as enacted and as heretofore or hereafter amended or supplemented shall not apply to banks and savings banks.

339. Prior lawful acts not affected. C. 17:9A-339. Prior lawful acts not affected.

This act shall not invalidate, terminate, or otherwise affect any act or contract of a bank or savings bank or of the stockholders of a bank lawfully done or entered into prior to the effective date of this act.

340. Separability of provisions. C. 17:9A-340. Separability of provisions.

If any section or portion of a section of this act shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of sections.

341. Headnotes not part of act. C. 17:9A-341. Headnotes not part of act.

In the construction of this act or any part thereof, no headnote to any article or section shall be deemed to be a part of this act.

342. Short title. C. 17:9A-342. Short title.

This act may be cited as "The Banking Act of 1948".

343. Effective date of act. C. 17:9A-343. Act effective.

This act shall take effect on September 16, 1948.

Approved April 29, 1948.

CHAPTER 68

A SUPPLEMENT to "A supplement to an act entitled 'An act concerning unemployment compensation, and supplementing chapter twenty-one of Title 43 of the Revised Statutes,' approved December twenty-third, one thousand nine hundred and forty-one (P. L. 1941, c. 386)," approved April ninth, one thousand nine hundred and forty-three (P. L. 1943, c. 171).

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

C. 43:21-12.5. Survey relative to compensation and classification.

1. The permanent civil service employees of the Employment Service Division whose services were made available to the Federal Government under the act to which this act is supplementary, who have been remitted to State service, shall be the subject of a survey by the Civil Service Commission which shall make a study of such personnel, their present duties and compensation for the purpose of arriving at such adjustments of salary, civil service and other classifications and duties as may be requisite in order to effectuate as nearly as may be an equalization of compensation for the performance of similar duties and the payment of salaries commensurate with the work performed.

C. 43:21-12.6. Adjustment of compensation.

2. Adjustments of compensation after the allocation of positions under the new compensation plan resulting from the above classification survey shall be made as follows: The compensation of each employee then receiving a rate per year within the range prescribed for the class in which his position falls shall be increased to the next higher increment rate as funds shall be available; the compensation of each employee then receiving less than the minimum rate per year for the class in which his position falls shall be increased in rate per year to the minimum for the class as funds shall be

available. Any employee found to be then receiving more than the maximum rate per year for the class in which his position falls shall be reduced to the maximum rate of such class.

C. 43:21-12.7. Administration of act.

3. This act shall be administered by the Civil Service Commission in accordance with the provisions of section 11:5–1 of the Revised Statutes.

4. This act shall take effect immediately.

Approved May 6, 1948.

CHAPTER 69

AN ACT concerning savings and loan associations, and supplementing "An act concerning savings and loan associations and building and loan associations, and revising chapter twelve of Title 17 of the Revised Statutes," approved April fourth, one thousand nine hundred and forty-six (P. L. 1946, c. 56).

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

C. 17:12A-27.1. May transmit money and sell money orders.

1. Any savings and loan association of this State may receive money for transmission and may transmit such money through the Federal Home Loan Bank of New York, or through any bank or trust company, and may sell money orders and travel checks as agent for any person empowered to sell such instruments through an agent within the State of New Jersey.

2. This act shall take effect immediately.

Approved May 7, 1948.

CHAPTER 70

AN ACT to amend "An act concerning savings and loan associations and building and loan associations, and revising chapter twelve of Title 17 of the Revised Statutes," approved April fourth, one thousand nine hundred and forty-six (P. L. 1946, c. 56).

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

C. 17:12A-27. Specific powers.

1. Section twenty-seven of the act of which this act is amendatory is amended to read as follows:

27. Specific Powers. Without limiting the generality of the foregoing, every association shall have power to:

(1) Have succession by its corporate name for the period limited in its charter or certificate of incorporation, and when no period is limited, perpetually.

(2) Sue and be sued in any court.

(3) Adopt and use a common seal and alter the same.

(4) Purchase and otherwise acquire, hold, mortgage, pledge, lease, exchange, sell, convey and otherwise dispose of, any real and personal property, necessary or incidental to its operations and consistent with its powers and purposes.

(5) Insure its members' accounts with the Federal Savings and Loan Insurance Corporation, and comply with conditions necessary to obtain such insurance.

(6) Become a member of or stockholder in a Federal Home Loan Bank and to that end to comply with all conditions of membership therein.

(7) Act as agent for the United States or the State of New Jersey or any instrumentality of either of them, when designated for that purpose, and perform such reasonable duties as such agent as may be required of it.

(8) Join any co-operative league organized for the purpose of protecting and promoting the welfare of associations and their members and comply with all conditions of membership therein.

(9) Borrow money from any source in or out of the State, on the note, bond and mortgage or other obligation of the association upon such terms and conditions as the board may from time to time prescribe by resolution adopted by at least a majority of all the members of the board and duly recorded on the minutes and to pledge, assign or transfer mortgages, owned by the association and the obligations secured by such mortgages, together with the shares, if any pledged as collateral security therefor, or any real or other personal property, as security for the repayment of money so borrowed. No association shall borrow money if by doing so the aggregate of its indebtedness for borrowed money other than to the Federal Home Loan Bank will exceed twenty per centum (20%) of its capital, except with the approval of the commissioner.

(10) Take from its members, a premium for priority or privilege of loan or acquisition of real estate and no premium so taken shall be deemed usurious. The rate of premium may be agreed upon or be determined by auction.

(11) Require an advance payment of interest for a period of one month on any loan; and accept advance payments of interest, if made at the option of the debtor, for any period on any loan. None of such payments shall be deemed usurious.

(12) Where shares are issued, charge an admission fee, not to exceed twenty-five cents ($0.25) per share, which shall include the cost of the membership or share certificate and account book.

(13) Impose fines or charges upon a member for failure to make any payment to the association when due, but only as provided in this paragraph. Where the association issues installment share accounts it may impose such charge upon any member holding such an account or any borrower upon

a sinking fund mortgage not in excess of one per centum (1%) a month upon the amount in arrears, except for the first month's arrearage or the amount by which such first month's arrearage may be increased by subsequent arrearage in which case a charge not in excess of five per centum (5%) may be imposed. Such charges shall be subject to the further limitations that no such charge shall be deducted from any amount actually paid by a member upon an account nor shall the total of any such charges against any account in any fiscal year exceed the amount that may be charged for failure to make any payments for a six month period nor shall any charge for default be made on a charge for default. Otherwise an association may impose a fine or charge for failure to make any required payment to it when due upon any loan or contract for the resale of real estate to a member not to exceed two per centum (2%) of the amount of each payment in arrears nor shall more than one such charge be made with respect to any one payment in arrears. None of such charges shall be deemed usurious.

(14) Compute interest upon any direct reduction loan, on designated payment dates, and add the same to the unpaid balance of such loan.

(15) Act as agent for any person where such agency will further the interests of the association and its members, subject to such limitations as may be prescribed by the commissioner.

(16) Adopt, alter, contract for or rescind a plan or plans providing for the retirement of its officers and employees and for the payment to them for life or for a period certain of such retirement benefits within the limits prescribed by this subsection as may be set forth in a plan or plans adopted by the board. If such a plan provides for the payment of such benefits for a period certain, it may also provide that if such officer or employee shall die before the expiration of such period, the benefits shall be paid for the remainder of such period to the beneficiary designated by such officer or em-

ployee in the manner provided by such plan. Any retirement plan adopted shall provide that upon the termination of employment for any cause other than retirement pursuant to such plan or upon death prior to such retirement that the officer or employee or the beneficiary designated by him shall be entitled to receive so much of the incidents of ownership thereof as shall have been purchased by his contributions and in addition thereto so much of the incidents of ownership thereof as shall have been purchased by the association for his benefit as shall be provided in such plan. Without limiting the generality of the type of retirement plan or plans an association may adopt, a retirement plan adopted may provide for: (1) a fund accumulated from income of the association or set aside from the undivided profits account of the association, out of which retirement benefits may be paid directly or which may be used in whole or in part for the purchase of annuity or insurance contracts, or both; and to which officers and employees may make contributions; or (2) the purchase of group annuity or group insurance contracts, or both, the premiums upon which may be paid in full by the association, or in part by the association and in part by its officers and employees, as the board may from time to time determine. No officer or employee of any association shall be eligible to receive payment of retirement benefits unless:

(1) such officer or employee has attained the age of at least sixty years and has served the association as an officer or employee or both for not less than fifteen years, or

(2) such officer or employee has attained the age of at least fifty years, has served the association as an officer or employee or both for not less than ten years, and has become incapacitated from any cause from continuing his duties as such officer or employee, or

(3) such officer or employee has served the association as an officer or employee or both,

for not less than fifteen years, and has become incapacitated from any cause from continuing his duties as such officer or employee.

No association shall pay or contract for the payment or adopt a plan providing for the payment of any annual retirement benefit which shall exceed (1) sixty per centum (60%) of the average annual salary paid during the last thirty-six months of service preceding retirement or (2) one-sixth of one per centum (1/6 of 1%) of such annual salary multiplied by the number of months of service, whichever is less; *provided,* that nothing in this provision shall prevent the payment of greater benefits if the officer or employee contributes the premium or other charges for the purchase or return of benefits in excess of the maximum limited by this subsection. Any payments required to establish a retirement fund out of which benefits may be paid directly or to provide for prior service credits under the proposed retirement plan or for any proper purpose in connection with the establishment or maintenance of a retirement plan may with the approval of the commissioner be appropriated from the undivided profits account and shall not be subject to the provisions of section thirty-eight of this act. In the event of merger of two or more associations, any retirement plan in effect in a merging association may with the approval of the commissioner and the board of the receiving association be assumed by the receiving association, and periods of service necessary to qualify for retirement under the limitations of this subsection shall be calculated from date of the employment with the merging association and not from the date of merger. Every retirement plan adopted or altered shall before it is placed in operation, be submitted to the commissioner for his approval. The commissioner shall approve such plan or alterations thereof unless he shall find (1) it does not conform to law, or (2) its adoption or alteration would be hazardous to the association,

or (3) its provisions are unfair or inequitable. Notwithstanding any other provisions of this subsection, an association, with the approval of the commissioner, may adopt any plan for retirement or disability benefits for its officers or employees in accordance with any plan sponsored by any Federal Home Loan Bank of which it is a member. In addition to the powers to adopt retirement plans as set forth in this subsection, an association may pay reasonable amounts for reasonable periods to officers and employees who are retired and who are not eligible for retirement benefits under such retirement plan as may be adopted or in the event that no retirement plan is in effect at the date of retirement. Any association may at any time discontinue its participation in a retirement plan and terminate any and all prospective liability in connection therewith, by giving at least thirty days' written notice of its intention so to do to the officers and employees who will be affected thereby.

2. This act shall take effect immediately.

Approved May 7, 1948.

CHAPTER 71

AN ACT concerning the small loan business, and amending sections 17:10–2, 17:10–13, 17:10–14, 17:10–16, 17:10–17, 17:10–18, 17:10–19 and 17:10–20 of the Revised Statutes so that the small loan law will apply to transactions of five hundred dollars ($500.00) or less instead of three hundred dollars ($300.00) or less, to provide a maximum interest rate of one-half of one per centum (½ of 1%) a month on the portion of a principal balance exceeding three hundred dollars ($300.00), and to define a month for the purpose of computing interest.

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

Section amended.

1. Section 17:10–2 of the Revised Statutes is amended to read as follows:

Loan business to be licensed.

17:10–2. No person, copartnership, association or corporation shall engage in the business of making loans of money, credit, goods, or things in action in the amount or of the value of five hundred dollars ($500.00) or less and charge, contract for, or receive a greater rate of interest, discount, or consideration therefore than the lender would be permitted by law to charge if he were not a licensee hereunder, except as authorized by this chapter and without first obtaining a license from the commissioner.

Any person, copartnership, association or corporation directly or indirectly engaging in the business of soliciting or taking applications for such loans of five hundred dollars ($500.00) or less, or in the business of negotiating or arranging or aiding the borrower or lender in procuring or making such loans of five hundred dollars ($500.00) or less, or in the business of buying, discounting or indors-

ing notes or of furnishing or procuring guarantee or security for compensation in amounts of five hundred dollars ($500.00) or less, shall be deemed to be engaging in the business of making loans subject to the provisions of this chapter.

Section amended.

2. Section 17:10–13 of the Revised Statutes is amended to read as follows:

Restrictions upon licensee.

17:10–13. No licensee shall advertise, print, display, publish, distribute, or broadcast, or permit to be advertised, printed, displayed, published, distributed, or broadcast, any statement or representation which refers to the supervision by the State of the business licensed hereunder. No licensee or any other person shall knowingly in any such manner make or permit to be made any statement or representation with regard to the rates, terms, or conditions for making loans in the sum of five hundred dollars ($500.00) or less, which is false, misleading, or deceptive.

No licensee shall take a lien upon real estate as security for any loan under the provisions of this chapter, except such lien as is created by law upon the recording of a judgment.

No licensee shall conduct the business of making loans under the provisions of this chapter within any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, except as may be authorized in writing by the commissioner.

No licensee shall transact such business or make any loan provided for by this chapter under any other name or at any other place of business than that named in the license.

No licensee which is a corporation shall publicly sell or offer for sale within this State any of its capital stock without the written approval of the commissioner first obtained.

Every loan contract shall provide for repayment of principal or principal and interest in installments which shall be payable at approximately equal periodic intervals of time and which shall be so arranged that no installment is substantially

greater in amount than any preceding installment, except that installments may be deferred when necessary because of the seasonal nature of the borrower's income.

Section amended.

3. Section 17:10–14 of the Revised Statutes is amended to read as follows:

Amount of loan.

17:10–14. Every licensee hereunder may loan any sum of money not exceeding five hundred dollars ($500.00) and may charge, contract for, and receive thereon interest at a monthly rate not exceeding two and one-half per centum (2½%) on that part of the unpaid principal balance not exceeding three hundred dollars ($300.00) and one-half of one per centum (½ of 1%) on any remainder of such unpaid principal balance.

Interest.

No interest shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances. For the purpose of computing interest, whether at the maximum rate or less, a month shall be considered a calendar month and where a fraction of a month is involved a day shall be considered one-thirtieth of a month.

Limits amount of obligation.

No licensee shall induce or permit any person, nor any husband and wife, jointly or severally, to become obligated, directly or contingently or both, under more than one contract of loan at the same time for the purpose of obtaining a higher rate of interest than would otherwise be permitted by this section.

Other charges.

In addition to the interest herein provided for no further or other charge or amount for any examination, service, brokerage, commission, expense, fee, or bonus or other thing or otherwise shall be directly or indirectly charged, contracted for, or received, except on actual sale of the security in foreclosure proceedings or upon the entry of judgment. If any interest, consideration or charges in excess of those permitted by this chapter are charged, contracted for, or received the contract of loan shall be void and the licensee shall have no right to collect or receive any principal,

interest, or charges whatsoever, and the borrower shall be entitled to recover from the lender any sums paid or returned to the lender by the borrower on account of or in connection with the loan.

Section amended.

4. Section 17:10–16 of the Revised Statutes is amended to read as follows:

Limits amount of charges.

17:10–16. No licensee shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than he would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit, of the amount or value of more than five hundred dollars ($500.00). The foregoing prohibition shall also apply to any licensee who permits any person, as borrower or as indorser, guarantor, or surety for any borrower, or otherwise, to owe directly or contingently or both to the licensee at any time the sum of more than five hundred dollars ($500.00) for principal.

Section amended.

5. Section 17:10–17 of the Revised Statutes is amended to read as follows:

Payment in consideration of assignment.

17:10–17. The payment of five hundred dollars ($500.00) or less in money, credit, goods or things in action, as consideration for any sale, assignment or order for the payment of wages, salary, commissions or other compensation for services, whether earned or to be earned, shall, for the purposes of this chapter, be deemed a loan secured by the assignment, and the amount by which the assigned compensation exceeds the amount of the consideration actually paid shall be deemed interest or charges upon the loan from the date of the payment to the date the compensation is payable. The transaction shall be governed by and subject to the provisions of this chapter.

Section amended.

6. Section 17:10–18 of the Revised Statutes is amended to read as follows:

Assignment of salary.

17:10–18. No assignment of or order for payment of any salary, wages, commissions, or other compensation for services, earned or to be earned, given to secure any loan made by any licensee

under this chapter, shall be valid unless the amount of the loan is paid to the borrower simultaneously with its execution; nor shall the assignment or order, or any chattel mortgage or other lien on household furniture, then in the possession and use of the borrower, be valid unless it is in writing, signed in person by the borrower, and if the borrower is married unless it is signed in person by both husband and wife. The written assent of a spouse shall not be required when husband and wife have been living separate and apart for a period of at least five months prior to the making of the assignment, order, mortgage, or lien.

Under the assignment or order for the payment of future salary, wages, commissions, or other compensation for services, given as security for a loan made by any licensee under this chapter, a sum equal to ten per centum (10%) of the borrower's salary, wages, commissions, or other compensation for services shall be collectible from the employer of the borrower by the licensee at the time of each payment to the borrower of such salary, wages, commissions, or other compensation for services, from the time that a copy of the assignment, verified by the oath of the licensee or his agent, together with a similarly verified statement of the amount unpaid upon the loan, is served upon the employer.

No assignment of or order for wages earned or to be earned in the future by any municipal or county employee to secure a loan for advancement of five hundred dollars ($500.00) or less shall be valid against any municipality or county employing the person making such assignment or order unless such assignment or order is accepted in writing by such municipality or county.

Section amended.

7. Section 17:10–19 of the Revised Statutes is amended to read as follows:

Certain payments deemed a loan.

17:10–19. The payment of five hundred dollars ($500.00) or less in money, credit, goods or things in action as consideration for any sale of personal property which is made on condition that the prop-

erty be sold back at a greater price shall, for the purposes of this chapter, be deemed to be a loan secured by the property and the amount by which the repurchase price exceeds the original payment actually paid shall be deemed interest or charges upon the loan from the date the original payment is made until the date the repurchase price is paid. The transaction shall be governed by and be subject to the provisions of this chapter.

Section amended.

8. Section 17:10–20 of the Revised Statutes is amended to read as follows:

Prohibited acts.

17:10–20. No person, copartnership, association, or corporation, except as authorized by this chapter, shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit of the amount or value of five hundred dollars ($500.00) or less.

The foregoing prohibition shall apply to any person, copartnership, association, or corporation who or which, by any device, subterfuge, or pretense, shall charge, contract for, or receive greater interest, consideration, or charges than is authorized by this chapter for the loan, use, or forbearance of money, goods, or things in action or for the loan, use, or sale of credit.

No loan of the amount or value of five hundred dollars ($500.00) or less for which a greater rate of interest, consideration, or charge than is permitted by this chapter has been charged, contracted for, or received, wherever made, shall be enforced in this State and any person, copartnership, association or corporation in anywise participating therein in this State shall be subject to the provisions of this chapter. The foregoing shall not apply to loans legally made in any State which then has in effect a regulatory small loan law similar in principle to this chapter.

Construing.

9. Nothing herein contained shall be construed to impair or affect the obligation of any contract which was lawfully made prior to the effective date of this act.

Provisions severable.

10. If any clause, sentence, section, provision or part of this act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, affect, or invalidate the remainder of this act, which shall remain in full force and effect thereafter.

11. This act shall take effect immediately.

Approved May 7, 1948.

CHAPTER 72

AN ACT to incorporate the borough of Raritan in the county of Somerset.

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

Incorporated.

1. The inhabitants of that portion of the township of Bridgewater, in the county of Somerset, contained within the limits hereinafter set forth, are hereby constituted and declared to be a body politic and corporate in fact and in law, by the name of "The Borough of Raritan," and shall be governed by the general laws of this State relating to boroughs.

Territorial limits.

2. The territorial limits of said borough shall be as follows:

Beginning at the southwest corner of the borough of Somerville in the middle of the Raritan river; thence (1) running in a general westerly and southwesterly directions up the Raritan river about 7700 feet to the southwesterly corner of the farm now or formerly of Criscenzo Bibbo and Silvestro Forto as shown on a map of said farm filed

in the Somerset County Clerk's Office January 26, 1935, and known as Map No. 50-C; thence the three following courses and distances along the westerly lines to the farm of said Bibbo and Forto; thence (2) running northwesterly about 418 feet; thence (3) running northeasterly about 140 feet; thence (4) running northerly, passing over the center line of Old York road at about 980 feet from the beginning of this court, a total distance of about 4293 feet to land of the Central Railroad Company of New Jersey; thence (5) running in a general westerly direction along the southerly side of the right-of-way of the said railroad company, on two courses, about 2170 feet to a point formed by the intersection of the prolongation southerly of the easterly line of land now or formerly of Charlotte Lange; thence (6) running in a northerly direction crossing the right-of-way of the Central Railroad Company of New Jersey on the line of prolongation mentioned and along the easterly line of land of said Charlotte Lange a distance of about 1517 feet to the center line of New Jersey State Highway Route #29; thence (7) running in a general northerly direction leaving said State highway and along the easterly line of a farm now or formerly of Frederick F. Meyer about 1180 feet to the northeasterly corner of his farm; thence (8) running in a westerly direction along a northerly line of said Meyer's farm a distance of about 717 feet to another of his corners; thence (9) running in a northerly direction along an old farm line and about 1840 feet to the southerly side line of Vanderveer road; thence (10) easterly along the southerly side line of Vanderveer road the several courses and distances thereof to its terminus in State Highway Route #28; thence (11) along the center line of State Highway Route #28 in a general southeasterly direction to the existing boundary between the town of Raritan and the borough of Somerville; thence (12) running in a general southerly direction along the several boundary lines of the said borough of Somerville and the town of Raritan to the point and place of beginning.

3. This act shall take effect immediately, but shall not operate to effect the incorporation of the territory above described as a borough until its provisions shall have been submitted to and accepted by a majority vote of the qualified voters residing in the above described territory at the time of the passage hereof, at a special election to be held in not less than thirty days after the approval of this act, between the hours of six o'clock ante meridian and nine o'clock post meridian, of the day fixed for such election, at a place in each of the first, third, fourth and sixth election districts of the township of Bridgewater, which places and time are to be fixed by the clerk of the board of commissioners of the town of Raritan in the county of Somerset. The clerk of said board of commissioners of the town of Raritan shall cause public notice of the time and places of the holding of the said election to be given by advertisements signed by himself and set up in at least five public places within said described territory, and published in at least one newspaper circulating therein, at least ten days prior to such election, and the said clerk shall provide for the electors voting at such election, ballots, to be printed or written, or partially written and partially printed, upon which ballots shall be printed or written the propositions to be submitted to the voters with instructions in the following form:

Question.

If you favor the proposition printed below, make an × mark in the square to the left of and opposite the word "Yes"; if you are opposed thereto, make an × mark in the square to the left of and opposite the word "No."

	Yes	Shall an act entitled "An act to incorporate the borough of Raritan in the county of Somerset" be adopted?
	No	

If the voter makes an × mark in black ink or black pencil in the square to the left of and opposite the word "Yes," it shall be counted as a vote in favor of such proposition.

If the voter makes an × mark in black ink or black pencil in the square to the left of and opposite the word "No," it shall be counted as a vote against such proposition; and in case no mark shall be made in the square to the left and opposite the word "Yes" or "No," it shall not be counted as a vote for or against such proposition.

Place and time of election.

Such election shall be held at the time and places so appointed and shall be conducted by the board of registry and elections of the first, third, fourth and sixth election districts of the said township of Bridgewater, and the qualified voters of the first, third, fourth and sixth election districts of the township of Bridgewater shall vote at the place designated within their respective election districts, the qualified voters residing in such portion of the territory hereinbefore described as shall be located within the second and fifth election districts of the township of Bridgewater shall vote at the place designated for voting in the third election district of the township of Bridgewater wherein that portion of the foregoing territory of the township of Bridgewater is located, but no special form of ballot except as herein provided and no envelope need be used by any voter at said election. The officers holding such election shall within two days after such election make a return to the county clerk of the county of Somerset and to the clerk of the board of commissioners of the town of Raritan of the result of such election by statements in writing and under their hands, and the same shall be entered at length upon the minutes of the board of commissioners of the town of Raritan, and upon its adoption by a majority of said electors as aforesaid, and not otherwise, this act shall in all respects be operative, to effect the incorporation of the said borough of Raritan.

Register of voters.

4. The register of voters within said described territory to be used in the conduct of such special election shall be prepared and made up by the boards of registry and election of the first, third, fourth and sixth election districts of the said township of Bridgewater, which conducted the general election next preceding the holding of such election of said township. The register of voters within said described territory to be used in the conduct of such special election shall in respect to so much of the said territory as is within the first election district of the township of Bridgewater be prepared and made up by the board of registry and election of the first election district of the township of Bridgewater which conducted the general election next preceding the holding of such election in said township, in respect to so much of the said territory as is within the second, fifth and third election districts of the township of Bridgewater be prepared and made up by the board of registry and election of the third election district of the township of Bridgewater which conducted the general election next preceding the holding of such election in said township, in respect to so much of the said territory as is within the fourth election district of the township of Bridgewater be prepared and made up by the board of registry and election of the fourth election district of the township of Bridgewater which conducted the general election next preceding the holding of such election in said township, and in respect to so much of the said territory as is within the sixth election district of the township of Bridgewater be prepared and made up by the board of registry and election of the sixth election district of the township of Bridgewater which conducted the general election next preceding the holding of such election in said township, and for that purpose the said boards shall meet at such places within said described territory and at such time as shall be designated by the clerk of the board of commissioners of the town of Raritan at least one week preceding said special election. Notice of the time and places so designated

for such meeting shall be given by the clerk of the board of commissioners of the town of Raritan by posting notices thereof in at least five of the most public places in said described territory, at least five days prior to said meeting. Said meeting of the boards of registry and election for the making up of said new register of voters shall begin at one o'clock in the afternoon and continue until nine o'clock of the evening of the day fixed for that purpose, and each of said boards shall insert in said new register the names of all persons who are legal voters within said territory at the time of the passage of this act, and who also reside within the respective election districts or area in which said boards are hereinbefore directed to act, and said boards shall insert in said new register the names all persons who shall appear in person before them and establish to the satisfaction of the majority of the said board that they are entitled to vote at said special election by reason of being inhabitants and citizens residing in said territory and election district at the time of the passage hereof, or who shall be sworn by the written affidavits of a voter residing in said territory and election district to be entitled so to vote. A separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him, and on the following day one copy of said register shall be mailed to the chairman of the county board of elections of Somerset county, to be filed by the said board, and one copy shall be retained for the use of said boards of election at such special election.

Special election for officials.

5. Within ten days after a copy of the statement of said election, as prescribed by section three hereof, shall have been filed with the county clerk of the county of Somerset, and in case it is shown by said statement that this act has been adopted by the voters of said territory as aforesaid, the said county clerk shall call another special election to be held within said territory within thirty days from the date of the filing of the said statement

in his office, for the purpose of electing a mayor, six councilmen, an assessor, a collector, two constables and two justices of the peace to hold office until the first day of January following said special election, which election shall be held between the hours of six o'clock ante meridian and nine o'clock post meridian, on the day and at places within the first, third, fourth and sixth election districts of the township of Bridgewater, to be fixed by said county clerk; and of the time, places and purpose of said special election said county clerk shall give public notice of advertisements, signed by himself and set up in at least five places within said territory, and published in at least one newspaper circulating therein, at least five days prior to such election. Said county clerk shall provide for the electors, voting at such election, ballots, to be printed or written or partly written and partly printed on which shall appear the names of all candidates for said offices who shall have been nominated by petition of at least five voters residing within said territory and appearing on the said election register used at the special election held for the adoption of this act. Petitions making nominations for any of said officers shall be filed with the said county clerk within twenty days from the date of the filing with the said county clerk of the statement showing the adoption of this act and at least three days prior to the said election. Such election shall be held at the time and places so appointed by said county clerk and shall be conducted by the officers of the first, third, fourth and sixth election districts of the township of Bridgewater, but no special form of ballot and no envelope need be used by any voter of said election. The register of voters to be used at said election shall be the same as that used at the special election provided for in sections three and four hereof. The officers holding such election shall make return thereof to the county clerk of the county of Somerset of the result of such election, and the officers elected at said election, on the filing of said return, shall be and become the officers of

the said borough, and shall continue in office until the first day of January following said special election and until other officers have been elected by the voters of said borough and shall have been qualified as required by law.

Ordinances to continue.

6. All ordinances now in force and duly adopted by the township of Bridgewater affecting the territory afore-described shall continue in full force and effect until such time as such ordinance or ordinances shall be repealed, amended, or modified by legal action of the mayor and council of the borough of Raritan. And all ordinances now in force in the town of Raritan, duly adopted by the board of commissioners of the town of Raritan, shall continue in full force and effect until such time as such ordinance or ordinances shall be repealed, amended or modified by legal action of the mayor and council of the borough of Raritan.

Rights and franchises.

7. All rights, franchises and property of every kind now belonging to or vested in the board of commissioners of the town of Raritan in their corporate capacity shall forthwith belong to and be vested in the borough of Raritan, and all debts, dues and obligations of every kind owed by and chargeable to the board of commissioners of the town of Raritan, in their corporate capacity shall forthwith become and be the debts, dues and obligations of the borough of Raritan.

8. This act shall take effect immediately.

Approved May 12, 1948.

CHAPTER 73

AN ACT concerning cities of the first class, supplementing chapter forty-two of Title 40 of the Revised Statutes.

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

C. 40:47-47.2. Schedule of duty.

1. The governing body of any city of the first class may by ordinance adopt a schedule of actual duty so that each paid member of a fire department shall be on actual duty for an average of fifty-six hours per week in any six-week cycle; *provided, however,* that in no event shall any fireman work for twenty-four hours continuously at any time; *and further provided, however,* that nothing in this act shall be construed to mean that in times of emergency the officer, board or official having charge or control of the fire department in cities of the first class shall be prohibited from summoning to and keeping on duty as many as such firemen as shall be necessary within the sole discretion of such officer, board or official to cope with such emergency; *provided further, however,* that any member of such fire department so kept on duty during such emergency shall receive, during the next twelve months in which such emergency occurs, a number of hours free from actual duty, deducted from such fifty-six average hours, equal to the number of hours in excess of an average of fifty-six hours per week in any six-week cycle which he shall have served during such emergency.

Proviso.

Proviso.

Proviso.

C. 40:47-47.3. Petition and question on ballot.

2. Upon petition in writing filed with the clerk of any city of the first class and signed by not less than a number of legal voters equal to twenty per centum (20%) of the number thereof who voted in the next preceding general election, such clerk shall in accordance with Title 19 of the Revised Statutes cause to be printed on the official ballots to be used

in the next general election in such municipality a public question as follows:

"Shall the ..... divide
(Name of municipality)
its uniform fire-fighting force into a sufficient number of units so that no member thereof shall be forced to remain on actual duty, excepting in cases of emergency, for more than fifty-six hours per week in any six-week cycle."

C. 40:47-47.3. Adoption, results binding.

3. If a majority of the votes cast for and against the question shall be cast in favor of its adoption, then it shall be deemed to be adopted and shall be binding upon the municipality and the governing body thereof shall, by ordinance, adopt a schedule of actual duty for the uniformed fighting force of the city as provided in section one of this act so that the same shall become operative on the first day of January of the year following the election at which such public question is submitted to the voters.

4. This act shall take effect immediately.

Approved May 14, 1948.

CHAPTER 74

AN ACT to amend "An act relating to the sale by municipalities of certificates of tax sale including subsequent municipal liens held by such municipalities," approved April eighth, one thousand nine hundred and forty-three (P. L. 1943, c. 149).

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

Section amended.

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

C. 54:5-114.5. May extend time. Proviso.

4. The governing body on good cause shown shall have the power to extend the time and to grant

further extension or extensions of time within which the final decree must be recorded as hereinabove described; *provided,* that an application for such extension, further extension or extensions of time shall be made to the governing body, before the expiration of the two-year period or the expiration date or dates of said further extension or extensions as hereinabove provided.

Sale null and void.

If the final decree shall not have been recorded within two years from the date of the confirmation of the sale, or on the expiration of the extended time or times, then the sale shall be null and void, and the right, title and interest of the purchaser shall cease and revert to the municipality.

As to all sales of tax sale certificates heretofore made under this act, where the final decree has not been filed within two years from the date of the confirmation of the sale, or within the time limited by any extension or extensions theretofore granted, the governing body, on good cause shown, shall have the power to extend the time within which the final decree must be recorded; *provided,* that the first application for such extension shall be made to the governing body within eighteen months after July third, one thousand nine hundred and forty-seven, and in the event that such application is made within said time and is granted by said governing body said final decree and the sale, right, title and interest of the purchaser in the tax sale certificates shall be valid, anything contained in this act to the contrary notwithstanding.

Proviso.

2. This act shall take effect immediately.

Approved May 14, 1948.

CHAPTER 75

AN ACT concerning the State Highway Department, and providing for the construction, reconstruction, relocation and construction of Route No. 43, commonly called the White Horse Pike, between Camden, in Camden county, and Atlantic City, Atlantic county.

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

Reconstruction, route 43.

1. The State Highway Commissioner shall, as soon as practicable in accordance with the procedure set forth in Title 27 of the Revised Statutes, proceed to construct, reconstruct, and relocate Route No. 43 commonly called the White Horse Pike, between Camden, in Camden county, and Atlantic City, in Atlantic county, as a dual highway. The State Highway Commissioner may relocate parts of said route to avoid congested areas and promote a free flow of traffic.

May expend money from current fund.

2. The State Highway Commissioner hereby is authorized to expend sufficient moneys from current funds for the construction, reconstruction, relocation and construction of Route 43, commonly called the White Horse Pike, between Camden, in Camden county, and Atlantic City, in Atlantic county, as a dual highway. Said moneys shall be used by the State Highway Commissioner for the constructions aforesaid so far as they will admit, subject to such additional appropriations as the Legislature, from time to time, shall make for the completion of the said work; *provided* that in addition to the moneys hereby authorized to be expended from current funds, the State Highway Commissioner may employ such other and additional funds as may become available for the prosecution of the work herein directed.

Proviso.

3. This act shall take effect immediately.

Approved May 14, 1948.

CHAPTER 76

AN ACT concerning the State Highway Department and providing for the lighting of Route No. 43.

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

Lighting route 43.

1. The State Highway Commissioner shall, as soon as practicable and in accordance with the procedure set out in Title 27 of the Revised Statutes, resume the lighting by electricity or otherwise of such parts of Route No. 43 of the State highway system in Camden and Atlantic counties as may not now be lighted at night and to pay for the same out of current funds.

2. This act shall take effect immediately.

Approved May 14, 1948.

CHAPTER 77

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

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

Supplemental appropriation.

1. The following sums are hereby appropriated out of the State fund for the purposes hereinafter specified:

SUPPLEMENTAL APPROPRIATIONS FOR PRIOR FISCAL YEARS

GENERAL STATE PURPOSES

A 1. DEPARTMENT OF LAW

Law department.

Legal Fees in Connection with Railroad Tax Litigation:		
Herbert J. Hannoch		$12,800 00
Josiah Stryker		6,000 00
T. Mellet Hand		2,000 00
J. H. Thayer Martin		2,000 00
		$22,800 00

B 5. LEGISLATIVE PRINTING

Legislative printing.

Additional for fiscal year 1946-47	$32,763 60	
Additional for fiscal year 1947-48	69,219 34	
		$101,982 94

D 8. DEPARTMENT OF HEALTH

Rabies Control

Department of health.

Authority is hereby granted for the expenditure of funds in excess of the amounts hereinabove indicated when expressly approved by the Commissioner of Taxation and Finance, but limited to the amount of the receipts in the Rabies Control Trust Fund for the fiscal year.

E 8. TEACHERS' PENSION AND ANNUITY FUND

Teachers' pension fund. Additional required for expense $15,366 16

G 1. ADJUTANT-GENERAL'S DEPARTMENT

Adjutant-General. For expenses and salaries of the World War II Veterans' Records Division $30,000 00

H 2. PENSIONS

Pensions. Additional required for year ending June 30, 1948 ..... $11,000 00

L 4. DEBT SERVICE

Debt service.

Additional required for year ending June 30, 1948	$243,000 00	
Less amount to be charged against balance of $6,000,000.00 appropriated in chapter 323, laws of 1946, for housing purposes.	243,000 00	.....

R 8. STATE HIGHWAY DEPARTMENT

State highway department. For maintenance by agreement and contract, to provide for snow removal $250,000 00

Total of supplemental appropriations for prior fiscal years $431,149 10

Claims

Claims.

Oliver S. Brugler, for damage sustained to his hay rake occurring as the result of running into piece of wire, part of snow fence equipment left in field located on State Highway Route No. 8	$30 65
Stanley Roberts, for the death of a cow, resulting from the eating of white paint left near fence on Route No. S-31	620 00
George P. Engel for damage sustained to car occurring as the result of his striking a piece of loose curb which had broken away from the center island extending into the roadway, Route No. 6	109 30
Herbert Gerber, damage to eyeglasses in performing duties with the department	5 00
Patrick Grimley, damage to eyeglasses in performing duties with the department	25 00
Fred H. Long, damage to eyeglasses in performing duties with the department	5 00

Joseph E. Tallon, damage to eyeglasses in performing duties with the department..	17 00
Fred S. Sprengel, damage to eyeglasses in performing duties with the department..	16 00
Aloyius Donohue, damage to eyeglasses in performing duties with the department..	2 50
William C. Keeney, damage to eyeglasses in performing duties with the department..	6 50
William W. Brown, for lost glasses in performing duties with the department	29 50
Walter Kintzel, Jr., damage to eyeglasses in performing duties with the department..	6 00
Henry K. Johnson, damage to eyeglasses in performing duties with the department..	29 50
The hereinabove listed claims amounting to $901.95, when approved, shall be paid from unexpended balances of appropriations heretofore made to the State Highway Department.	
United States Secret Service, Treasury Department, reimbursement for bonds and other items, stolen	

from the residence of LeRoy Reymer of Mount Royal, New Jersey, amounting to $191.24, as a refund of moneys deposited in the State treasury but not State revenue.

Joseph L. Lippman, to cover special legal services, rendered at the request of Commissioners Harrigan, Hoff, Huegel, Sharp and Smith, in connection with the appeal of Jersey City and the Central Railroad of New Jersey, from the 1943 tax assessment on railroad property made by the State Tax Commissioner 600 00

This sum to be paid out of the unexpended balances in the Division of Tax Appeals of the Department of Taxation and Finance.

Union Building and Construction Company, for certain work in the City of Trenton, during December, 1944, in connection with the rehabilitation of the Delaware and Raritan canal 22,500 00

This sum to be paid out of the unexpended balances in the Inter-connection Revolving

Fund, Division of Water Policy and Supply Fund of the Department of Conservation.		
For damage to students' personal property at Chapin Hall Dormitory, Montclair State Teachers' College as follows:		
Jeanne M. Knox ...	$201 50	
Elizabeth Hancock	46 50	
Candida Liano ..	80 00	
		328 00
This sum to be paid from balances in the current accounts of the Montclair State Teachers College.		
Sandyston township in lieu of 1948 taxes on property purchased in 1943, Flatbrook Valley Club, located in Sandyston township, Sussex county		1,300 00
This payment to be made out of the fish and game funds by the Commissioner of Taxation and Finance.		
Clinton Water and Water Supply Company. In payment of the amount due by the State under a certain contract entered into between the Clinton Reformatory		

and the claimant and in consideration of the release of the State from the terms of said contract	1,200 00	
Payment of the above to be made out of current balances of the Department of Institutions and Agencies.		
For loss of tax revenue for local purposes occasioned by reason of the exemption of taxation on land, to the following municipalities:		
Borough of Alpine.. $3,520 47		
Borough of Englewood Cliffs 9,364 27		
Borough of Fort Lee . 9,963 15		
.....	.....	22,847 89
The above appropriated items for claims are in full settlement of all claims of every character, and the acceptance of said sums shall constitute a full and complete release and acquittance to the State of New Jersey, its agencies and instrumentalities.		

State Aid to Counties, Municipalities and School Districts Budget

Supplemental Appropriations for State Aid for Prior Fiscal Years

D-17 Department of Economic Development

Economic development.

Additional required for relief (1947-1948)		$832,000 00

E-1 State Board of Education

Board of education.

To reimburse school districts for one-half excess cost of educating crippled children for school year ending June 30, 1947		163,064 72

E-6 Industrial Education

Industrial education.

For reimbursement to school districts for manual training expenses for the school year 1947-48	$244,555 95	
For reimbursement to school districts for vocational schools for the year ending June 30, 1948	50,262 59	
		294,818 54

E-8 Teachers' Pension and Annuity Fund

Teachers' pension fund.

Additional required for interest	134,898 81

E-11-I Veterans Education

Veterans education.

Reimbursement to school districts, year ending June 30, 1948.....	250,000 00

X-5 COUNTY INSANE HOSPITALS

Additional required for year ending June 30, 1948	150,000 00	County insane hospitals.

X-26 STATE SUBSIDY FOR DIVISION OF OLD AGE ASSISTANCE

To meet additional requirements for the fiscal year 1947-48	475,000 00	Old age assistance.

X-27 STATE SUBSIDY FOR MAINTENANCE OF CHILDREN UNDER THE CARE OF THE BOARD OF CHILD WELFARE

For the purpose of making payments for the State's share of cost of maintenance of children under the care of the Board of Child Welfare Chapter 5 of Title 30 of the Revised Statutes)	857,240 69	Child welfare.
Total supplemental appropriations for State aid to counties, municipalities and school districts	$3,157,022 76	

State Capital Expenditure Budget

Supplemental Appropriations for Prior Fiscal Years

X 29. DIAGNOSTIC CENTER

To complete first unit of Diagnostic Center	$250,000 00	Diagnostic center.
The unexpended balances for institution construction as of June 30, 1948, in this account are hereby reappropriated.		
Grand total, supplemental appropriations	$3,861,019 75	

2. This act shall take effect immediately.
Approved May 18, 1948.

CHAPTER 78

AN ACT concerning county physicians, assistant county physicians and deputy county physicians, and amending section 40:21–24, and supplementing chapter twenty-one of Title 40 of the Revised Statutes.

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

Section amended.

1. Section 40:21–24 of the Revised Statutes is amended to read as follows:

Powers and duties.

40:21–24. In all cases of death in prison, and all violent, sudden or casual deaths within the county, the county physician or his deputy shall view the body, and make all proper inquiries respecting the cause and manner of the death, for the purpose of ascertaining whether an inquest should be held. If upon such view and inquiry he shall be of the opinion that there is cause to suspect that the person, whose body he has been called to view, came to his death by murder or manslaughter, or by the contrivance, aiding, procuring or other misconduct of any person, he shall call upon one of the coroners of the county, or if a coroner cannot be had, upon a justice of the peace of the county, and request him in writing, to issue a precept for the summoning of a jury of inquisition, to consist of not more than fifteen nor less than nine, and hold an inquest and make return thereof according to law. Any post-mortem examination or other medical service required upon the inquest shall be performed by the county physician, or his deputy.

C. 40:21-23.1. Assistants and deputies.

2. The county physician shall have the power to appoint an assistant county physician and a deputy or deputies, subject to the approval of the board of chosen freeholders, said deputy and deputies, when so appointed, shall have the power to act for or in place of the county physician. The board of

chosen freeholders is authorized to fix and pay the compensation of any such assistant county physician, deputy or deputies.

3. This act shall take effect immediately.

Approved May 21, 1948.

CHAPTER 79

AN ACT concerning unemployment compensation, and amending sections 43:21–9, 43:21–13, 43:21–14 and 43:21–16 of the Revised Statutes.

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

1. Section 43:21–9 of the Revised Statutes is amended to read as follows: Section amended.

43:21–9. (a) Establishment and control. There is hereby established as a special fund, separate and apart from all public moneys or funds of this State, an unemployment compensation fund, which shall be administered by the commission exclusively for the purposes of this chapter. This fund shall consist of (1) all contributions collected under this chapter; (2) interest earned upon any moneys in the fund; (3) any property or securities acquired through the use of moneys belonging to the fund; and (4) all earnings of such property or securities. All moneys in this fund shall be mingled and undivided. Establishment and control.

(b) Accounts and deposit. The treasurer of the State of New Jersey shall be ex officio the treasurer and custodian of the fund and shall administer such fund in accordance with the directions of the commission and shall issue his warrants upon it in accordance with such regulations as the commission shall prescribe. He shall maintain within the fund three separate accounts: (1) A clearing Accounts and deposits.

account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the commission, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to subsection (f) of section 43:21–14 of this Title may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commission. After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the unemployment trust fund, established and maintained pursuant to section nine hundred four of the social security act, as amended, any provisions of law in this State relating to the deposit, administration, release or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this State's account in the unemployment trust fund. Moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depository in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the commission and in a form prescribed by law or approved by the Attorney-General. Premiums for said bond shall be paid from the administration fund.

Withdrawals.

(c) Withdrawals. Moneys shall be requisitioned from this State's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the commission. The commission shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as it deems necessary for the

payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by State officers of money in their custody. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the executive director or his duly authorized agent for that purpose. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the commission, shall be redeposited with the Secretary of the Treasury of the United States of America, to the credit of this State's account in the unemployment trust fund, as provided in subsection (b) of this section.

Management of funds upon discontinuance.

(d) Management of funds upon discontinuance of unemployment trust fund. The provisions of subsections (a), (b) and (c) to the extent that they relate to the unemployment trust fund shall be operative only so long as such unemployment trust fund continues to exist and so long as the Secretary of the Treasury of the United States of America continues to maintain for this State a separate book account of all funds deposited therein by this State for benefit purposes, together with this State's proportionate share of the earnings of such unemployment trust fund, from which no other State is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties, or securities

therein, belonging to the unemployment compensation fund of this State shall be transferred to the treasurer of the unemployment compensation fund, who shall hold, invest, transfer, sell, deposit and release such moneys, properties or securities in a manner approved by the commission, in accordance with the provisions of this chapter; *provided,* that such moneys shall be invested in the following readily marketable classes of securities: Bonds or other interest-bearing obligations of the United States of America and of the State of New Jersey; *and provided further,* that such investment shall at all times be so made that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The treasurer shall dispose of securities or other properties belonging to the unemployment compensation fund only under the direction of the commission.

Transfer of funds.

(e) Notwithstanding any requirements of the foregoing subsections of this section, the commission shall, prior to whichever is the later of (i) thirty days after the close of this session of the Legislature, and (ii) July first, one thousand nine hundred and thirty-nine, authorize and direct the Secretary of the Treasury of the United States to transfer from this State's account in the Unemployment Trust Fund, established and maintained pursuant to section 904 of the Social Security Act as amended, to the Railroad Unemployment Insurance Account, established and maintained pursuant to section 10 of the Railroad Unemployment Insurance Act, an amount hereinafter referred to as the preliminary amount; and shall, prior to whichever is the later of (i) thirty days after the close of this session of the Legislature, and (ii) January first, one thousand nine hundred and forty, authorize and direct the Secretary of the Treasury of the United States to transfer from this State's account in said Unemployment Trust Fund to said Railroad Unemployment Insurance account an additional amount, hereinafter referred to as the liquidating amount. The Social

Security Board shall determine both such amounts after consultation with the commission and the Railroad Retirement Board. The preliminary amount shall consist of that proportion of the balance in the unemployment compensation fund as of June thirtieth, one thousand nine hundred and thirty-nine, as the total amount of contributions collected from "employers" and "employees" (as the terms "employer" and "employee" are defined in sections one-(a) and one-(d) respectively of the Railroad Unemployment Insurance Act) and credited to the unemployment compensation fund bears to all contributions theretofore collected under this chapter and credited to the unemployment compensation fund. The liquidating amount shall consist of the total amount of contributions collected from "employers" and "employees" (as the terms "employer" and "employee" are defined in sections one-(a) and one-(d) respectively of the Railroad Unemployment Insurance Act) pursuant to the provisions of this chapter during the period July first, one thousand nine hundred and thirty-nine, to December thirty-first, one thousand nine hundred and thirty-nine, inclusive.

Section amended.

2. Section 43:21–13 of the Revised Statutes is amended to read as follows:

Special fund

43:21–13. (a) Special fund. There is hereby created in the State treasury a special fund to be known as the unemployment compensation administration fund. All moneys which are deposited or paid into this fund are hereby appropriated and made available to the commission. All moneys in this fund shall be expended solely for the purpose of defraying the cost of the administration of this chapter, and for no other purpose whatsoever. The fund shall consist of all moneys appropriated by this State, and all moneys received from the United States of America, or any agency thereof, including the Social Security Board, the Railroad Retirement Board, and the United States Employment Service, or from any other source (excepting moneys provided for in subsection (g) of section

43:21–14 and subsections (a), (b) and (c) of section 43:21–16) for such purpose, except that moneys received from the Railroad Retirement Board as compensation for services or facilities supplied to said board shall be paid into this fund or the employment service account thereof, on the same basis as expenditures are made for such services or facilities from such fund and account. All moneys in this fund received from the Social Security Board under Title III of the Social Security Act shall be expended solely for the purposes, and in the amounts, found necessary by the Social Security Board for the proper and efficient administration of this chapter. All moneys in this fund shall be deposited, administered, and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State treasury. Any balances in this fund shall not lapse at any time, but shall be continuously available to the commission for expenditure consistent with this chapter. The State Treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation administration fund in an amount to be fixed by the commission and in a form prescribed by law or approved by the Attorney-General. The premiums for such bond and the premiums for the bond given by the treasurer of the unemployment compensation fund under section 43:21–9 of this Title shall be paid from the moneys in the unemployment compensation administration fund.

Employment service account.

(b) Employment service account. A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 43:21–12 of this Title and for the purpose of co-operating with the United States Employment Service. There is hereby appropriated to this account the balance of any sum previously

appropriated to the employment service, and such additional sum as to equal sixty-five thousand dollars ($65,000.00) for the remainder of the fiscal year ending June thirtieth, one thousand nine hundred and thirty-seven. The Governor shall fix and determine and state in his annual budget message a sum sufficient to pay the estimated amount of the State's net share of the cost of the employment service as provided in this chapter. The Legislature shall include the amount so determined and stated in the annual appropriation bill. In addition, there shall be paid into such account the moneys designated in subsection (b) of section 43:21–12 of this Title, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under Title III of the Social Security Act, as amended.

Reimbursement of fund.

(c) Reimbursement of fund. If any moneys received after June thirtieth, one thousand nine hundred and forty-one, from the Social Security Board under Title III of the Social Security Act, or any unencumbered balances in the unemployment compensation administration fund as of that date, or any moneys granted after that date to this State pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this State or its political subdivisions and matched by such moneys granted to this State pursuant to the provisions of the Wagner-Peyser Act, are found by the Social Security Board, because of any action or contingency, to have been lost or been expended for purposes other than, or in amounts in excess of, those found necessary by the Social Security Board for the proper administration of this chapter, it is the policy of this State that such moneys shall be replaced by moneys appropriated for such purpose from the general funds of this State to the unemployment compensation administration fund for expenditure as provided in subsection (a) of this section. Upon receipt of notice of such a finding by the Social Security Board, the commission shall promptly report the amount required for such

replacement to the Governor, and the Governor shall, at the earliest opportunity, submit to the Legislature a request for the appropriation of such amount. This subsection shall not be construed to relieve this State of its obligation with respect to funds received prior to July first, one thousand nine hundred and forty-one, pursuant to the provisions of Title III of the Social Security Act.

Section amended.

3. Section 43:21–14 of the Revised Statutes is amended to read as follows:

Employer to file periodical contribution reports.

43:21–14. (a) In addition to such reports as the executive director may require under the provisions of subsection (g) of section 43:21–11 of this Title, every employer shall file with the commission periodical contribution reports on such forms and at such times as the executive director, with the approval of the commission, shall prescribe, to disclose the employer's liability for contributions under the provisions of this chapter, and at the time of filing each contribution report shall pay the contributions required by this chapter for the period covered by such report. The commission may require that such reports shall be under oath of the employer. Any employer who shall fail to file any report, required by the commission or the executive director, on or before the last day for the filing thereof shall pay a penalty of one dollar ($1.00) for each day of delinquency until and including the tenth day following such last day and, for any period of delinquency after such tenth day, a penalty of one dollar ($1.00) a day or twenty per centum (20%) of the amount of the contributions due and payable by the employer for the period covered by the report, whichever is the lesser. If there be no liability for contributions for the period covered by any contribution report or in the case of any report other than a contribution report, the employer or employing unit shall pay a penalty of one dollar ($1.00) a day for each day of delinquency in filing or fifteen dollars ($15.00), whichever is the lesser. Any employer who shall fail to pay the contributions due for any period on or

before the date they are required by the commission to be paid, shall pay interest at the rate of one per centum (1%) a month on the amount thereof from such date until the date of payment thereof. Upon the written request of any employer or employing unit, filed with the commission on or before the due date of any report or contribution payment, the commission, for good cause shown, may grant, in writing, an extension of time for the filing of such report or the paying of such contribution with interest at the rate of one per centum (1%) a month on the amount thereof; *provided,* no such extension shall exceed thirty days and that no such extension shall postpone payment of any contribution for any period beyond the day preceding the last day for filing tax returns under Title IX of the Federal Social Security Act for the year in which such period occurs.

Deemed a personal debt.

(b) The contributions, penalties, and interest due from any employer under the provisions of this chapter, from the time they shall be due, shall be a personal debt of the employer to the State of New Jersey, recoverable in any court of competent jurisdiction in an action at law in the name of the State of New Jersey.

To estimate liability upon failure to file.

(c) If any employer shall fail to make any report as required by the rules and regulations of the commission pursuant to the provisions of this chapter, the commission may make an estimate of the liability of such employer from any information it may obtain and, according to such estimate so made, assess such employer for the contributions, penalties, and interest due the State from him, give notice of such assessment to the employer, and make demand upon him for payment.

Assessment of deficiency.

(d) After a report is filed under the provisions of this chapter and the rules and regulations of the commission, the commission shall cause the report to be examined and shall make such further audit and investigation as it may deem necessary, and if therefrom there shall be determined that there is a deficiency with respect to the payment

of the contributions due from such employer, the commission shall assess the additional contributions, penalties, and interest due the State from such employer, give notice of such assessment to the employer, and make demand upon him for payment.

Judgments.

(e) As an additional remedy, the commission may issue to the clerk of the Supreme Court of New Jersey a certificate stating the amount of the employer's indebtedness under this chapter and describing the liability, and thereupon the clerk shall immediately enter upon his record of docketed judgments such certificates or an abstract thereof and duly index the same. Such certificate or abstract from the time of such docketing shall have the same force and effect as a judgment obtained in the Supreme Court of New Jersey, and the commission shall have all the remedies and may take all the proceedings for the collection thereof which may be had or taken upon the recovery of such a judgment in an action at law upon contract in said court. Such debt, from the time of the docketing thereof, shall be a lien on and bind the lands, tenements, and hereditaments of the debtor.

Court fees.

The clerk of the Supreme Court shall be entitled to receive for docketing such certificate fifty cents ($0.50), and for a certified transcript of such docket fifty cents ($0.50). If the amount set forth in said certificate as a debt shall be modified or reversed by any court, the clerk of the Supreme Court shall, when an order of modification or reversal is filed, enter in the margin of the docket opposite the entry of the judgment the word "modified" or "reversed," as the case may be, and the date of such modification or reversal.

Deposit or bond.

The employer, or any other person having an interest in the property upon which the debt is a lien, may deposit the amount claimed in the certificate with the clerk of the Supreme Court of New Jersey, together with fifty dollars ($50.00) to cover interest and the costs of court, or in lieu of depositing the amount in cash, may give a bond to the

State of New Jersey in double the amount claimed in the certificate, and file the same with the clerk of the Supreme Court. Said bond shall have such surety and shall be approved in the manner now required by section 2:27–369 of the Revised Statutes.

Review by certiorari.

After the deposit of said money or the filing of said bond, the employer or any other person having an interest in the said property, may review the legality or validity of the indebtedness or the amount thereof by certiorari, and the said deposit of cash shall be as security for and the bond shall be conditioned to prosecute the certiorari with effect and to pay and satisfy, if the debt be sustained, the amount adjudged by the court and all interest and costs.

Proceedings and judgment stayed.

Upon the deposit of said money or the filing of the said bond with the clerk of the Supreme Court, all proceedings on such judgment shall be stayed until the final determination of the cause, and the moneys so deposited shall be subject to the lien of the indebtedness and costs and interest thereon, and the lands, tenements, and hereditaments of said debtor shall forthwith be discharged from the lien of the State of New Jersey and no execution shall issue against the same by virture of said judgment.

Application for adjustments.

(f) If not later than two years after the calendar year in which any moneys were erroneously paid to, or collected by the commission, whether such payments were voluntarily or involuntarily made or made under mistake of law or of fact, an employer or an employee who has paid such moneys shall make application for an adjustment of his own contribution in connection with subsequent contribution payments, or for a refund of his own contribution because such adjustment cannot be made, and the commission or executive director shall determine that such moneys or any portion thereof was so erroneously paid or collected, such employer or employee shall be allowed to make an adjustment thereof, without interest, in connection

with subsequent contribution payments, or if such adjustment cannot be made the said amount shall be refunded, without interest, from the fund. For alike cause and within the same period, adjustment or refund may be so made on the initiative of the commission through the executive director.

Unemployment compensation auxiliary fund.

(g) All interest and penalties collected pursuant to this section shall be paid into a special fund to be known as the unemployment compensation auxiliary fund; all moneys in this special fund shall be deposited, administered and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State treasury, and shall be expended, under legislative appropriation, solely for the purpose of aiding in defraying the cost of the administration of this chapter and for essential and necessary expenditures in connection herewith not provided in or by grants of the Federal Government. The Treasurer of the State shall be ex officio the treasurer and custodian of this special fund and, subject to legislative appropriation, shall administer the fund in accordance with the directions of the commission. Any balances in this fund shall not lapse at any time, but shall be continuously available, subject to legislative appropriation, to the commission for expenditure. The State Treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation auxiliary fund in an amount to be fixed by the commission, the premiums for such bond to be paid from the moneys in the said special fund.

Section amended.

4. Section 43:21–16 of the Revised Statutes is amended to read as follows:

False statements, penalties.

43:21–16. (a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this chapter, either for himself or for any other person, shall be liable to a fine of not less than twenty dol-

lars ($20.00) nor more than fifty dollars ($50.00), to be recovered in an action at law in the name of the commission, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

False statements, penalty.

(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit under this chapter, or who willfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be liable to a fine of not less than twenty dollars ($20.00) nor more than two hundred dollars ($200.00) to be recovered in an action at law in the name of the commission. Said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund; and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense.

Violations, penalties.

(c) Any person who shall willfully violate any provision of this chapter or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this chapter, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be liable to a fine of not less than twenty dollars ($20.00) nor more than two hundred dollars ($200.00), to be recovered in an action at law in the name of the commission, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use

of said fund; and each day such violation continues shall be deemed to be a separate offense.

Liability.

(d) When it is determined by the deputy that any person, by reason of the nondisclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in his case, or while he was disqualified from receiving benefits, such person shall, in the discretion of the commission, either be liable to have such sum deducted from any future benefits payable to him under this chapter or shall be liable to repay to the commission for the unemployment compensation fund, a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided in subsection (e) of section 43:21–14 of this Title for the collection of past-due contributions. The deputy shall promptly notify such person of the determination and the reasons therefor. Unless such person, within five calendar days after the delivery of such determination, or within seven calendar days after such notification was mailed to his or her last-known address, files an appeal from such determination, such determination shall be final.

5. This act shall take effect immediately.

Approved May 21, 1948.

CHAPTER 80

AN ACT to authorize municipalities and boards of education to acquire certain old burying grounds or cemeteries for public uses or purposes, including school purposes, and to provide a method therefor.

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

C. 40:60-25.33. May acquire certain old burying grounds.

1. Wherever there exists in any municipality of this State a burying ground or cemetery, owned and controlled by any church or other corporation, which church or corporation is unable to properly care for the same, and by reason thereof the said burying grounds or cemetery has become a public nuisance, the said church or other corporation may apply to the board having charge or control of the finances in such municipality to take possession or authorize the board of education of such municipality to take possession of the said burying ground or cemetery and may convey to said municipality or board of education its interest in the whole or any part thereof.

C. 40:60-25.34. Board of health may act.

2. Wherever there exists in any municipality of this State any burying ground or cemetery, owned or controlled by a church or other corporation, which has neglected to care for the same, so that in the opinion of the board of health of such municipality the said burying ground or cemetery has become a detriment to public health or to the morals of the community, the said board of health may apply to the board or body having charge or control of the finances of said municipality to take possession or authorize the board of education of the municipality to take possession of said burying ground or cemetery.

C. 40:60-25.35. Investigation.

3. Upon receiving such request from such corporation or such board of health, the board or body

having charge or control of the finances of such municipality shall investigate whether or not the said burying ground or cemetery is so located that it is inconvenient to care for the same properly, and whether or not it is for the best interest of the people of the municipality where the same is located that the bodies interred therein should be removed and reinterred in a more suitable place, and such old burying ground or cemetery converted into a park or devoted to other public uses or purposes or to school purposes by such municipality or the board of education thereof, as the case may be.

C. 40:60-25.36. Authorized to accept.

4. If such board or body having charge or control of the finances of such municipality should determine for the reasons aforesaid that the bodies aforesaid should be removed from any such old burying ground or cemetery, and the same converted into a park, or devoted to other public uses or purposes, or school purposes, it shall be lawful for it to accept on behalf of the municipality or authorize the board of education of such municipality to accept from such church or other corporation a deed of conveyance of the said burying ground or cemetery, and to cause possession thereof to be taken on behalf of the municipality or of the board of education of the municipality, as the case may be.

C. 40:60-25.37. Petition court.

5. In case the application is made by the board of health, as provided in section two, and the church or other corporation controlling such burying ground or cemetery shall refuse or neglect to execute such deed, or is unable to convey the whole or any part of such burying ground or cemetery by reason of having conveyed lots or plots or some interest therein to private persons, then it shall be lawful for the said board or body having charge or control of the finances of such municipality or the said board of education to apply by petition to the circuit court of the county, wherein such municipality is located, setting forth that the said burying ground or cemetery has become a nuisance, or is

a detriment to the health or morals of the people of such municipality, for an order permitting said municipality or the board of education thereof to take possession of said burying ground or cemetery and to cause the bodies in said burying ground or cemetery to be disinterred and to be removed to some suitable place either within or without the limits of said municipality.

C. 40:60-25-38. Hearing.

6. Upon receiving such petition, the said circuit court shall fix a day for the hearing upon said petition and shall order said municipality or board of education to give such notice, which may be by publication, of said hearing as said court may designate.

C. 40:60-25.39. Court's decision.

7. Upon the return day of such notice, or upon a day to which the said hearing may be adjourned, the said court upon hearing all parties interested, who may desire to be heard, if the said petition is well founded and true, may adjudge that the said burying ground or cemetery has become a public nuisance or is a detriment to the health or morals of the people of said municipality, and that the bodies therein should be disinterred and removed to a more suitable place.

C. 40:60-25.40. Removal of bodies.

8. Upon the execution of the deed referred to in section four, or upon the making of the order referred to in section seven, it shall be lawful for the said board or body having charge or control of the finances or the board of education, as the case may be, to cause the bodies buried in said burying ground or cemetery to be disinterred and to be removed and reburied in another cemetery or in some other suitable place, and for that purpose it may enter into a contract with any cemetery company or church organization owning or controlling any cemetery or with any other person to take up and remove the said bodies and to inter the same in any other cemetery or suitable place, and to remove from such abandoned burying ground or cemeteries any tombs, headstones or markers and replace the same in the new place and to provide for the proper care of such new place. The said board or

body having control of the finances or said board of education, as the case may be, shall cause records and maps to be prepared and filed in the office of the municipal clerk, on which shall be recorded, as nearly as can be ascertained, the names of all bodies disinterred and the lots or plots from which they were taken in any such old burying ground or cemetery, and the cemetery or place to which they have been taken, and the lots or plots in which they may be reinterred.

C. 40:60-25.41. Entry and possession.

9. After the completion of the removal of said bodies the said municipality by any board or body therein by authority of the board or body having charge or control of the finances of said municipality or the said board of education by any agent or agency designated by it may enter upon and take possession of the said abandoned burying ground or cemetery, and devote the same to any public use or purpose or to school purposes.

C. 40:60-25.42. Appointment of appraisers.

10. In case of the neglect or refusal or inability of such church or other corporation to convey such burying ground or cemetery in whole or in part and free of outstanding interests therein, to such municipality or board of education, and after the making of the order referred to in section seven hereof, the board or body having charge or control of the finances or the said board of education shall then apply to the circuit court of the county wherein such municipality is located for the appointment of three commissioners to appraise the value of the said burying ground or cemetery and the rights of any person owning any lot or plot therein. Upon the appointment of the said three commissioners they shall give notice in such manner as such court may designate which may be in whole or in part by publication and may be addressed generally to such persons as have or may have any interest in the said premises to present their claims to the said commission, who shall give a public hearing to all persons interested who may present themselves. The said commission shall appraise the value of each separate lot or plot and other land included within said burying ground or cemetery.

C. 40:60-25.43. Cost of removal.

11. The said commission shall further ascertain the cost of the removal of the bodies from each of said lots and the cost of securing the new site and the cost of such disinterment and reinterment, and this cost shall be a first lien against the value of the lots or plots in the abandoned burying ground or cemetery as appraised, and the said municipality or board of education as the case may be shall pay to the owners of each lot or plot the difference, if any, between the value of the lots in the abandoned burying ground or cemetery as appraised and the cost of removing the said bodies and reinterring them in a new cemetery.

C. 40:60-25.44. Report of cost, hearing.

12. The said commission shall report to said circuit court the appraised value of each of said lots or plots and other lands within said burying ground or cemetery, and the amounts charged against each of said lots or plots for the removal of said bodies and the reinterment thereof, which report may be confirmed or corrected by said court, which shall fix a day and place for the hearing of objections thereto, and public notice thereof by such advertisement as shall be deemed proper shall be given.

C. 40:60-25.45. Appeals.

13. In case the owner of any lot or plot or other lands within said burying ground or cemetery shall feel aggrieved by the report of said commissioners he may appeal therefrom to said circuit court by serving upon the clerk of such municipality or clerk of the board of education, as the case may be, within ten days after the confirmation of such report, a notice stating such appeal, and thereafter the proceedings upon said appeal shall be in the manner provided for appeals from the report of commissioners in condemnation proceedings pursuant to chapter one of Title 20 of the Revised Statutes.

C. 40:60-25.46. May borrow money.

14. The board or body having charge or control of the finances of such municipality or the board of education, as the case may be, may from time to time borrow the money necessary for the acquisition of said burying grounds or cemeteries as

aforesaid and the disinterment of the bodies and the reinterment of the same and all expenses connected therewith, and issue temporary obligations therefor, and after the entire cost thereof has been ascertained may issue interest-bearing bonds of the said municipality or school district to take up such temporary obligations.

15. This act shall take effect immediately.

Approved May 21, 1948.

CHAPTER 81

AN ACT to validate sales of land at public auction by the several municipalities of this State in certain cases.

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

Validates certain sales.

1. All sales heretofore made at public auction of any lands and premises by any municipality, notwithstanding that the advertisement of sale of said lands was not made as provided by law, are hereby validated and confirmed, and any conveyances by such municipality of said lands to the purchaser or purchasers thereof, upon payment of the purchase moneys therefor, shall be construed in all courts of this State to convey or have conveyed all the right, title, and interest of any such municipality, of, in, and to said lands and premises; *provided, however,* that such sales shall have been or shall be authorized or confirmed by resolution of the governing body of such municipality; *and provided further,* that this act shall not be deemed to validate any defective or invalid assignment of any certificate of sale for taxes, assessments, or other liens of any municipality, or to cure any infirmity in any such assignment.

Proviso.

Proviso.

Approved May 21, 1948.

CHAPTER 82

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; and establishing and concerning a State Department of Defense as a principal department in the executive branch of the State Government.

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

C. 38:14B-1. State department of defense.

1. There is hereby established in the executive branch of the State Government a principal department which shall be known as the State Department of Defense.

C. 38:14B-2. Departments consolidated.

2. The Adjutant-General's Department and the Quartermaster-General's Department are hereby consolidated to constitute the State Department of Defense, which shall conform to staff structure of the armed forces of the United States.

Functions, powers and duties vested.

The functions, powers, duties, records and property of the Adjutant-General's Department, of the Adjutant-General, of the Quartermaster-General's Department, of the Quartermaster-General, and of the State Military Board, are hereby transferred to and vested in the State Department of Defense established hereunder, to be exercised and used pursuant to the provisions of this act and as otherwise provided by law.

C. 38:14B-3. Department of defense.

3. The State Department of Defense shall consist of:

(a) The chief of staff;

(b) The deputy chief of staff;

(c) Such officers of the organized militia, active or inactive, authorized by the Governor for duty therein; and

(d) Such clerks and employees as may be required, who may be detailed from the active national guard or naval militia.

C. 38:14B-4. Chief of staff.

4. The head of the State Department of Defense shall be the chief of staff who shall be appointed by the Governor, with the advice and consent of the Senate, from among qualified active officers in the military service, and who shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the chief of staff's successor. The chief of staff shall be a person who has served as a commissioned officer in the armed forces of the State and who is a Federally recognized commissioned officer in a military rank not below that of colonel or in a naval rank not below that of captain. The chief of staff may be detailed as such without affecting his normal assignment, or he may be assigned to an authorized position in State headquarters, at the discretion of the Governor.

Qualifications.

C. 38:14B-5. Deputy chief of staff.

5. The deputy chief of staff shall be appointed by the Governor upon the nomination of the chief of staff. He shall have the same qualifications as those prescribed for the chief of staff.

Duties.

The duties of the deputy chief of staff shall be prescribed by the chief of staff. Such deputy shall have authority to act for and in place of the chief of staff during the absence or disability of the chief of staff.

Vacancies.

Any vacancy occurring in the office of deputy chief of staff shall be filled in the same manner as the original appointment.

C. 38:14B-6. Duties exercised by chief of staff.

6. The functions, powers and duties of the Adjutant-General, of the Quartermaster-General, and of the State Military Board herein transferred to the State Department of Defense established hereunder shall be exercised by the chief of staff of said State Department of Defense; *provided, however,* that he shall have the power to delegate in appropriate orders any such functions, powers and duties to subordinate officers in such department.

Proviso.

C. 38:14B-7. Duties.

7. Under the direction of the Governor, the chief of staff shall:

(a) Exercise the functions, powers and duties vested in him pursuant to the provisions of this act.

(b) Administer the work of the State Department of Defense.

(c) Co-ordinate the activities of the State Department of Defense.

(d) Make such rules and regulations governing the work of the State Department of Defense and the conduct of its employees as may, in his judgment, be necessary or desirable.

(e) Be the request officer of the State Department of Defense within the meaning of such term as defined in chapter one hundred twelve of the laws of one thousand nine hundred and forty-four.

C. 38:14B-8. Employees transferred.

8. The employees of the Adjutant-General's Department and the employees of the Quartermaster-General's Department are hereby transferred to the State Department of Defense established hereunder. Persons so transferred shall be assigned to such duties as the chief of staff of the State Department of Defense established hereunder shall determine.

C. 38:14B-9. Construing.

9. Nothing in this act shall be construed to deprive any person of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

C. 38:14B-10. Appropriations transferred.

10. All appropriations and other funds available and to become available to the Adjutant-General's Department, and all appropriations and other funds available and to become available to the Quartermaster-General's Department, and all appropriations and other funds available and to become available to the State Military Board are hereby transferred to the State Department of Defense established hereunder.

C. 38:14B-11. Rules and regulations to stand.

11. Any order, rule or regulation heretofore adopted, made, prescribed or promulgated with respect to or concerning any department or board, the functions, powers and duties of which have

been herein assigned or transferred to the State Department of Defense established hereunder, or to any officer therein, shall continue in full force and effect until amended, repealed or superseded pursuant to law.

C. 38:14B-12. Act not to affect proceedings.

12. This act shall not affect actions or proceedings, civil, military, or criminal, brought by or against any department, board or officer, the functions, powers and duties of which have been herein assigned or transferred to the State Department of Defense, or to any officer therein, and pending on the effective date of this act, and such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the State Department of Defense or the officer to which such assignment or transfer has been made hereunder as if the foregoing provisions had not taken effect.

C. 38:14B-13. Repealer.

13. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed.

C. 38:14B-14. Short title.

14. This act shall be known as and may be cited as the "State Department of Defense Act of 1948."

C. 38:14B-15. Act effective.

15. This act shall take effect ten days after its approval, except that any appointment, and any confirmation of any appointment, permitted by this act may be made prior to such date.

Approved May 21, 1948.

CHAPTER 83

AN ACT concerning executive clemency, and repealing chapters ten and one hundred ninety-seven of Title 2 of the Revised Statutes and "An act relating to the parole of certain former inmates of penal or correctional institutions in New Jersey who, having served in the active military or naval service of the United States, have been discharged or released from such service under conditions other than dishonorable," approved April thirtieth, one thousand nine hundred and forty-six (P. L. 1946, c. 209).

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

C. 2:196A-1. May grant pardons.

1. The Governor may grant pardons and reprieves in all cases other than impeachment and treason and may suspend and remit fines and forfeitures.

C. 2:196A-2. May commute death sentence.

2. The Governor may, upon application for the pardon of any person under sentence of death, except for the crime of treason, direct that the sentence of death be commuted to imprisonment at hard labor, for life or for a term of years.

C. 2:196A-3. Order.

3. Said direction shall be made by order signed by the Governor and shall be delivered to the Principal Keeper of the State Prison and shall be retained and filed in his office.

C. 2:196A-4. Person detained.

4. The Principal Keeper of the State Prison, upon receiving such order, shall refrain from executing the sentence of death and shall detain such person for the term for which the sentence was commuted but such term of imprisonment shall not be remitted or commuted except by the Governor.

C. 2:196A-5. Sentence commuted in accordance with order.

5. The Governor may, upon application for commutation of sentence of any person sentenced to imprisonment, order that such sentence be com-

muted upon such terms, conditions and limitations as the Governor, in his discretion, may direct, as conditions precedent to the release of any such person from imprisonment; which terms, conditions and limitations shall be annexed to and form part of said order. Upon the filing of such order signed by the Governor with the officer in whose custody such person may be, and after the acceptance by such person of the terms, conditions and limitations contained in said order, as evidenced by his signature affixed to the duplicate copy of such order to be kept in the files of the State Parole Board, such sentence shall thereupon be commuted in accordance with the terms, conditions and limitations of such order.

C. 2:196A-6. Application for return of right of suffrage.

6. Any person who has been convicted of a crime and by reason thereof has been deprived of the right of suffrage or of any other of his civil rights or privileges, or upon whom there has been imposed a fine or who has suffered a forfeiture, except disqualification to hold and enjoy any public office of honor, profit or trust in this State under judgment of impeachment, may make application for the restoration of the right of suffrage or of such other rights or privileges or for the suspension or remission of such fine or forfeiture, which application the Governor may grant by order signed by him.

C. 2:196A-7. Forms supplied.

7. Applications for commutation of sentences, other than death sentences, or for the restoration of rights or privileges, or for the suspension or remission of any fine or forfeiture, shall be made upon forms prescribed by the Governor.

C. 2:196A-8. Investigation by parole board.

8. The Governor, in his discretion, may, prior to granting or denying any such application, refer the same to the State Parole Board for its investigation, and in such case the board shall make a full and complete investigation and report thereon in writing to the Governor with its recommendation in the case.

C. 2:196A-9. Repealers.

9. Chapters ten and one hundred ninety-seven of Title 2 of the Revised Statutes and "An act relat-

ing to the parole of certain former inmates of penal or correctional institutions in New Jersey who, having served in the active military or naval service of the United States, have been discharged or released from such service under conditions other than dishonorable," approved April thirtieth, one thousand nine hundred and forty-six, are repealed.

10. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 84

AN ACT providing for a system for the granting of paroles in certain cases, establishing a State Parole Board and defining its composition, powers and duties, and repealing sections 30:4–106.1, 30:4–106.2 and 30:4–142 of the Revised Statutes.

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

C. 30:4-123.1. State parole board.

1. There is hereby created and established within the Department of Institutions and Agencies a State Parole Board which shall consist of three members: a chairman and two associate members.

Appointment and qualifications.

The chairman and the associate members of the board shall be appointed by the Governor with the advice and consent of the Senate, from persons of recognized ability in the field of penology, with special training or experience in law, sociology, psychology or related branches of social sciences, for terms of six years; except that the first associate members of the board shall be appointed, one for a term of four years and one for a term of two years. Each member of the board shall serve until his successor is appointed and shall qualify.

Substitute member.

In the event that any member of the board shall be rendered incapable of performing his duties, the

Governor shall appoint a suitable person to act in his stead during the period of his incapacity.

Vacancies.

Any vacancy occurring in the membership of the board, otherwise than by expiration of term, shall be filled in the same manner as those occurring by expiration of term, but for the unexpired term only.

Any member of the board may be removed from office by the Governor for cause.

C. 30:4-123.2. Chairman.

2. The chairman of the board shall devote his entire time to the performance of his duties and he shall receive such annual salary, and the associate members of the board shall be compensated for their services at such annual rates, as shall be fixed by the Governor, subject to appropriations to be made by law.

C. 30:4-123.3. Meetings.

3. The board shall meet at least once each month and in addition may meet as often as shall be necessary for the proper administration and business of the board, at such times and places as the chairman shall designate.

C. 30:4-123.4. Offices.

4. The Department of Institutions and Agencies shall provide office facilities and such clerical assistants as may be necessary to enable the board to perform properly its duties and to keep and maintain the records required herein.

C. 30:4-123.5. Powers and duties of board.

5. It shall be the duty of the board to determine when, and under what conditions, subject to the provisions of this act, persons now or hereafter serving sentences having fixed minimum and maximum terms or serving sentences for life, in the several penal and correctional institutions of this State may be released upon parole.

In addition thereto, the board shall have full and complete jurisdiction over all persons sentenced to any penal or correctional institution of this State for minimum and maximum terms who have been paroled by the board of managers of any penal or correctional institution of this State, for and during the term of such parole and pursuant to the terms, conditions and limitations thereof, and the powers, functions and duties formerly exercised by

and conferred upon any such board of managers for revoking paroles in such cases hereby are continued and are transferred to, and vested in, said board.

The board shall have such other powers and jurisdictions as are provided in this act.

C. 30:4-123.6. Rules and regulations.

6. The board is empowered and authorized to promulgate reasonable rules and regulations which shall establish the general conditions under which parole shall be granted and revoked and shall have authority to adopt special rules to govern particular cases. Such rules and regulations, both general and special, may include, among other things, a requirement that the parolee shall not leave the State without the written consent of the board, that he shall contribute to the support of his dependents, that he shall make restitution for his crime, that he shall abandon evil associates and ways, that he shall conduct himself in society in compliance with the law and with due regard for moral standards, that he shall carry out the general and special instructions of his parole officer and give evidence of good conduct at all times and satisfactory proof that he is a fit person to be at liberty.

C. 30:4-123.7. Officials to co-operate.

7. The Department of Institutions and Agencies and the chief executive officers and staffs of the several penal and correctional institutions in this State shall render full and complete co-operation to the board in the matter of furnishing the said board all pertinent information and data relating to the record of the prisoner while under sentence, and such further information as may be available concerning his prior record in the community from which he was committed as well as a complete report on the prisoner's social, physical, mental and psychiatric condition and history. It shall be the duty of the clerk of the court from which the prisoner was committed and of all county probation officers and other appropriate officials to send to the board upon its request, such information as may be in their possession or under their control.

C. 30:4-123.8. Access to prisoners.

8. The warden, keeper or chief executive officer of each penal and correctional institution in the State from which prisoners may be released on parole by the board, and all officers and employees thereof, shall at all times render full and complete co-operation to the board and permit members thereof free access to all prisoners confined therein.

C. 30:4-123.9. To consider merits of parole.

9. When the board has been furnished all existing available records pertaining to the prisoner it shall consider the merits of his parole and shall make such other investigation as it shall deem necessary and proper.

C. 30:4-123.10. Those eligible for release on parole.

10. No inmate of a penal or correctional institution serving a sentence for a fixed minimum and maximum term shall be eligible for consideration for release on parole until he has served his minimum sentence, less commutation time therefrom for good behavior and for diligent application to work assignments or one-third of his fixed maximum sentence without regard to commutation time, whichever occurs sooner, subject to the provisions of section twelve hereof.

C. 30:4-123.11. Prisoners serving life sentence.

11. Any prisoner serving a sentence of life shall be eligible for consideration for release on parole after having served twenty-five years of his sentence, less commutation time for good behavior and time credits earned and allowed by reason of diligent application to work assignments.

C. 30:4-123.12. Paroles limited.

12. The granting of parole, as provided for herein, shall be limited as follows:

(a) Any offender sentenced to any penal institution of this State who has previously served all or part of a term of imprisonment in any penal institution

(1) Of this State, or
(2) Of the United States, or
(3) Of any State other than this State,

shall be deemed to be a second offender and upon his incarceration for such second offense shall be ineligible for parole consideration by the board until

he shall have served at least one-half of the maximum sentence imposed upon him for such second offense less any time earned for diligent performance of work assignments; subject, however, to the provisions of section thirteen of this act.

(b) Any person sentenced to any penal institution of this State who has previously served all or part of two terms of imprisonment in any penal institution

(1) Of this State, of the United States or of any State other than this State, or

(2) Of this State and of the United States, or of this State and of any other State, or of the United States and any other State, or of any States other than this State,

shall be deemed to be a third offender and upon his incarceration for such third offense shall be ineligible for parole consideration by the board until he shall have served at least three-fourths of the maximum sentence imposed upon him for such third offense less any time earned for diligent performance of work assignments; subject, however, to the provisions of section thirteen of this act.

(c) Any person sentenced to any penal institution of this State who has previously served all or part of three terms of imprisonment in any penal institution

(1) Of this State, of the United States, or of any State other than this State, or

(2) Of this State and the United States, or of this State, the United States and any other State, or of this State and any other State or States, or

(3) Of the United States and any other State or States, or of more than one State other than this State,

shall be deemed to be a fourth offender and upon his incarceration for such fourth or later offense

shall be ineligible for parole consideration by the board until he shall have served the maximum sentence imposed upon him for such fourth or later offense less any time earned for diligent performance of work assignments; subject, however, to the provisions of section thirteen of this act.

Penal institution.

As used in this section "penal institution" means and includes the New Jersey State Prison and any other State penal or correctional institution in this State to which offenders are sentenced for fixed terms or fixed minimum and maximum terms and other institutions of like character under the jurisdiction of the United States or of a State or States other than this State.

C. 30:4-123.13. Commutation time of second offenders.

13. Any person sentenced to any penal institution of this State, as defined in section twelve of this act, for a fixed minimum and maximum term who has previously served all or part of any fixed term or of a minimum and maximum term of imprisonment in any such penal institution of this State shall be required to serve, in addition to such second sentence, the commutation time earned and allowed for good behavior on the first sentence if such person was at large or liberty under parole, license or otherwise, at the time of the commission of the crime for which the second sentence was imposed, but commutation time for good behavior can be earned and allowed on such second sentence.

To serve all earned commutation time.

Any person sentenced to any such penal institution of this State for a fixed minimum and maximum term who has previously served all or part of two or more fixed terms or minimum and maximum terms of imprisonment in any such penal institution of this State shall be required to serve, in addition to such last sentence imposed, all commutation time earned and allowed for good behavior on all such prior sentences and commutation time for good behavior cannot be earned and allowed on any such last sentence.

C. 30:4-123.14. Parole on grounds of good conduct.

14. No prisoner shall be released on parole merely as a reward for good conduct or efficient performance of duties assigned while under sen-

tence, but only if the board is of the opinion that there is reasonable probability that, if such prisoner is released, he will assume his proper and rightful place in society, without violation of the law, and that his release is not incompatible with the welfare of society.

C. 30:4-123.15. Parolee to remain in legal custody.

15. If the board shall determine that a prisoner is eligible for parole then he may be released, upon such terms and conditions as the board shall prescribe, but while on parole shall at all times remain in the legal custody of the warden, keeper or chief executive officer of the institution from which he is paroled, and under immediate supervision of the Division of Parole of the Department of Institutions and Agencies in accordance with the rules of the board, until the expiration of the maximum sentence prescribed by law for the crime for which he was committed.

C. 30:4-123.16. May earn commutation time.

16. The board is empowered and authorized to establish rules and regulations whereby prisoners on parole may earn commutation time in reduction of their maximum sentence for exemplary behavior on parole.

C. 30:4-123.17. Release of parolee.

17. The release of a prisoner on parole shall be solely upon the initiative of the board and no application for parole made by a prisoner, or on his behalf, shall be considered by the board. The warden, keeper or chief executive officer of any penal or correctional institution referred to in this act shall permit all prisoners to forward uncensored mail to the board. It shall be the duty of the board to maintain a record of the dates upon which each prisoner shall first be eligible for parole consideration as provided in section nine hereof. On or before such date, in the case of each prisoner, it shall further be the duty of the board to consider the case of each such prisoner for parole and to cause to be brought before it all information regarding the prisoners referred to herein. Prior to considering any such case, the board shall give public notice of the name of the prisoner, and the county from which and crime for which, he was

committed. The Division of Parole shall furnish the board with a report and evaluation of the factors relating to the community parole plan required herein.

C. 30:4-123.18. Report on prisoner.

18. In addition, the board shall have the report of the warden, keeper or chief executive officer of the institution wherein the prisoner is confined with a detailed statement of his institutional record of behavior, discipline, type and manner of work performed, his own efforts to improve his mental and moral condition and his attitude toward society and the law enforcement officials responsible for his arrest, conviction and sentence.

Accompanying the report of the warden, keeper or chief executive officer shall be a statement of the physical, mental and psychiatric examination given the prisoner during the period of his confinement and the results thereof. The board shall also have before it the report of at least one of its members giving his personal views and recommendation as to the prisoner and his eligibility for release.

C. 30:4-123.19. Personal interview.

19. Before reaching a final decision to release any prisoner on parole, the board shall cause the prisoner to appear before it and shall personally interview him to consider his ultimate fitness for parole, and verify, as far as possible, the information furnished it from other sources. The board shall reach its own conclusions as to the desirability of releasing the prisoner on parole and no release on parole shall be effected except by unanimous vote of the entire board, nor unless the board is reasonably satisfied that the prisoner has a suitable community parole plan with visible means of support or is likely to be suitably employed in self-sustaining employment on his release. The prisoner, after any appearance before the board, shall be promptly notified by the board of its decision in his case. If the board, in its judgment, determines to release such prisoner, it shall promptly give public notice of the name of such prisoner and the county from which and crime for which, he was committed. If the board, in its

judgment, determines that the prisoner is not to be released on parole when his case is considered, then it shall notify him of such decision and the date when his case will again be considered.

C. 30:4-123.20. To specify conditions of parole.

20. When the board shall release a prisoner on parole it shall specify in writing the conditions of the parole, and a certificate of parole setting forth such conditions shall be given to the parolee and shall be accepted by him as evidenced by his signature affixed to a duplicate copy to be retained in the files of the board.

C. 30:4-123.21. Under supervision of division of parole.

21. The facilities of the Division of Parole of the Department of Institutions and Agencies shall at all times be available to the board. All prisoners released on parole, pursuant to the provisions hereof, shall be under the constant supervision of said Division of Parole in accordance with the rules and regulations of the board.

C. 30:4-123.22. May treat as delinquent.

22. If the parole officer having charge of a paroled prisoner shall have reasonable cause to believe that a parolee has resumed, or is about to resume, criminal conduct or associations, or has violated the conditions of his parole in any important respect, and the situation is one of immediate emergency that cannot await the next regular or special meeting of the board, then such parole officer shall notify the parole division which may, if the facts warrant, treat the parolee as delinquent on parole. By his own warrant the parole officer may apprehend any such delinquent parolee and cause his return to the institution from which released or cause his immediate confinement in an appropriate county or municipal jail, penitentiary or lockup. Such retaking and detention shall continue under authority of the parole officer's warrant until the next regular or special meeting of the board, at which time the board shall consider his case and render its decision as to the revocation of his parole or his return to the community on his original parole. Such warrant shall be in the form to be prescribed by the parole division and, when signed by the parole officer in

charge of the case, shall be sufficient warrant and authority to all peace officers to assist in the apprehension of the prisoner and shall be also sufficient authority for the detention of the prisoner in the institution from which released or in a municipal or county jail, penitentiary or lockup. In such case, credit shall be given the prisoner on his sentence for time spent in such custody while awaiting the decision of the board as to revocation of his parole.

C. 30:4-123.23. May revoke parole.

23. Whenever it shall appear to the satisfaction of the board that a paroled prisoner has violated the terms, conditions and limitations annexed to his parole and has given evidence by his conduct that he is unfit to be further at liberty, or if he shall be convicted of crime in this or any other State committed after the date of his parole, then the board shall have power to declare him delinquent and to revoke his parole by majority vote of the members of the board, by an order in writing signed by the chairman, upon forms and in manner to be prescribed by the rules of the board. Prior to revoking the parole of any prisoner, the board may declare him to be delinquent on parole and shall notify him of this fact and of the reasons for the proposed revocation, and may, in accordance with its rules, permit him an opportunity to appear before the board and show cause why his parole should not be revoked.

C. 30:4-123.24. To serve balance of time.

24. A prisoner, whose parole has been revoked because of conviction of a crime committed while on parole, shall be required, unless sooner reparoled by the board, to serve the balance of time due on his sentence to be computed from the date of his original release on parole. If parole is revoked for reasons other than subsequent conviction for crime while on parole then the parolee, unless sooner reparoled by the board, shall be required to serve the balance of time due on his sentence to be computed as of the date that he was declared delinquent on parole.

C. 30:4-123.25. Conducting hearing.

25. When it becomes necessary for a prisoner to appear before the board, either for the purpose of determining his fitness for parole or to afford him an opportunity to be heard as to revocation of parole, such hearing shall be conducted in accordance with the rules and regulations of the board, but the prisoner shall have the right to consult legal counsel of his own selection, if he feels that his legal rights are invaded, and subject to the consent of the board to submit in writing a brief or other legal argument on his behalf to the parole board, and to have the services of an interpreter at his hearing if such services are necessary. The board, however, may call before it such witnesses as it may deem necessary and proper and in order to compel their attendance, shall be vested with the power of subpœna. Failure to appear in response to such subpœna shall carry the penalty prescribed by law for failure to so respond in a county court.

C. 30:4-123.26. To serve maximum sentence.

26. If the prisoner at the time of revocation of parole is in custody in the same institution from which he was paroled, but serving a sentence for an offense other than that for which he was paroled, a copy of the revocation shall be sent to the warden, keeper or chief executive officer of such institution, and shall be sufficient warrant and authority for the detention of the prisoner, after completion of the sentence then being served, and shall operate to keep the prisoner under continuous confinement until the expiration of the maximum term on the sentence for which he was originally paroled, or until further order of parole by the board.

C. 30:4-123.27. To be returned to institution of original detention.

27. If the prisoner is confined in an institution other than that from which originally paroled, and is serving a sentence or awaiting trial or indictment for a crime committed after his parole, then the board shall cause a warrant to issue and to be sent to the warden, keeper or chief executive officer of such institution wherein the prisoner is confined. Such warrant shall be sufficient authority to detain the prisoner therein and to cause his retaking to

and reimprisonment in the institution from which he was originally paroled. Such warrant after revocation of parole shall also be sufficient authority for the detention of the prisoner in the institution from which originally paroled until such time as he shall have served the maximum sentence imposed upon him, or until further order of parole by the board. No part of a sentence, for which a parole has been granted and revoked, shall be deemed to be served by a prisoner, whose parole was revoked, while he is serving a sentence for an offense other than the one for which he was paroled.

C. 30:4-123.28. Warrant, service.

28. If the prisoner who has been declared delinquent on parole is at liberty, then a warrant for his retaking and reimprisonment shall issue and may be served upon him by any parole officer, agent of the board or peace officer otherwise authorized by law to serve warrants and make arrests. Such warrant shall be in form to be prescribed by the board and shall be signed by one of the members thereof, or its duly constituted agent for this purpose, and shall be sufficient warrant and authority for the arrest of the prisoner and for his return to and confinement in the institution from which he was paroled, until the expiration of the maximum sentence imposed upon him or until further order of parole by the board.

C. 30:4-123.29. Mailing deemed sufficient notice.

29. Whenever, in accordance with its rules, the board desires to give notice to the parolee of a declaration of delinquency, revocation of parole or revocation of his right to reside out of the State, the board shall be deemed to have given sufficient notice thereof to the parolee by mailing a copy of such document to him at his last known post-office address.

C. 30:4-123.30. Parole of veterans.

30. No prisoner released on parole as provided for herein shall be given a complete discharge from parole prior to the expiration of the full maximum term for which he was sentenced less commutation time; except however, that the board may, in its discretion, grant such discharge to a prisoner who, subsequent to the time of his conviction and parole,

shall have served as a member of the armed forces of the United States in time of war, and who shall have been honorably discharged from such service. The board, however, may in writing relieve a prisoner on parole from making further reports to his parole officer, and may in writing permit such prisoner to leave the State and reside elsewhere if satisfied that such change of residence is for the best interest of society and the welfare of the prisoner. Any such permission may be revoked by the board in its discretion.

C. 30:4-123.31. Records.

31. The board shall keep or cause to be kept and maintained full and complete records of every prisoner released on parole. Such records shall contain, among other things, the complete fingerprint and criminal record of each prisoner, together with his photograph and all other information and reports referred to herein, as well as the reports of the parole officers and the Division of Parole with relation to such prisoner. Such records shall be filed in the central office of the Department of Institutions and Agencies and shall be organized in accordance with accepted and modern methods of filing and indexing so that complete information on each prisoner on parole will be immediately available. The board may make such reasonable rules as are necessary to protect the privacy of such records and to prevent their use by persons other than the members of the board and its staff.

C. 30:4-123.32. Release on bail.

32. No prisoner who is being held in custody on a warrant as provided for herein shall be entitled to his release on bail unless the written consent of the board or a member thereof is first secured for that purpose.

C. 30:4-123.33. Recommendation to Governor.

33. The board shall also have the powers and perform the duties, when requested by the Governor, of investigating all facts and circumstances surrounding applications made to the Governor for commutation of sentence, restoration of citizenship, pardon, reprieve and applications to suspend and remit fines and forfeitures and shall aid and advise the Governor in his exercise of such execu-

tive clemency. Upon completion of such investigation, which shall include a criminal record of the applicant and his social, physical, mental and psychiatric condition and his prison record, the board shall make a report in writing to the Governor with its recommendation in each individual case.

C. 30:4-123.34. Records and files transferred.

34. All records, files, books and documents of the Court of Pardons relating to pardons, restoration of citizenship, suspension and remission of fines and forfeitures, and paroles shall be transferred to the board and shall be available for its use in the administration and supervision of parole.

C. 30:4-123.35. Certain prisoners may apply for parole.

35. Notwithstanding any of the provisions of this act, any prisoner in a county penitentiary serving a term having a maximum greater than a year and who has served at least one year of such term shall be permitted to make application to the board for parole. The application shall be on forms to be prescribed and furnished by the board through the warden or chief executive officer of such county penitentiary upon certification that the prisoner desiring to make application is eligible therefor. The board upon receipt of such application may, if the circumstances of the case warrant, grant a parole to any such prisoner in the manner provided for herein, subject to such terms, conditions and limitations as the board may prescribe, and such prisoner while on parole shall be under the supervision of the probation officer of the county from which committed until the maximum term of his sentence has expired.

C. 30:4-123.36. Construing.

36. Nothing contained in this act shall be deemed in anywise to abridge the constitutional powers of the Governor to grant pardons and reprieves or to suspend and remit fines and forfeitures.

C. 30:4-123.37 Prisoner to retain rights.

37. Any prisoner sentenced prior to the effective date of this act shall retain all rights of eligibility for parole available to him under any pre-existing law.

C. 30:4-123.38 Repealer.

38. Sections 30:4–106.1, 30:4–106.2 and 30:4–142 of the Revised Statutes are hereby repealed.

39. All acts and parts of acts which are inconsistent with the provisions of this act are, to the extent of such inconsistency, hereby repealed. C. 30:4-123.39. Repealer.

40. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 85

AN ACT concerning licenses to be at large issued by the court of pardons and the revocation thereof, and amending sections 2:198–1, 2:198–3 and 2:198–4 of the Revised Statutes.

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

1. Section 2:198–1 of the Revised Statutes is amended to read as follows: Section amended.

2:198–1. Any convict who was undergoing imprisonment in any of the penal institutions of this State and to whom was granted a license to be at large by the court of pardons shall remain subject to the security, terms, conditions and limitations, in all respects, upon which the same was granted. The convict so at large shall continue to be legally in custody after the granting of such license, and shall be liable to be taken at any time and returned to the place of punishment to which he was originally sentenced, as hereinafter provided. To remain subject to terms.

2. Section 2:198–3 of the Revised Statutes is amended to read as follows: Section amended.

2:198–3. The Governor may, at any time, in his discretion, revoke any license granted under this chapter, and shall revoke any such license whenever it shall come to his knowledge that the person holding the same has violated any of the terms, conditions or limitations thereof, or any penal law Revocation of license.

of this State, or of any other State, or of the United States.

Section amended.

3. Section 2:198–4 of the Revised Statutes is amended to read as follows:

Order for revocation.

2:198–4. When a license is revoked pursuant to section 2:198–3 of this Title, it shall be done by an order in writing, which shall state the reason therefor, and shall be signed by the Governor and filed with the State Parole Board. Upon the filing of the revocation, the Governor shall issue his warrant for the arrest of the holder of the license, and his return to the place of confinement from which he was released thereunder. The warrant may be served by any person authorized to serve criminal process in any county in the State. The holder of the license, when returned to the place of confinement from which he was released thereunder, shall be detained therein according to the terms of his original sentence; and, in computing the period of his confinement, the time between his release upon such license and return to the place of confinement shall not be taken to be any part of the term of sentence. If the person for whose arrest such warrant is issued is confined in any prison or penal institution of this State, the officer to whom the warrant shall have been delivered, shall deliver the same to the warden or keeper of such institution or prison, and the warden or keeper shall, upon the expiration of the present term of imprisonment in that institution, return the convict to the institution from which he was discharged on license, or, if the discharge on license was from the same institution, he shall detain him therein according to the terms of his original sentence.

4. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 86

AN ACT concerning paroles and the remission of fines in certain cases, and amending section 30:4–113 of the Revised Statutes.

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

1. Section 30:4–113 of the Revised Statutes is amended to read as follows: Section amended.

30:4–113. Each board of managers of a correctional institution as classified in section 30:1–7 of this Title shall have power to issue a final discharge from custody to any person committed thereto and released on parole, except such persons as were committed under sentences having fixed minimum and maximum terms, who has by his or her conduct given evidence that he or she is to be deemed reliable and trustworthy and will remain at liberty without violating the law and that his or her final discharge will not be incompatible with the welfare of society. Any person who has been additionally penalized by a fine, shall not be finally discharged until such fine has been paid or remitted by the Governor. No person shall, however, be detained for any period in excess of the maximum term fixed by sentence or operation of law, or the age limit with reference to institutions wherein the right of detention is determined by age. Discharge of parolee. Limits detention.

2. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 87

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; constituting and concerning the State Department of Institutions and Agencies as a principal department in the executive branch of the State Government; amending sections 30:1–2, 30:1–8, 30:1–11, 30:7–1 and 30:7–2, and repealing sections 30:3–1 to 30:3–3, inclusive, of the Revised Statutes.

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

Section amended.

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

Department continued.

30:1–2. The Department of Institutions and Agencies created by an act entitled "An act concerning the charitable, hospital, relief, training, correctional, reformatory and penal institutions, boards and commissions located and conducted in this State, which are supported in whole or in part from county, municipal or State funds," approved February 28, 1918 (L. 1918, c. 147, p. 343, as amended by L. 1919, c. 97, p. 222), is continued and is hereby constituted a principal department in the executive branch of the State Government. Such department shall consist of the State Board of Control of Institutions and Agencies, which shall be the head of the department, and the Commissioner of Institutions and Agencies, who shall be the principal executive officer of the department, with such divisions, bureaus, branches, committees, officers and employees specifically referred to in said act, or as may be constituted or employed by virtue of this Title.

Composition.

2. Section 30:1–8 of the Revised Statutes is amended to read as follows: Section amended.

30:1–8. The State Board shall, subject to the approval of the Governor, appoint a commissioner. The commissioner shall receive such salary as shall be provided by law. His office shall be in the unclassified service list of the civil service. He shall devote his entire time to the performance of his duties and shall, unless and until removed by the Governor, hold office at the will of the State Board. Appointment of a commissioner shall not be restricted to residents of the State. Commissioner, appointment, term.

The commissioner may be removed from office by the Governor, upon notice and opportunity to be heard.

3. Section 30:1–11 of the Revised Statutes is amended to read as follows: Section amended.

30:1–11. The commissioner shall be the principal executive and administrative officer of the State Board and its official agent for all purposes. Except as otherwise provided by law the commissioner shall be considered the "appointing authority" of the department within the contemplation of the Civil Service laws. He shall likewise be the budget officer, and, unless some other official be designated by the State Board for the purpose, he shall be its fiscal officer. He shall have general charge and supervision of the work of the department. Commissioner to be head of department.

4. Section 30:7–1 of the Revised Statutes is amended to read as follows: Section amended.

30:7–1. The board of managers of the New Jersey Firemen's Home is hereby constituted an agency within the State Department of Institutions and Agencies and, notwithstanding the provisions of any other law to the contrary, shall consist of the president of the New Jersey State Firemen's Association, the Governor of the State, the State Commissioner of Banking and Insurance and the State Comptroller and one member elected from each county of the State and one additional member who shall be a fully paid fireman, elected from Board of managers firemen's home.

each of the counties of Essex and Hudson. The president of such firemen's association, the Governor, the Commissioner of Banking and Insurance and the State Comptroller, respectively, for the time being, shall be ex-officio members of the board of managers.

The elected members shall be elected by the New Jersey State Firemen's Association in annual convention assembled. They shall hold office for a term of four years from the first day of October next succeeding their election and until their successors are elected and qualify.

A vacancy occurring among the elected members other than by expiration of a term shall be filled as follows: The president of the New Jersey State Firemen's Association shall appoint from the county in which the vacancy occurred a successor to serve until the first day of October next succeeding the appointment and at the next annual meeting of the association there shall be elected from the county in which the vacancy occurred a member to serve for the balance of the unexpired term.

The members shall receive no compensation for their service but may be reimbursed their actual expenses in connection with their duties as managers from the funds of the home.

Section amended.

5. Section 30:7–2 of the Revised Statutes is amended to read as follows:

Powers and duties.

30:7–2. Notwithstanding the provisions of any other law to the contrary, the board of managers shall govern, manage and conduct the New Jersey Firemen's Home, and, subject to the approval of the Governor, direct and control its property and concerns, make by-laws, rules and regulations and determine the compensation, duties and term of service of its officers and employees.

Sections repealed.

6. Sections 30:3–1 to 30:3–3, inclusive, of the Revised Statutes are hereby repealed.

Act effective.

7. This act shall take effect on the first day of July, one thousand nine hundred and forty-eight, except that any appointment, and any confirmation

or approval of any appointment, permitted by this act may be made prior to such date.

Approved May 28, 1948.

CHAPTER 88

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; constituting and concerning the Department of Banking and Insurance as a principal department in the executive branch of the State Government; establishing a division of the New Jersey real estate commission in the Department of Banking and Insurance and constituting the New Jersey real estate commission as such division; and amending sections 17:1–1, 17:1–2, 45:15–5 and 45:15–7 of the Revised Statutes.

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

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

17:1–1. The Department of Banking and Insurance, hereinafter in this Title designated as the "department," created and established by an act entitled "An act to establish a Department of Banking and Insurance," approved February tenth, one thousand eight hundred and ninety-one (L. 1891, c. 6, p. 17), and charged with the execution of all laws relative to insurance, banking, savings, trust, guarantee, safe deposit, indemnity, mortgage, investment and loan corporations is continued and is hereby constituted a principal department in the executive branch of the State Department continued, powers and duties.

Government. Such department shall be vested with all the powers and charged with all the duties and subject to all the obligations and penalties which, on February tenth, one thousand eight hundred and ninety-one, were vested in, conferred and imposed upon the Secretary of State, acting as commissioner of insurance, or upon the board of bank commissioners or any other officer or board charged with the execution of the laws relative to subjects herein above recited, as also building and loan corporations or associations organized under the laws of other States, transacting or to be admitted to transact business in this State.

Section amended.

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

Commissioner, appointment, bond, salary.

17:1–2. The head of the department, to be denominated the Commissioner of Banking and Insurance and hereinafter in this Title designated the "commissioner," shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor. No person shall be appointed commissioner who is in any way connected with the management or control of any corporation, firm, association, institution or licensee affected by this chapter, and he shall immediately be dismissed from his office if at any time he becomes so interested. Before entering upon the discharge of his duties the commissioner shall give bond, conditioned for the faithful discharge of his duties, in the sum of twenty-five thousand dollars ($25,000.00) with two good and sufficient sureties, freeholders of this State to be approved by the Governor, and take an oath of office before one of the justices of the Supreme Court in form similar to that required of the Secretary of State. The bond and oath of office shall be filed in the Department of State.

The commissioner shall have no dealings or transactions in any capacity with any bank or trust

company under the jurisdiction of the department save in the strict performance of his duties, except the institutions with which he was dealing prior to his appointment, under penalty of immediate dismissal from his office or employment.

No deputy commissioner or examiner in the department shall have any dealings or transactions in any capacity with any bank or trust company under the jurisdiction of the department save in the strict performance of his duties, under penalty of immediate dismissal from his office or employment.

The commissioner shall receive such salary as shall be provided by law.

The commissioner shall co-ordinate the activities of the department.

C. 17:1-3.1. Division of New Jersey real estate commission.

3. There shall be within the Department of Banking and Insurance a division which shall be known as the division of the New Jersey real estate commission.

Section amended.

4. Section 45:15–5 of the Revised Statutes is amended to read as follows:

Commission continued.

45:15–5. The New Jersey real estate commission, hereinafter in this article designated as the "commission," created and established by an act entitled "An act to define, regulate and license real estate brokers and salesmen, to create a State real estate commission and to provide penalties for the violation of the provisions hereof," approved April fifth, one thousand nine hundred and twenty-one (L. 1921, c. 141, p. 370), as amended by an act approved April twenty-third, one thousand nine hundred and twenty-nine (L. 1929, c. 168, p. 310), is continued. The commission shall constitute the division of the New Jersey real estate commission in the Department of Banking and Insurance. The commission shall consist of five members, each of whom shall have been a resident of this State for a period of at least ten years, and his vocation for a period of at least ten years prior to the date of his appointment shall have been that of a real estate broker. Upon the expiration of the term of

Members, qualifications, terms.

office of any member, his successor shall be appointed by the Governor for a term of three years. Each member shall hold his office until his successor has qualified. Members to fill vacancies shall be appointed by the Governor for the unexpired term. The Governor may remove any commissioner for cause, upon notice and opportunity to be heard.

Vacancies.

Section amended.

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

Personnel, appointment, duties.

45:15–7. The Commissioner of Banking and Insurance shall provide the commission with such personnel as he shall deem necessary, after consultation with the commission, for the proper discharge of the duties imposed by the provisions of this article. The Commissioner of Banking and Insurance shall prescribe the duties of persons thus assigned to the commission, and shall fix their compensation, within the limits of available appropriations therefor. The Commissioner of Banking and Insurance shall provide the commission with such office space, furniture and stationery as he shall determine, after consultation with the commission, to be reasonably necessary for carrying out the provisions of this article.

C. 45:15-29.1. Employees transferred.

6. Such employees of the New Jersey real estate commission, as the Commissioner of Banking and Insurance may determine are needed for the proper performance of the work of the division of the New Jersey real estate commission in the Department of Banking and Insurance, are hereby transferred to the Department of Banking and Insurance. Persons so transferred shall be assigned to such duties as the Commissioner of Banking and Insurance shall determine.

C. 45:15-29.2. Construing as to employees rights.

7. Nothing in this act shall be construed to deprive any person of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

Appropriations transferred.

8. All appropriations available and to become available to the New Jersey real estate commission

are hereby transferred to the Department of Banking and Insurance.

C. 45:15-29.3. Orders, rules, etc., to continue.

9. The orders, rules and regulations heretofore made or promulgated by the New Jersey real estate commission shall continue with full force and effect until amended or repealed by the New Jersey real estate commission constituted hereunder as the division of the New Jersey real estate commission in the Department of Banking and Insurance.

C. 45:15-29.4. Construing.

10. Whenever the term "New Jersey real estate commission" occurs or any reference is made thereto, in any law, contract or document, the same shall be deemed to mean or refer to the New Jersey real estate commission constituted hereunder as the division of the New Jersey real estate commission in the Department of Banking and Insurance.

C. 45:15-29.5. Not to affect proceedings.

11. This act shall not affect actions or proceedings, civil or criminal, brought by or against the New Jersey real estate commission and pending on the effective date of this act, and such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the New Jersey real estate commission constituted hereunder as the division of the New Jersey real estate commission in the Department of Banking and Insurance as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, the New Jersey real estate commission; and all such matters or proceedings pending before the New Jersey real estate commission on the effective date of this act shall be continued by the New Jersey real estate commission constituted hereunder as the division of the New Jersey real estate commission in the Department of Banking and Insurance.

C. 17:1-1.1. Short title.

12. This act shall be known as, and may be cited as, the "Department of Banking and Insurance Act of 1948."

C. 17:1-1.2. Act effective.

13. This act shall take effect on the first day of July, one thousand nine hundred and forty-eight, except that any appointment, and any confirmation of any appointment, permitted by this act may be made prior to such date.

Approved May 28, 1948.

CHAPTER 89

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; establishing and concerning a Department of Civil Service as a principal department in the executive branch of the State Government; and amending sections 11:1–1, 11:1–2 and 11:1–6, of the Revised Statutes.

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

Section amended.

1. Section 11:1–1 of the Revised Statutes is amended to read as follows:

Commission continued.

11:1–1. There is hereby established in the executive branch of the State Government a principal department which shall be known as the Department of Civil Service. The Civil Service Commission, hereinafter referred to as the "commission," created by an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight (L. 1908, c. 156, p. 235), as supplemented by the act approved March twenty-third, one thousand nine

hundred and seventeen (L. 1917, c. 105, p. 218), is continued and is designated the head of such principal department.

Commission, appointment, president, vacancies.

The commission shall consist of five persons, as commissioners, all of whom shall be residents of this State.

The commissioners shall be appointed by the Governor, with the advice and consent of the Senate. Each commissioner shall hold office for the term of five years and until his successor has been appointed and qualified.

The Governor shall designate one of the commissioners as president of the commission, who shall be its presiding officer. Any president heretofore or hereafter designated shall serve as such president at the pleasure of the Governor designating him and until his successor has been designated.

A vacancy in the commission shall be filled by appointment by the Governor, for the remainder of the term, with the advice and consent of the Senate, but any appointment shall remain in force until acted upon by the Senate. The other commissioners shall be eligible to appointment to fill a vacancy in the office of president of the commission.

No commissioner shall hold any other office of profit under the Government of this State or of the United States.

Section amended.

2. Section 11:1–2 of the Revised Statutes is amended to read as follows:

Salaries, expenses.

11:1–2. The salary of the president of the commission, and the salary of each of the other commissioners, shall be such as shall be provided by law. Each commissioner shall, in addition to his salary, be entitled to such sums as shall be incurred for necessary traveling and other expenses. No money shall be paid out of the treasury for such expenses, except on bills presented to the State Treasurer duly verified by the oath of the person presenting the claim.

Section amended.

3. Section 11:1–6 of the Revised Statutes is amended to read as follows:

Executive functions performed by president.

11:1–6. All the executive functions, powers and duties vested in the commission by any section of this Title shall be performed, exercised or discharged, as the case may be, solely by the president. He shall exercise general supervision over all activities carried on under this Title. He shall be the request officer of the Department of Civil Service within the meaning of such term as defined in chapter one hundred twelve of the laws of one thousand nine hundred and forty-four.

Act effective.

4. This act shall take effect on the first day of July, one thousand nine hundred and forty-eight.

Approved May 28, 1948.

CHAPTER 90

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; establishing and concerning a Department of Public Utilities as a principal department in the executive branch of the State Government; amending section 48:2–1, and supplementing chapter two of Title forty-eight, of the Revised Statutes.

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

Section amended.

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

Department continued.

48:2–1. There is hereby established in the executive branch of the State Government a principal department which shall be known as the Department of Public Utilities. The board of public

utility commissioners, hereinafter in this chapter designated as the "board," created and established by the act entitled "An act concerning public utilities; to create a board of public utility commissioners and to prescribe its duties and powers," approved April twenty-first, one thousand nine hundred and eleven (L. 1911, c. 195, p. 374), as amended and supplemented, is continued and is designated the head of such principal department.

Composition of board.

The board shall consist of three citizens of this State not under thirty years of age. At the expiration of the term of a member of the board, the Governor shall, with the advice and consent of the Senate, appoint a successor for a term of six years. The terms of office of the members of the board shall continue until their successors are appointed and qualified. No person shall act as a member of the board until his appointment has been confirmed by the Senate. Not more than two of the members of the board shall be members of the same political party. All vacancies, except through the expiration of term, shall be filled for the unexpired term only.

C. 48:2-1.1. Governor to designate president.

2. The Governor shall designate one of the members of the board of public utility commissioners as president of such board. Any member of the board so designated shall serve as such president at the pleasure of the Governor designating him and until his successor has been designated. The president of the board shall be its presiding officer and the chief administrative officer of the Department of Public Utilities. The other members of the board shall be eligible to appointment to fill a vacancy in the office of president of the board.

C. 48:2-1.2. Repealer.

3. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed.

C. 48:2-1.3. Short title.

4. This act shall be known as, and may be cited as, the "Department of Public Utilities Act of 1948."

C. 48:2-1.4. Act effective.

5. This act shall take effect on the first day of July, one thousand nine hundred and forty-eight,

except that any designation permitted by this act may be made prior to such date.

Approved May 28, 1948.

CHAPTER 91

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; constituting and concerning the State Highway Department as a principal department in the executive branch of the State Government; amending sections 27:1–1, 27:1–3, 27:1–4, 27:1–7, 27:1–14, 27:1–15 and 27:1–16 of the Revised Statutes; and supplementing subtitle one of Title 27 of the Revised Statutes.

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

Section amended.

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

Department continued.

27:1–1. The administrative organization heretofore established and designated as the State Highway Department, hereafter in this Title referred to as the department, shall be continued, subject to the provisions of this chapter, as a department in the executive branch of the State Government and is hereby constituted a principal department therein.

Section amended.

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

Commissioner, qualifications, appointment.

27:1–3. The State Highway Commissioner, hereinafter in this Title referred to as the "commissioner," shall be the head of the State Highway Department. He shall be a citizen and resident of this State, and shall be nominated and appointed

by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor.

Section amended.

3. Section 27:1–4 of the Revised Statutes is amended to read as follows:

Salary, oath, bond.

27:1–4. The commissioner shall receive such salary as shall be provided by law. Before entering upon his duties, he shall make and subscribe an oath, to be filed in the office of the Secretary of State, that he will faithfully, impartially and without fear, favor or prejudice discharge the duties of his office and will carefully preserve all records, papers, writings and property intrusted to him for use and safekeeping by virtue of his office, and make such disposition of them as may be required by law. He shall give bond with surety, conditioned for the faithful performance of his duties in the sum of fifty thousand dollars ($50,000.00), to be approved as to form and the sufficiency of the surety by the Governor. The premium on the bond shall be paid by the State.

Section amended.

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

Commissioner executive head.

27:1–7. The commissioner shall be the administrative and executive head of the department. He shall devote full time to the duties of his office. He shall co-ordinate the activities of the department.

Section amended.

5. Section 27:1–14 of the Revised Statutes is amended to read as follows:

Highway engineer, qualifications, term, bond.

27:1–14. The commissioner shall appoint as State highway engineer a qualified and competent engineer who has had actual experience in road and bridge construction and maintenance. Such State highway engineer shall, unless sooner removed by the commissioner in accordance with the provisions of section 27:1–16 of the Revised Statutes, serve during the continuance in office of the State Highway Commissioner appointing him and until the State highway engineer's successor is appointed and has qualified, and shall devote his entire time

and attention to the duties of his office. He shall receive such salary as shall be provided by law. He shall furnish a bond to the State in the sum of ten thousand dollars ($10,000.00) conditioned for the faithful performance of his duties.

Section amended.

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

Assistant highway engineer.

27:1–15. The commissioner shall appoint an assistant State highway engineer, whose qualifications shall be the same as those prescribed for the State highway engineer. He shall receive such salary as shall be provided by law. He shall, unless sooner removed by the commissioner in accordance with the provisions of section 27:1–16 of the Revised Statutes, serve during the continuance in office of the State Highway Commissioner appointing him and until the assistant State highway engineer's successor is appointed and has qualified, and shall furnish a bond to the State in the sum of five thousand dollars ($5,000.00) conditioned for the faithful performance of his duties.

Section amended.

7. Section 27:1–16 of the Revised Statutes is amended to read as follows:

Removal from office.

27:1–16. The commissioner may remove the State highway engineer or the assistant State highway engineer for cause, upon notice and opportunity to be heard.

Any vacancy occurring in the office of State highway engineer or assistant State highway engineer shall be filled in the same manner as the original appointment.

C. 27:1-16.1. To continue in office.

8. The persons in office as State highway engineer and assistant State highway engineer, respectively, on the thirtieth day of June, one thousand nine hundred and forty-eight, shall continue to hold their offices for the period of their respective terms which remains unexpired on the effective date of this act and until their respective successors are appointed and have qualified.

C. 27:1-1.1. Short title.

9. This act shall be known as, and may be cited as, the "State Highway Department Act of 1948."

10. This act shall take effect on the first day of July, one thousand nine hundred and forty-eight, except that any appointment, and any confirmation of any appointment, permitted by this act may be made prior to such date.

C. 27:1-1.2. Act effective.

Approved May 28, 1948.

CHAPTER 92

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; establishing and concerning a Department of the Treasury as a principal department in the executive branch of the State Government; and repealing sections 52:18–1 to 52:18–4, inclusive, 52:18–6, 52:18–7, 52:18–9, 52:18–12, 52:19–1, 52:19–3, 52:19–4, and 52:19–6 to 52:19–9, inclusive, of the Revised Statutes.

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

1. There is hereby established in the executive branch of the State Government a principal department which shall be known as the Department of the Treasury.

C. 52:18A-1. Department established.

As used in this act, unless the context clearly indicates otherwise, the word "department" means the Department of the Treasury established herein.

Use of term.

2. The administrator and head of the department shall be the State Treasurer, who shall be a person qualified by training and experience to perform the duties of his office, and who shall be appointed by the Governor, with the advice and consent of the Senate. The State Treasurer shall serve at the pleasure of the Governor during the Governor's

C. 52:18A-2. State treasurer, administrative head, term, salary.

term of office and until the appointment and qualification of the State Treasurer's successor. He shall receive such salary as shall be provided by law.

To serve balance of term.

The person in office as State Treasurer on the thirtieth day of June, one thousand nine hundred and forty-eight, shall hold the office of State Treasurer in the Department of the Treasury established hereunder for the period of his term which remains unexpired on the effective date of this act and until his successor has been appointed and has qualified.

C. 52:18A-3. Divisions.

3. There shall be within the Department of the Treasury a Division of Budget and Accounting, a Division of Purchase and Property, a Division of Local Government, a Division of Taxation, a Division of Tax Appeals, and a Division of the New Jersey Racing Commission.

The State Treasurer shall have authority to organize and maintain in his offices an Administrative Division and to assign to employment therein such secretarial, clerical and other assistants in the department as his office and the internal operations of the department shall require.

C. 52:18A-4. Division of budget and accounting continued.

4. The Division of Budget and Accounting of the existing State Department of Taxation and Finance, together with all of its functions, powers and duties is continued, but such division is hereby transferred to and constituted the Division of Budget and Accounting in the Department of the Treasury established hereunder.

C. 52:18A-5. Director of division.

5. The Division of Budget and Accounting shall be headed by a director, who shall be a person qualified by training and experience to direct the work assigned to such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified.

Salary.

The director of the Division of Budget and Accounting shall receive such salary as shall be provided by law.

C. 52:18A-6. Functions, powers and duties transferred.

6. The functions, powers and duties heretofore vested in, and exercised or performed by the State Commissioner of Taxation and Finance, through the Bureau of the Budget of the Division of Budget and Accounting in the existing State Department of Taxation and Finance are hereby transferred to and shall be exercised and performed by the State Treasurer through the Division of Budget and Accounting in the Department of the Treasury established hereunder.

Functions, powers and duties transferred.

The functions, powers and duties heretofore vested in, and exercised or performed by, the State Commissioner of Taxation and Finance, through the Bureau of Accounting of the Division of Budget and Accounting in the existing State Department of Taxation and Finance, are hereby transferred to and shall be exercised and performed by the director of the Division of Budget and Accounting established hereunder, through such division.

C. 52:18A-7. Office of State Comptroller.

7. The office of State Comptroller, also designated and referred to as "Comptroller of the Treasury," is continued, but such office is hereby transferred to and constituted an office within the Division of Budget and Accounting in the Department of the Treasury established hereunder. The director of the Division of Budget and Accounting is hereby constituted the State Comptroller and comptroller of the treasury and, as such, shall exercise the powers and perform the functions and duties vested in, or imposed upon, the State Comptroller or comptroller of the treasury, by law.

C. 52:18A-8. Deposit and report on revenues.

8. All State revenue collected by any department, institution, commission, board, committee or official of this State shall, except as otherwise provided by law, be deposited, in the method prescribed by the director of the Division of Budget and Accounting, to the credit of the State of New Jersey in such depositories as the State Treasurer shall designate. A report of such moneys collected shall be submitted to such director and the State Treasurer in such form as the director shall prescribe. Such report shall be submitted not later than the

tenth day of the month following that during which such moneys were received. The director of the Division of Budget and Accounting, upon receiving such report, shall audit and register all amounts contained therein and make proper accounting thereof.

C. 52:18A-9. To prescribe forms.

9. The director of the Division of Budget and Accounting shall have authority to prescribe uniform forms to be used by all departments or other agencies of the State Government in encumbering any funds appropriated.

The director of the Division of Budget and Accounting shall prepare the forms upon which shall be rendered all statements of indebtedness against any department, institution, commission, committee, official, board, or body of State Government.

The forms, in this section provided, shall, when so prepared, be the only forms used for the evidence and record of such encumbrances and indebtedness.

C. 52:18A-10. Fiscal officers.

10. Each department, commission, committee, official, board or body of any institution or organization of the State shall designate the proper officer who shall approve and sign all encumbrance requests and statements of indebtedness. The designation shall be filed in the office of the director of the Division of Budget and Accounting; and the requests and statements of indebtedness shall be presented to such director.

The director of the Division of Budget and Accounting shall examine, audit and adjust all encumbrances and statements of indebtedness so presented. He may administer an oath to the persons presenting the encumbrance or statement of indebtedness and to any witness presented on behalf of such person and may examine such person or witness as to the truth, fairness and correctness of such encumbrance or statement of indebtedness.

The director of the Division of Budget and Accounting shall execute and register warrant checks in settlement of statements of indebtedness, approved by him, and shall transmit them forthwith to the State Treasurer who shall thereupon sign and deliver the same to the payees.

C. 52:18A-11. Endorsements on transfer of funds.

11. Checks or drafts used only for the transfer of State funds from one depository to another, drawn to the order of the State of New Jersey and restrictively endorsed by the State Treasurer in the following manner: "Transfer of State Funds—For Deposit Only," need not be signed by the director of the Division of Budget and Accounting.

C. 52:18A-12. Construction.

12. Wherever a provision of law relating to the presentation of claims or bills for approval, the drawing of warrants, the countersigning of receipts and checks, the administration of petty cash funds, the apportionment of taxes on railroad and canal property, applies to the Comptroller, or to the State Commissioner of Taxation and Finance, such provision of law shall when this act takes effect apply instead to the director of the Division of Budget and Accounting.

C. 52:18A-13. Secretary of State to give notice of vacancy.

13. The Secretary of State shall, when the offices of State Treasurer and director of the Division of Budget and Accounting or either of them shall become vacant or the officers or either of them shall no longer be authorized to act as such, respectively, give written notice forthwith to all national banks located in this State and institutions authorized by the State to carry on a banking business of such vacancy or termination of power. No bank shall thereafter pay any check or draft of the State Treasurer, signed or countersigned by any person after his office shall become vacant or after he shall no longer be authorized to act.

C. 52:18A-14. Sundry retirement systems transferred.

14. The Board of Trustees of the State Employees' Retirement System, the Prison Officers Pension Commission, the Board of Trustees of the Teachers' Pension and Annuity Fund and the Board of Trustees of the Police and Firemen's Retirement System of New Jersey, and all of their respective functions, powers, duties, records and property are hereby transferred to the Division of Budget and Accounting established hereunder in the Department of the Treasury.

Powers and functions continued.

Except as otherwise provided herein, each of the respective agencies enumerated in this section shall

continue to have all of the powers and shall exercise all of the functions and duties vested in, or imposed upon, it by law.

Officials to continue.

This act shall not affect the terms of office of the present members of the respective agencies enumerated in this section. Such respective agencies shall each continue to be constituted as provided by existing law.

C. 52:18A-15. Employment regulations transferred.

15. The authority, vested pursuant to existing law in any of the respective agencies enumerated in section fourteen hereof, to appoint, employ or remove clerical or recording personnel, except any secretary or actuary, is hereby transferred to and vested in the State Treasurer. The State Treasurer shall fix the compensation of all persons appointed or employed by him pursuant to such authority. Persons thus appointed or employed shall be assigned to such duties as the State Treasurer shall prescribe.

C. 52:18A-16. Division of purchase and property, transferred.

16. The Division of Purchase and Property of the existing State Department of Taxation and Finance, together with all of its functions, powers and duties is continued, but such division is hereby transferred to and constituted the Division of Purchase and Property in the Department of the Treasury established hereunder,

C. 52:18A-17. Director, appointment, salary, term.

17. The Division of Purchase and Property shall be headed by a director, who shall be a person qualified by training and experience to direct the work assigned to such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified.

The director of the Division of Purchase and Property shall receive such salary as shall be provided by law.

The person in office as director of the Division of Purchase and Property of the existing State Department of Taxation and Finance on the thirtieth day of June, one thousand nine hundred and

forty-eight, shall hold the office of director of the Division of Purchase and Property in the Department of the Treasury established hereunder for the period of his term as director of the Division of Purchase and Property in the existing State Department of Taxation and Finance which remains unexpired on the effective date of this act, and until his successor is appointed and has qualified.

C. 52:18A-18. Functions, powers and duties transferred.

18. The functions, powers and duties of the director of the Division of Purchase and Property of the existing State Department of Taxation and Finance are continued, but such functions, powers and duties are hereby transferred to and vested in the director of the Division of Purchase and Property established hereunder in the Department of the Treasury.

C. 52:18A-19. Application and schedule for purchases.

19. Each using agency shall, at all times, in the form and for the periods prescribed by the director of the Division of Purchase and Property, present to him detailed applications and schedules for all articles to be purchased. The director shall then arrange such schedules or parts thereof for purchase and contract, in the manner best calculated to attract competition and advantageous prices. He shall award contracts or orders for purchase to the lowest responsible bidder meeting all specifications and conditions. He shall have authority to reject any or all bids or to award in whole or in part if deemed to the best interest of the State to do so. In case of tie bids, he shall have authority to award orders or contracts to the vendor or vendors best meeting all specifications and conditions. Public bids shall not be waived except with the written approval of the State Treasurer and except after notice in writing to the State Auditor. The director shall prescribe the terms and conditions for delivery, inspection, payment and all other detail whatsoever.

Request for funds.

Upon the award of contracts or orders for purchase, the director of the Division of Purchase and Property shall thereupon make an encumbrance

request to the director of the Division of Budget and Accounting in the Department of the Treasury for the amount necessary to defray the cost thereof, indicating the appropriations or authorizations to spend funds against which the contract or purchase order will be charged.

Bills apportioned.

The bills for such purchases shall be apportioned by the director of the Division of Purchase and Property among the using agencies in proportion to the purchases made therefor, and certified as apportioned to the director of the Division of Budget and Accounting, to be charged against the respective appropriations or authorizations to spend as indicated by the certificate of the director of the Division of Purchase and Property. The bills therefor shall be paid by warrant check of the director of the Division of Budget and Accounting and State Treasurer.

Construing.

Nothing in this section shall be construed to repeal or otherwise affect any law of this State relating to the purchase or use of the products of the labor of the inmates of a charitable, reformatory or penal institution of this State.

C. 52:18A-20. Division of local government continued.

20. The Division of Local Government of the existing State Department of Taxation and Finance, together with all of its functions, powers and duties is continued, but such Division is transferred to and constituted the Division of Local Government in the Department of the Treasury established hereunder. The Local Government Board of the Division of Local Government in the existing State Department of Taxation and Finance and all of its functions, powers and duties are hereby transferred to the Division of Local Government established hereunder in the Department of the Treasury. Such board shall continue to have all of the powers and shall exercise all of the functions and duties vested in, or imposed upon, it by law. This act shall not affect the terms of office of the present members of such board. Such board shall continue to be constituted as provided by existing law. Any member of such board may be removed

from office by the Governor, for cause, upon notice and opportunity to be heard.

C. 52:18A-21. Administrative head, appointment, term, salary.

21. The administrative head of the Division of Local Government shall be the director, who shall be a person qualified by training and experience to direct the work assigned to such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified.

The director of the Division of Local Government shall receive such salary as shall be provided by law.

The person in office as director of the Division of Local Government of the existing State Department of Taxation and Finance on the thirtieth day of June, one thousand nine hundred and forty-eight, shall hold the office of director of the Division of Local Government in the Department of the Treasury established hereunder for the period of his term as director of the Division of Local Government in the existing State Department of Taxation and Finance which remains unexpired on the effective date of this act, and until his successor is appointed and has qualified.

C. 52:18A-22. Chairman.

22. The director of the Division of Local Government shall be the chairman of the Local Government Board in the Division of Local Government.

C. 52:18A-23. Functions, powers and duties transferred.

23. The functions, powers and duties of the director of the Division of Local Government of the existing State Department of Taxation and Finance are continued, but such functions, powers and duties are hereby transferred to and vested in the director of the Division of Local Government established hereunder in the Department of the Treasury.

C. 52:18A-24. Division of taxation transferred.

24. The Division of Taxation of the existing State Department of Taxation and Finance, together with all of its functions, powers and duties is continued, but such division is hereby transferred to and constituted the Division of Taxation in the

Department of the Treasury established hereunder.

Director, appointment, term, salary.

The Division of Taxation shall be headed by a director, who shall be a person qualified by training and experience to direct the work assigned to such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified.

The director of the Division of Taxation shall receive such salary as shall be provided by law.

C. 52:18A-25. Functions, powers and duties transferred.

25. The functions, powers and duties of the director of the Division of Taxation of the existing State Department of Taxation and Finance are continued, but such functions, powers and duties are hereby transferred to and vested in the director of the Division of Taxation of the Department of the Treasury established hereunder.

C. 52:18A-26. Board of tax appeals transferred.

26. The State Board of Tax Appeals, now constituted the Division of Tax Appeals in the existing State Department of Taxation and Finance, together with all of its functions, powers and duties, shall continue in all respects as provided by law prior to the time this act shall take effect, but such board is hereby transferred to and constituted the Division of Tax Appeals in the Department of the Treasury established hereunder. This act shall not affect the terms of office of the present members of such board. Such board shall continue to be constituted as providing by existing law. Any member of such board may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

C. 52:18A-27. State Treasurer.

27. The functions, powers and duties of the existing State Treasurer are continued, but such functions, powers and duties are hereby transferred to and vested in the State Treasurer designated as the head of the Department of the Treasury established hereunder.

C. 52:18A-28. Director United New Jersey Railroad and Canal Company.

28. The office of State Director of the United New Jersey Railroad and Canal Company is continued and is hereby constituted an office within the Department of the Treasury established hereunder. The State Treasurer is hereby constituted the State Director of the United New Jersey Railroad and Canal Company and, as such, shall exercise the powers and perform the functions and duties vested in, or imposed upon, the State Director of the United New Jersey Railroad and Canal Company by law.

C. 52:18A-29. Racing Commission transferred

29. The New Jersey Racing Commission, together with all of its functions, powers and duties, is continued, but such commission is hereby transferred to and constituted the Division of the New Jersey Racing Commission established hereunder in the Department of the Treasury.

Powers continued.

The New Jersey Racing Commission shall continue to have all of the powers and shall exercise all of the functions and duties vested in, or imposed upon, it by law. This act shall not affect the terms of office of the present members of such commission. Such commission shall continue to be constituted as provided by existing law.

C. 52:18A-30. Additional powers and duties.

30. The State Treasurer, in addition to the functions, powers and duties specifically conferred and imposed upon him, shall:

(a) Maintain suitable headquarters for the department and such other quarters within the State as he may deem necessary to the department's proper functioning;

(b) Have general responsibility for all of the department's operations under this act;

(c) Supervise the organization of the department and changes in the organization thereof, except that the divisions, boards, commissions and offices, herein specifically provided shall be maintained;

(d) Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees; and

(e) Make an annual report to the Governor and to the Legislature of the department's operations, and render such other reports as the Governor shall from time to time request.

Deputy State treasurer.

The State Treasurer shall designate as deputy State Treasurer any officer or employee in the department. Such designation shall be in writing and shall be filed with the Secretary of State. Such designation shall continue in effect until the State Treasurer shall, in the manner herein provided, designate another officer or employee in the department as such deputy State Treasurer.

Powers and duties.

The deputy State Treasurer shall have and exercise the powers and perform the functions and duties of the State Treasurer during the absence or disability of the State Treasurer. In the event that the State Treasurer shall die, resign or be removed from office, or become disqualified to execute the duties of his office, or a vacancy shall occur in the office of State Treasurer for any cause whatsoever, the person then holding the office of deputy State Treasurer shall continue to hold such office and shall have and exercise the powers and perform the functions and duties of the State Treasurer until the successor of the State Treasurer shall be appointed and shall qualify.

C. 52:18A-31. Deputy director, budget and accounting.

31. The State Treasurer shall, whenever he shall deem the same necessary, designate as deputy director of the Division of Budget and Accounting any officer or employee in the department. Such designation shall be in writing and shall be filed with the Secretary of State. The State Treasurer may at any time change or cancel any such designation. Any change or cancellation of such designation shall be in writing and shall be filed with the Secretary of State.

Powers and duties.

The deputy director of the Division of Budget and Accounting shall have and exercise the powers and perform the functions and duties of the director of the Division of Budget and Accounting during the absence or disability of such director. In the event that the director of such division shall

die, resign or be removed from office, or become disqualified to execute the duties of his office, or a vacancy shall occur in the office of the director of the Division of Budget and Accounting for any cause whatsoever, the person then holding the office of deputy director of the Division of Budget and Accounting shall continue to hold such office and shall exercise the powers and perform the functions and duties of the director of the Division of Budget and Accounting until the successor of the director of the Division of Budget and Accounting shall be appointed and shall qualify.

C. 52:18A-32. Functions, powers and duties transferred.

32. All functions, powers and duties of the existing State Department of Taxation and Finance and of the State Commissioner of Taxation and Finance not transferred or assigned herein to any division, office, agency or officer in the Department of the Treasury established hereunder are continued but such functions, powers and duties are hereby transferred to and vested in the Department of the Treasury established hereunder and shall be exercised and performed by the State Treasurer.

C. 52:18A-33. Transfer of personnel.

33. The State Treasurer may, in consultation with the heads of the other departments or branches of the State Government, and subject to the provisions of section forty-four hereof, arrange for the interdepartmental and intradepartmental transfer of personnel with a view to the greatest possible efficiency of departmental operations.

C. 52:18A-34. Exercise of powers.

34. Any power which may be vested in a director of any division in the Department of the Treasury, except any power which may be exercised by the director of the Division of Budget and Accounting pursuant to any authority contained in section seven, eight, nine, ten, or twelve hereof, may be exercised by the State Treasurer. To the extent that the State Treasurer exercises such power the power of the director shall be superseded.

C. 52:18A-35. Request officer.

35. The State Treasurer shall co-ordinate the activities of the department. He shall be the request officer of the department within the meaning of such term as defined in chapter one hundred

twelve of the laws of one thousand nine hundred and forty-four.

C. 52:18A-36. Removal of director.

36. The director of any division in the Department of the Treasury may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

Vacancies.

Any vacancy occurring in the office of director of any division in the department shall be filled in the same manner as the original appointment.

C. 52:18A-37. Oath of office.

37. Before entering upon his duties, the State Treasurer, each division director, any deputy director of the Division of Budget and Accounting, and the deputy State Treasurer shall each make and subscribe an oath, to be filed in the office of the Secretary of State, that he will faithfully, impartially and justly to the best of his ability, perform the duties of his office and carefully preserve all records, papers, writings or property entrusted to him by virtue of his office, and make such disposition of them as may be required by law.

Bond.

The State Treasurer, each division director, any deputy director of the Division of Budget and Accounting, and the deputy State Treasurer shall each give bond conditioned upon the faithful performance of his duties. The bond of the State Treasurer and the bond of the director of the Division of Budget and Accounting shall be approved by the Governor and shall each be in a sum not less than one hundred thousand dollars ($100,000.00). The bond of any deputy director of the Division of Budget and Accounting and the bond of the deputy State Treasurer shall be approved by the Governor and shall be in the sum not less than fifty thousand dollars ($50,000.00).

The bond of each of the directors of the other divisions in the Department of the Treasury shall be approved by the Governor and shall be in an amount, fixed by the Governor, not exceeding fifty thousand dollars ($50,000.00). The Governor shall have authority to require any other officer or employee of the department to give bond conditioned upon the faithful performance of his duties, which

bond shall be approved by the Governor and the amount thereof fixed by him.

The premiums on bonds provided for herein shall be paid by the State.

C. 52:18A-38. Applications and requests, construing.

38. Unless specifically otherwise provided in this act or by any operative law, whenever, pursuant to existing law, reports, certifications, applications or requests are required or permitted to be made to the department, board, division, commission, office or officer, whose powers and duties are herein assigned or transferred, such reports and certifications shall hereafter be required to be filed with, and such applications or requests shall hereafter be made to, the department, officer or agency to which such assignment or transfer has been made hereunder.

C. 52:18A-39. Files and records transferred.

39. All files, books, papers, records, equipment and other property of any officer or agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of the Treasury or to any officer or agency designated, continued or constituted hereunder, shall, upon the effective date of this act, be transferred to the department, officer or agency to which such assignment or transfer has been made hereunder.

C. 52:18A-40. Not to affect rules and regulations.

40. This act shall not affect the orders, rules and regulations heretofore made or promulgated by any department, officer or agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of the Treasury or to any officer or agency designated, continued or constituted hereunder; but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

C. 52:18A-41. Not to affect proceedings.

41. This act shall not affect actions or proceedings, civil or criminal, brought by or against any department, officer or agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of the Treasury or to any officer or agency designated, continued or constituted hereunder, and pending on the effective

date of this act, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the department, officer or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any department, officer or agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of the Treasury or to any officer or agency designated, continued or constituted hereunder, and all such matters or proceedings pending before such department, officer or agency on the effective date of this act shall be continued by the department, officer or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect.

C. 52:18A-42. Transfer of appropriation.

42. To the extent necessary to carry out the intent and provisions of this act, the State Treasurer, with the approval of the Governor, may make transfers of appropriations, in whole or in part, available and to become available to any department, officer or agency affected by the provisions of this act.

C. 52:18A-43. Transfer of personnel.

43. Such employees of any department, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of the Treasury or to any office or agency designated, continued or constituted therein, as the head of the department, office or agency to which such functions, powers and duties have been herein assigned or transferred, may determine are needed for the proper performance of the functions and duties imposed upon such department, office or agency, are hereby transferred to the department, office or agency to which such functions, powers and duties have been herein assigned or transferred.

C. 52:18A-44. Civil service rights.

44. Nothing in this act shall be construed to deprive any person of any tenure rights or of any

right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

C. 52:18A-45. Terms to expire.

45. The term of office of the present State Commissioner of Taxation and Finance shall expire on the effective date of this act.

The term of office of the present State Director of the United New Jersey Railroad and Canal Company shall expire on the effective date of this act.

C. 52:18A-46. Use of terms: State Treasurer;

46. Whenever the term "State Treasurer" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the State Treasurer designated as the head of the Department of the Treasury established hereunder.

State Director United New Jersey Railroad and Canal Company;

Whenever the term "State Director of the United New Jersey Railroad and Canal Company" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the State Treasurer designated as the head of the Department of the Treasury established hereunder.

State Comptroller;

Whenever the term "State Comptroller" or "Comptroller of the Treasury" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the director of the Division of Budget and Accounting in the Department of the Treasury established hereunder.

Division of purchase and property;

Whenever the term "Division of Purchase and Property in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Purchase and Property in the Department of the Treasury established hereunder.

Director;

Whenever the term "director of the Division of Purchase and Property in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the director of the Division of Purchase and Property

in the Department of the Treasury established hereunder.

Division of local government;

Whenever the term "Division of Local Government in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Local Government in the Department of the Treasury established hereunder.

Director;

Whenever the term "director of the Division of Local Government in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the director of the Division of Local Government in the Department of the Treasury established hereunder.

Local government board;

Whenever the term "Local Government Board of the Division of Local Government in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Local Government Board of the Division of Local Government in the Department of the Treasury established hereunder.

Division of taxation;

Whenever the term "Division of Taxation in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Taxation in the Department of the Treasury established hereunder.

Director;

Whenever the term "director of the Division of Taxation in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the director of the Division of Taxation in the Department of the Treasury established hereunder.

Division of tax appeals;

Whenever the term "Division of Tax Appeals in the State Department of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to

mean or refer to the Division of Tax Appeals in the Department of the Treasury established hereunder.

New Jersey racing commission;

Whenever the term "New Jersey Racing Commission" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the New Jersey Racing Commission constituted the Division of the New Jersey Racing Commission established hereunder in the Department of the Treasury.

Commissioner of taxation and finance.

Whenever the term "State Commissioner of Taxation and Finance" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the State Treasurer designated as the head of the Department of the Treasury established hereunder.

C. 52:18A-47. Sundry sections repealed.

47. Sections 52:18–1 to 52:18–4, inclusive, 52:18–6, 52:18–7, 52:18–9, 52:18–12, 52:19–1, 52:19–3, 52:19–4, and 52:19–6 to 52:19–9, inclusive, of the Revised Statutes, are hereby repealed.

In addition, all acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed.

C. 52:18A-48. Short title.

48. This act shall be known as, and may be cited as, the "Department of the Treasury Act of 1948."

C. 52:18A-49. Act effective.

49. This act shall take effect on the first day of July, one thousand nine hundred and forty-eight, except that any appointment, and any confirmation or approval of any appointment, permitted by this act may be made prior to such date.

Approved May 28, 1948.

CHAPTER 93

AN ACT concerning corporations, and amending section 14:9–4 of the Revised Statutes.

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

Section amended.

1. Section 14:9–4 of the Revised Statutes is amended to read as follows:

Change of plans.

14:9–4. Any plan so adopted may be recalled or abolished in the same manner as is herein provided for its adoption, subject, however, to the restoration from any trust fund created by such corporation for carrying out or effectuating any such plan, or by the corporation if no such trust fund has been created, of any moneys contributed by employees or those actively engaged in the conduct of the corporate business, and for which no stock or other equivalent has been issued.

Revising or amending plan.

Any plan heretofore adopted or which may hereafter be adopted by any corporation of this State may be amended or revised by the board of directors of the corporation by resolution of said board;

Proviso.

provided, however, that no such amendment shall be effective which shall attempt to (1) deprive any employee of any shares of the capital stock of the corporation which he may have acquired through or as a result of said pension plan; (2) deprive any employee of his right to participate in the profits of the corporate enterprise or any branch or division thereof; or (3) divert any part of the fund whether corpus or income which may have been set up by the corporation to provide for the payment to or for the benefit of the employees of the corporation, or of any corporation a subsidiary thereof or affiliated therewith, of pensions during old age, disability or unemployment or for the relief or general welfare of any or all of such employees.

Any amendment to or revision of the plan so made by the directors of the corporation may be altered, changed or repealed by the stockholders. Stockholders may alter plan.

2. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 94

AN ACT concerning the investment of moneys or funds of the State or in the possession of boards, commissions, officers of the State or heads of departments of the State Government, and amending section 52:14–32 of the Revised Statutes.

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

1. Section 52:14–32 of the Revised Statutes is amended to read as follows: Section amended.

52:14–32. All boards, commissions, officers of the State and heads of departments of the State Government authorized to invest moneys or funds may invest moneys or funds in their possession in the notes, bonds or other obligations of any municipality of the State which have heretofore been or shall hereafter be issued pursuant to a resolution or ordinance adopted by the proper officers of such municipality in a form certified, approved, indorsed or consented to by the local government board or issued with approval or consent in writing on behalf of such local government board. Investments in certain municipal obligations.

The words "local government board" shall mean the Local Government Board of the Division of Local Government in the State Department of Taxation and Finance, or the commission referred to in section six hundred fifty-seven of the act entitled "An act to authorize and regulate the issuance of bonds and other obligations and the in- Local government board.

curring of indebtedness by county, city, borough, town, township, village or any other municipality, other than a school district (Revision of 1935)," approved March twentieth, one thousand nine hundred and thirty-five (P. L. 1935, c. 77) or in section 40:1–67 of the Revised Statutes, or the commission referred to in section 52:27–1 of this Title and having and exercising with respect to such municipality the powers and duties prescribed by chapter twenty-seven of this Title (§52:27–1 et seq.), or any board, commission, officer or other agency of the State Government which may succeed to and exercise the powers and duties of such Local Government Board or either such commission.

Additional powers.

The powers conferred by this section shall be in addition to the powers conferred by every other law, and notes, bonds and other obligations may be purchased hereunder notwithstanding the restrictions contained in any other law.

2. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 95

AN ACT to amend "An act concerning savings and loan associations and building and loan associations, and revising chapter twelve of Title 17 of the Revised Statutes," approved April fourth, one thousand nine hundred and forty-six (P. L. 1946, c. 56).

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

Section amended.

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

C. 17:12A-13. Certificate of incorporation, contents.

13. Contents of certificate of incorporation. The incorporators shall personally sign and prove or acknowledge as required for deeds of real estate, a certificate of incorporation, which shall state:

(1) The name of the association, which shall contain the words "savings and loan association." The name shall not be one already in use by another association in this State, nor one so similar thereto as to deceive the public or lead to uncertainty or confusion and this provision shall be subject to any law restricting or prohibiting the use of the word "bank" or "banker" or "banking"; *provided, however,* that any association organized under this act may make representations describing its powers, services or functions provided for in this act. Proviso.

(2) The name of the municipality in this State where the association's office for the transaction of its business will be located.

(3) That it is incorporated to operate as an association pursuant to this act for the purposes herein stated.

(4) The name, residence (including street and number, if any) post-office address and occupation of each incorporator.

(5) The initial amount which each incorporator agrees to invest in the association before it commences business.

2. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 96

AN ACT providing for the foreclosure by any municipality of rights of redemption of real property from tax sales, supplementing chapter five of Title 54 of the Revised Statutes, and repealing chapter three hundred thirty-three of the laws of one thousand nine hundred and forty-seven.

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

C. 54:5-104.29. Short title.

1. Short title.

This act shall be known as the In Rem Tax Foreclosure Act (1948).

C. 54:5-104.30. Term defined.

2. Definitions.

When used in this act:

Municipality;

(a) "Municipality" shall mean every taxing district having the power to assess and collect taxes.

Tax collector;

(b) "Tax Collector" or "collector" shall mean the officer of the municipality charged by law with the duty of collecting general land taxes and the enforcement of tax liens.

County recording officer;

(c) "County recording officer" shall mean the county officer in whose office deeds are recorded for the county in which the land affected by a proceeding under this act is located.

Land;

(d) "Land" or "lands" shall mean and include all real property.

Tax liens;

(e) "Tax liens" shall mean all liens for general land taxes, and for all other municipal taxes which are liens on land, together with accrued interest, penalties and costs of collection thereon heretofore existing or hereafter arising pursuant to any law.

Tax title lien;

(f) "Tax lien title" shall mean the title derived from a sale according to law to satisfy any tax lien and evidenced by a tax sale certificate.

(g) "Person" or "persons" shall mean an individual, a corporation, an association, a municipal corporation, a body corporate and politic, a governing body of a municipality, or a governmental agency, and the singular may include the plural. Person.

3. Construction as remedial legislation. C. 52:5-104.31. Remedial legislation.

This act shall be liberally construed as remedial legislation to encourage the barring of rights of redemption, and is an alternate and additional remedy to any other remedy provided by law, and shall apply to certificates of tax sales heretofore or hereafter issued and held by a municipality.

4. Proceeding is In Rem. C. 52:5-104.32. In rem proceedings.

Any municipality may proceed, In Rem, pursuant to the provisions of this act, summarily to bar rights of redemption, after said certificate has been recorded in the office of the county recording officer.

5. No personal decree shall be entered. C. 52:5-104.33. Personal decree not entered.

In any proceeding under this act, no personal decree shall be entered against any person.

6. Time for institution of action. C. 52:5-104.34. Instituting action.

No proceedings may be instituted under this act on any tax sale certificate unless:

a. More than two years have expired from the date of the tax sale out of which any such certificate arose.

b. No part of any general land taxes levied and assessed for the four calendar years next preceding the date of the petition against the land covered by such certificate has been paid.

7. Resolution by governing body. C. 52:5-104.35. Resolution to foreclose.

The governing body of any municipality may, from time to time, determine, by resolution, to foreclose any of the tax sale certificates held by it, by the summary proceedings In Rem provided by this act. Such resolution shall list the lands against which such proceedings shall be instituted. Such list, to be known as the "tax foreclosure list," shall be prepared and certified by the tax collector. It shall schedule the lands and certificates in numerical sequence, and shall contain the following information:

(a) Schedule number.

(b) Description of the land as it appears on the tax duplicate and in the certificate of tax sale.

(c) Serial number, or, if no serial number, other identification of the certificate of tax sale.

(d) Date of tax sale.

(e) Book and page or date and instrument number of the record of the certificate in the office of the county recording officer.

(f) The amount of the sale as set forth in the certificate.

(g) The amount of all tax liens accruing subsequent to the tax sale, including interest, penalties and costs.

(h) The amount required to redeem.

(i) The name of the person appearing as the owner of the land to be affected by the foreclosure proceedings as it appears on the last tax duplicate of the municipality, or the word "unknown," if no name appears thereon.

C. 52:5-104.36. Jurisdiction.

8. Jurisdiction.

The Court of Chancery or the court succeeding to its jurisdiction shall have jurisdiction to give full relief, In Rem, as prescribed in this act. It shall have jurisdiction of proceedings instituted pursuant to this act, and the procedure shall be, except as in this act otherwise provided, according to the practice of the court and as required by statute and the rules of the court.

C. 52:5-104.37. Commencing proceedings, fees.

9. Proceedings commenced by verified petition; fees of clerk.

Proceedings under the provisions of this act shall be commenced by the filing of a petition in the said court, which petition shall be verified by the tax collector. The fees to be paid to the clerk of the court for the filing of said petition shall be twenty-five dollars ($25.00), except when a petition prays foreclosure of more than twenty-five certificates, in which case the clerk shall be entitled to fifty cents ($0.50) for each certificate in excess of twenty-five.

10. Form of petition. C. 54:5-104.38. Form of petition.

The petition shall set forth:

a. The tax foreclosure list;

b. The name of the person or one of the persons who, according to the records in the office of the county recording officer, appears as a transferee or purchaser of title to the land to be affected by the tax foreclosure proceedings, and the book and page or date and instrument number of the instrument by which such person acquired title; or the word "unknown" if no such person can be discovered by a search of the records of ownership in the county recording officer's office for a period of sixty years next preceding the preparation of the tax foreclosure list;

c. A prayer for relief pursuant to this act.

The petition may also include a description by metes and bounds of the land to be affected.

11. Petition may include several parcels. C. 54:5-104.39. May include several parcels.

The petitioner may include any number of separate parcels of land in one petition.

12. Separate causes of action. C. 54:5-104.40. Separate causes of action.

Each certificate and the parcel or parcels of land affected thereby shall be deemed to be the subject of a separate cause of action, In Rem.

13. Petition to be filed with tax collector; county recording officer and Attorney-General. C. 54:5-104.41. Filing petitions.

The petitioner shall file a copy of the petition in the office of the municipal tax collector, and in the office of the county recording officer. A copy of said petition shall also be filed in the office of the Attorney-General of the State of New Jersey.

14. Notice. C. 54:5-104.42. Notice.

The copy of the petition filed in the office of the county recording officer and the publication of the notice as hereinafter provided shall be notice to the world including all persons claiming any right, title, interest in or lien upon the land sought to be affected by said petition, whether the names of said persons appear in said petition or not, of the institution of said foreclosure proceedings In Rem, and that unless said lands be redeemed in the cause

as hereinafter provided, the right, title, interest or lien of any such persons and the claim of any or all other persons, whether such right, title, interest, lien or claim has or shall have become vested or shall have arisen or may arise prior to or subsequent to the filing of said petition, shall be foreclosed and forever debarred and that an indefeasible estate in fee simple in said lands shall be vested in the petitioner, by the decree of the said court, as provided in this act.

C. 54:5-104.43. Petition deemed notice to State.

15. Petition to have effect of notice to State.

The copy of said petition filed in the office of the Attorney-General of the State of New Jersey shall be notice to the State of New Jersey, including any agency of the State, and any political subdivision thereof having an interest in or lien upon the land to be affected, that such proceedings have been instituted, In Rem, against said land.

C. 54:5-104.44. Duties, county recording officers.

16. Duties of county recording officers.

Upon the filing of such copy of petition, the county recording officer shall forthwith cause the proceedings to be indexed in the name of all persons appearing in the tax foreclosure list and in the petition under the requirement of section ten (b) hereof in the same index used for notices of lis pendens, and the filing of said petition shall be noted in the margin of the record of each certificate of tax sale referred to in said petition.

C. 54:5-104.45. Fees.

17. Fees of county recording officer.

The county recording officer for filing and indexing such copy of petition and the making of such marginal notation shall be entitled to the same fees to which he would be entitled for the filing, indexing and noting of a Notice of Lis Pendens.

C. 54:5-104.46. Publishing notice.

18. Publication.

The court shall, upon application of the petitioner, make an order designating one newspaper, circulating in the municipality wherein the lands to be affected are located, for the publication of a notice of foreclosure in the form hereinafter required. Upon such designation being made, the

petitioner shall cause such notice to be published once in the designated newspaper.

C. 54:5-104.47. Form of notice.

19. Form of notice to be published.

Such notice shall include a copy of the tax foreclosure list and shall be substantially in the following form:

NOTICE OF IN REM FORECLOSURE OF TAX LIEN TITLES

By .....
(Here insert name of municipality)

Take notice that proceedings, In Rem, have been commenced in the .....
(here insert name of court)
by the filing of a petition on .....,
(here insert date)
to foreclose and forever bar any and all rights of redemption of the parcels of land, described in said petition, from petitioner's tax lien titles.

The proceedings are brought against the land only, and no personal judgment or decree may be entered therein.

Any person desiring to protect a right, title or interest in the described land or any parcel thereof, by redemption, or to contest petitioner's right to foreclose, must do so by paying the amount required to redeem as set forth below. plus interest to the date of redemption, and such costs as the court may allow, prior to the entry of a decree herein, or by filing an answer to the petition setting forth respondent's defense, within forty-five days after date of the publication of this notice.

In the event of failure to redeem or answer by any person having the right to redeem or answer, such person shall be forever barred and foreclosed of all his right, title and interest and equity of redemption in and to the parcels of land described in the following tax foreclosure list.

The following is a copy of the tax foreclosure list, showing the lands against which these proceedings are brought:

(Here insert copy of tax foreclosure list.)

Publication date .....
(Here insert date of publication)

.....
Solicitor for petitioner.

C. 54:5-104.48. Notice to municipality.

20. Notice to municipality; by owners or parties in interest.

At any time after the enactment of this act, any owner of land or mortgagee thereof, or any person having a lien or claim thereon, or interest therein, may file with the tax collector of the taxing district wherein such land is located, a notice stating his name, residence and post-office address, and a description, as shown in the last tax duplicate of the municipality, of the parcel of land in which such person has an interest, which notice shall continue in effect for a period of five years, unless earlier canceled by such person.

C. 54:5-104.49. Mailing notice.

21. Mailing of notice.

Any petitioner under this act may, within fifteen days after the date of publication of said notice of publication, mail or cause to be mailed a copy of said notice to the Attorney-General of the State of New Jersey, and to each person whose name appears as an owner in said tax foreclosure list, to the last known address of such owner, as the same may appear upon the last municipal tax duplicate; and may, likewise, mail a copy of such notice to such other persons who, pursuant to section twenty of this act, have filed a notice with the tax collector specifying a title, lien, claim or interest in any of the lands sought to be affected by said petition. Such notice need not be by registered mail. Neither the failure of the petitioner to mail any such notice of publication, nor the failure of any persons to receive such notice, shall

affect the validity of any proceedings brought pursuant to this act.

C. 54:5-104.50. Posting notice.

22. Posting of notices.

The petitioner shall, within fifteen days after the date of the publication of said notice, cause a copy of such notice to be posted in the office of the tax collector of the petitioning municipality, and in the office of the county recording officer of the county in which the land to be affected by the proceedings is situated, and in three other conspicuous places within the taxing district in which the land is located.

C. 54:5-104.51. Proof of publication and posting.

23. Proof of publication and posting.

Petitioner shall file in the cause affidavits of publication and posting in accordance with the order of publication and of the provisions of this act. No final decree shall be entered as to any parcel of land until such affidavits have been filed as herein provided.

C. 54:5-104.52. Filing answer, fee.

24. Answer may be filed; fee for filing.

Any person having or claiming to have a right, title or interest in, or to, or lien upon any parcel of land described in the petition may file an answer within forty-five days of the date of the publication of notice provided in section nineteen hereof, setting forth in detail the nature of the respondent's interest and the grounds of his defense. The caption of such answer shall refer to the cause or causes of action applicable to the land affected. Each person filing such answer shall pay to the clerk of the court the same fee required for the filing of answers in other cases.

C. 54:5-104.53. Certain omissions no defense.

25. Certain omissions no defense.

No omission of any of the procedures or actions required by law in relation to levy and assessment shall be a defense or objection to the foreclosure of any tax lien title, unless it be also made to appear to the court that such omission has been prejudicial to the answering respondent.

C. 54:5-104.54. Defenses allowed.

26. Certain defenses allowed; application for certiorari; stay of proceedings.

In any proceeding brought under the provisions of this act, if a respondent shall answer and set up as a defense thereto, the invalidity of the tax lien, or the invalidity of the proceedings to sell, or the invalidity of the sale, such answer shall operate as a stay of the proceedings in the said court for two months from the date of the filing of such answer, to enable such respondent to apply for a writ of certiorari or order in lieu thereof to review the legality of the tax lien, the proceedings to sell, or the sale, and if such writ shall issue, the proceedings shall be stayed until the final determination of the review shall have been made.

C. 54:5-104.55. Failure to obtain writ.

27. Failure to obtain writ; court shall strike defense in question.

If the respondent fails to obtain a writ of certiorari or order in lieu thereof for said purposes within two months after the filing of the answer, the court shall strike out such part of the answer as denies the validity of tax lien or legality of proceedings to sell, or the sale, and shall proceed as if no such defense had been interposed.

C. 54:5-104.56. Writ of certiorari.

28. Writ of certiorari; time for application and allowance.

No writ of certiorari or order in lieu thereof shall be allowed in any case under this act unless an answer has been filed within the time limited, nor shall such writ or order be allowed after the expiration of two months from the filing of an answer denying the validity of the tax lien for which the lands were sold and certificate issued, or denying the legality of the proceedings to sell the lands, or denying the legality of sale.

C. 54:5-104.57. Determination of court.

29. Court to determine on petition and answer.

Upon the filing of an answer, the court shall hear and determine the issues raised by the petition and answer, in the same manner and under the same rules as it hears and determines other issues, except as in this act otherwise provided.

30. Severance upon filing of answer. C. 54:5-104.58. Severance upon filing answer.

Upon the filing of an answer, there shall be a severance of the proceedings as to the parcel or parcels of land which have been made the subject of such answer. The proceedings in respect to such parcel or parcels of land shall be deemed to be separate and distinct, and the petitioner shall be liable for and shall pay to the clerk of said court the fees and costs as in the case of the commencement and prosecution of a new, separate and distinct proceeding.

31. Fees and costs. C. 54:5-104.59. Fees and costs.

The court shall, upon application, at any time after the petition is filed, fix the costs of the proceedings, which shall include disbursements incurred by the petitioner and by its solicitor, and a counsel fee commensurate with the services rendered, in addition to other fees and expenses provided by law, and the rules regulating the practice and procedure of the court, which costs and fees shall be equitably apportioned and allocated to the several parcels of land affected by the proceeding, and added to the amount required to redeem.

32. Redemption at tax collector's office. C. 54:5-104.60. Redemption.

Redemption shall be made at the office of the tax collector, at any time after the filing of petition, and before final decree. Such redemption shall be deemed to be made in the cause, and it shall be subject to the fixing of fees and costs of the proceedings as provided in section thirty-one.

33. Statement of redemption to be filed by petitioner; to operate as discharge of notice; tax collector to deliver certificate of redemption. C. 54:5-104.61. Statement of redemption, filing.

Upon such redemption, the petitioner or its solicitor shall promptly file a statement with the clerk of said court, setting forth that redemption has been made in respect to any parcel of land described in the petition. Petitioner or its solicitor shall also file a similar statement with the county recording officer, which shall operate to discharge the notice hereinafter provided in section fourteen, insofar as said notice relates to the land so re-

deemed. Any person making redemption as herein provided, shall be entitled to receive, from the tax collector, a certificate of redemption and a duplicate thereof, and may file such duplicate with the county recording officer, in lieu of, and with the same effect as, a statement of redemption filed by a petitioner or its solicitor, as in this section provided.

C. 54:5-104.62. Rights of petitioner to discontinue.

34. Right of petitioner to discontinue.

The petitioner shall have the right to discontinue, without notice and without costs, as to any parcel of land affected by any proceeding under this act. The filing of a copy of the order of discontinuance with the county recording officer shall operate as a discharge of the proceedings as to the parcel of land affected thereby. The recording officer shall charge fifty cents ($0.50) for each parcel of land affected by such discharge.

C. 54:5-104.63. Proof where no answer filed, decree.

35. Proof where no answer filed; decree.

As to any parcel concerning which no answer has been filed, or, in the event an answer has been filed, and the respondent has failed to obtain a writ of certiorari or order in lieu thereof pursuant to the provisions of section twenty-seven hereof, the court shall, by the verified petition, proofs of publication and posting, and by affidavit of nonredemption, determine whether or not there has been a compliance with the provisions of this act, and, if satisfied that there has been such compliance, shall make a final decree granting the relief provided herein.

C. 54:5-104.64. Form and effect of decree.

36. Form and effect of decree.

(a) Such decree shall describe the lands affected by the description and identification thereof as the same appears in the petition and tax foreclosure list, and shall identify each parcel of land affected by such decree by the name of the persons appearing in such petition and tax foreclosure list, and the book and page or date of record or instrument number, where the record of each foreclosed certificate of tax sale may be found in the office of the county recording officer. Such decree may also

contain a description by metes and bounds of any parcel, together with such other identifying description as the petition may desire to insert.

(b) The decree shall give full and complete relief, in accordance with the provisions of this act, and in accordance with any other statutory authority, and with the practice of the court, to bar the right of redemption, and to foreclose all prior or subsequent alienations and descents of the lands and encumbrances thereon, and to decree an absolute and indefeasible estate of inheritance in fee simple in the lands therein described, to be vested in the petitioner.

(c) Such decree shall be binding and final upon all persons having a vested or contingent title or interest in or lien or claim upon or against said lands, including the State of New Jersey, and any agency and political subdivision thereof, and their heirs, devisees and personal representatives, and their, or any of their heirs, devisees, executors, administrators, grantees, assigns or successors in right, title or interest, notwithstanding any infancy or incompetency of such person or persons, and upon all other persons, their heirs, devisees and personal representatives, and their or any of their heirs, devisees, executors, administrators, grantees, assigns or successors in right, title or interest.

37. Effect of recording decree. C. 54:5-104.65. Recording decree, effect.

Upon the recording of a certified copy of such decree in the office of the county recording officer, the petitioner shall be seized of an estate in fee simple, in the lands described therein, absolute and free and clear of all liens and encumbrances, in accordance with the terms of said decree.

38. Additional duty of county recording officer; fee. C. 54:5-104.66. Additional duty, fee.

Upon the recording of such decree, the county recording officer shall note, in the margin of each certificate referred to therein, the following: "Decree recorded on .....,
(here insert date)
.....,"
(here insert book and page or instrument number)

for which such recording officer shall charge thirty-five cents ($0.35) for each notation.

C. 54:5-104.67. Reopening decree.

39. Application to reopen decree.

No application shall be entertained to reopen such decree after three months from the date of the recording thereof in the office of the county recording officer, and then only upon the grounds of lack of jurisdiction or fraud in the conduct of the suit.

C. 54:5-104.68. Constitutionality.

40. Constitutional clause.

If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly invalidated in and by such judgment.

C. 54:5-104.69. Repealer.

41. Repealer.

"An act providing for the foreclosure by any municipality of rights of redemption of real property from tax sales and tax lien sales, and supplementing chapter five of Title 54 of the Revised Statutes," approved June twenty-third, one thousand nine hundred and forty-seven (P. L. 1947, c. 333), is hereby repealed.

C. 54:5-104.70. Acts and decrees validated.

42. Certain acts and decrees valid.

The repeal of said act by this act shall not affect any act done, or proceedings had or pending, and such repeal shall not invalidate any decree made by the Court of Chancery or to be made in any proceedings now pending or anything done under and by virtue of the act hereby repealed.

C. 54:5-104.71. Act effective.

43. To take effect immediately.

This act shall take effect immediately, but no proceeding hereunder shall be instituted until sixty days after the approval of this act.

Approved May 28, 1948.

CHAPTER 97

AN ACT to facilitate the rehousing of residents of areas acquired for the effectuation of terminal or transportation facilities of the Port of New York Authority and agreeing with the State of New York with respect thereto.

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

C. 32:1-35.37. Authorized to rehouse residents.

1. Whenever the Port of New York Authority (hereinafter referred to as the Port Authority) has acquired or hereafter acquires, for or in connection with the effectuation, construction, extension, or operation of any terminal or transportation facilities owned or operated or to be owned or operated by the Port Authority, any property used or occupied for residential purposes, it shall have power to rehouse persons residing or dwelling in such property, and to acquire, establish, construct, rehabilitate, operate and maintain rehousing accommodations for such persons, at sites other than the site of such terminal or transportation facilities. For such purposes and purposes incidental thereto it shall have power to enter into agreements with third persons to provide such accommodations and to acquire, sell, exchange, transfer, assign, mortgage, operate and maintain real or personal property or interests therein, and to borrow money upon its bonds or other obligations, with or without mortgages or other security, and with or without a pledge of the revenues of any or all of its facilities. The acquisition, construction, extension, operation or effectuation of such rehousing accommodations shall be deemed to be incidental to such terminal or transportation facilities. The capital costs and operating expenses of and revenues from such rehousing accommodations shall be deemed capital costs and operating ex-

Agreements.

penses of and revenues from such terminal or transportation facilities. No commitment or contractual obligation heretofore made or assumed by the Port Authority to the holder of any of its bonds shall be affected by this act. As used in this act, the term bonds shall mean bonds, notes, securities or other obligations or evidences of indebtedness.

C. 32:1-35.38. To comply with existing regulations.

2. Except as otherwise provided by agreement between the Port Authority and the city or other municipality in which such rehousing accommodations are situated with respect to the laws, ordinances, rules and regulations of such city or other municipality, State and municipal laws, ordinances, rules and regulations now in force or hereafter enacted pertaining to the construction, rental and operation of residential or dwelling properties shall apply to rehousing accommodations provided pursuant to this act with the same force and effect as if such rehousing accommodations were constructed, leased or operated by a private corporation. Except as otherwise provided by agreement between the Port Authority and the city or other municipality in which such rehousing accommodations are situated, with respect to taxes and assessments levied by such city or other municipality, the Port Authority shall pay the same taxes and assessments with respect to such rehousing accommodations owned by it as would be paid if such rehousing accommodations were owned by a private corporation.

C. 32:1-35.39. May pledge reserve moneys.

3. The moneys in the general reserve fund of the Port Authority may be pledged in whole or in part by the Port Authority as security for or applied by it to the repayment with interest of any moneys which it may raise upon bonds issued by it from time to time to provide funds for the effectuation of the purposes of this act; and the moneys in said general reserve fund may be applied by the Port Authority to the fulfillment of any other undertakings which it may assume to or for the benefit of the holders of any such bonds.

C. 32:1-35.40. Bonds as legal investments.

4. The bonds issued by the Port Authority to provide funds for the purposes of this act are hereby made securities in which all State and municipal officers and bodies of both States, all banks, bankers, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever, who are now or may hereafter be authorized by either State to invest in bonds or other obligations of such State, may properly and legally invest any funds, including capital, belonging to them or within their control; and said bonds are hereby made securities which may properly and legally be deposited with and shall be received by any State or municipal officer or agency of either State for any purpose for which the deposit of bonds of other obligations of such State is now or may hereafter be authorized.

C. 32:1-35.41. Municipal co-operation.

5. Notwithstanding the provisions of any other law, every municipality and State and municipal agency and authority of the States of New Jersey and New York is authorized and empowered to cooperate with the Port Authority in carrying out the provisions of this act, and, without limiting the generality of the foregoing, shall have power to enter into agreements with the Port Authority to provide rehousing accommodations upon such terms and conditions as may be agreed upon between the Port Authority and such municipality and State and municipal agency or authority.

C. 32:1-35.42. Right of eminent domain denied, proviso.

6. The Port Authority shall not have the power to acquire property by condemnation or the right of eminent domain for the purposes of this act; *provided, however,* that either State may by statute vest it with such power with respect to property within such State.

C. 32:1-35.43. Consent to suits.

7. (a) The States of New York and New Jersey hereby consent to suits against the Port Authority

for money judgments for torts (including wrongful death) committed by the Port Authority in the establishment or operation of rehousing accommodations and to such suits only; and the said two States further consent to liability on the part of the Port Authority for torts committed by it and its agents in the establishment or operation of rehousing accommodations to the same extent as though it were a private corporation.

(b) No such suit shall be commenced unless a notice of the intention to commence such action and of the time when and the place where the damages were incurred or the injuries were received, together with a verified statement showing in detail the property alleged to be damaged or destroyed or the injuries alleged to have been received, and the value of the damages claimed therefor, shall have been filed with the Port Authority within six months after such cause of action shall have accrued. An action under this section shall be commenced within one year after the cause of action therefor shall have accrued.

(c) No action shall be prosecuted or maintained under this section against the Port Authority unless the complaint or necessary moving papers shall contain an allegation that at least thirty days have elapsed since the demand, claim or claims upon which such action is founded, were presented to the Port Authority for adjustment and that it has neglected or refused to make an adjustment or payment thereof for thirty days after such presentation.

C. 32:1-35.44. Act to supplement compact.

8. This act, together with the concurrent act of the State of New York, constitutes an agreement between the States of New Jersey and New York supplementary to the compact between the two States dated April thirtieth, one thousand nine hundred and twenty-one, and amendatory thereof. It shall be liberally construed to effectuate its purposes and the powers vested in the Port Authority hereby shall be construed to be in aid of and supplemental to and not in limitation of or in deroga-

tion of any of the powers heretofore conferred upon or delegated to the Port Authority. The Port Authority shall be regarded as performing an essential governmental function in undertaking the effectuation of rehousing accommodations in accordance with the provisions of this act.

C. 32:1-35.45. Limitation.

9. The powers granted by this act to the Port Authority shall expire on the first day of July, one thousand nine hundred and fifty-one; *provided, however,* that the bonds which may be issued for the purposes of this act may be made payable at any date or dates subsequent to the first day of July, one thousand nine hundred and fifty-one (as well as on or prior to that date), and that nothing in this section contained shall prevent the issuance, prior or subsequent to the first day of July, one thousand nine hundred and fifty-one, of bonds issued to refund bonds issued for the purposes of this act, or prevent payment with interest of bonds issued for the purposes of this act (including refunding bonds); or prevent the application of moneys in the general reserve fund of the Port Authority to the fulfillment of any undertakings assumed to or for the benefit of holders of any such bonds. Nothing herein contained shall prevent the Port Authority from accepting bonds, notes, mortgages or other obligations in payment of the consideration for the sale by the Port Authority of property acquired pursuant to this act even though the due dates thereof are subsequent to the first day of July, one thousand nine hundred and fifty-one; or from enforcing any such obligations.

Proviso.

C. 32:1-35.46. Act effective.

10. This act shall take effect upon the enactment into law by the State of New York of legislation having an identical effect with the provisions of this act; but if the State of New York shall have already enacted such legislation, then this act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 98

AN ACT concerning alcoholic beverages, and supplementing chapter one of Title 33 of the Revised Statutes.

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

C. 33:1-12.23. Limits place of sale.

1. The holder of a plenary retail consumption license or a seasonal retail consumption license, after the effective date of this act, may sell and display for sale alcoholic beverages in original containers for consumption off the licensed premises only in the public barroom of the licensed premises, such barroom being a room containing a public bar, counter or similar piece of equipment designed for and used to facilitate the sale and dispensing of alcoholic beverages by the glass or other open receptacle for consumption on the licensed premises; *provided, however,* that where, prior to the effective date of this act, alcoholic beverages in original containers for off-premises consumption were sold and displayed for sale by the holder of such license, either to the exclusion of sale for consumption on the licensed premises or upon a portion of the licensed premises other than the public barroom, such sale and display shall be permitted as heretofore and notwithstanding renewal or transfer of the license either from person to person or place to place, subject to rules and regulations to be promulgated by the commissioner.

Proviso.

C. 33:1-12.24. Construing.

2. Nothing in this act shall be deemed to limit the sale and display for sale of alcoholic beverages in original containers for consumption off the licensed premises to the public barroom on premises licensed under plenary retail consumption license or seasonal retail consumption license in any municipality in which the sale of alcoholic beverages by the glass or other open receptacle for

consumption on the licensed premises is prohibited by law notwithstanding that, prior to such prohibition, such sale and display for sale was required to be limited to the public barroom.

3. Nothing in this act shall be deemed to prohibit the lawful sale and delivery of alcoholic beverages in original containers by the holder of a plenary retail consumption license or seasonal retail consumption license issued for hotel premises to guests of the hotel in the regular course of business. C. 33:1-12.25. Construing.

4. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 99

AN ACT to validate certain final decrees entered in the Court of Chancery in proceedings for the foreclosure of tax lien certificates.

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

1. All final decrees heretofore entered in the Court of Chancery of the State of New Jersey, based on proceedings taken pursuant to article nine, chapter five, Title 54, of the Revised Statutes, shall be valid and effectual notwithstanding the fact that the allegations of the bill of complaint and of the affidavits annexed thereto, in any such proceedings, fail to comply strictly with the statutory provisions that it should appear by the allegations of the bill, duly verified by affidavit thereto annexed, that any person mentioned in the bill of complaint or his heirs, devisees or personal representatives are proper parties defendant, and that the complainant after diligent and careful inquiry, made as in the case of absent defendants, Decrees validated.

has been unable to ascertain whether such person is still alive, or, if he is known to be dead, has been unable to ascertain whether his heirs, devisees or personal representatives are alive or dead, and has been unable to ascertain the names and residences of his heirs, devisees or personal representatives, or such of them as may be proper parties defendant; *provided,* that the names of such persons, followed by words describing their heirs, devisees or personal representatives, were included in the order of publication in such cases, and in the notice to absent defendants in such cases, and in the final decree in such cases; *and provided further,* that in such cases there has been a substantial compliance with the statute and that no suit is pending to attack the validity of any such decree; *and provided further,* that the final decrees in such cases shall have been entered for at least five years prior to the passage of this act.

Proviso.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 100

AN ACT to amend "An act concerning district courts, and supplementing chapter eight of Title 2 of the Revised Statutes," passed July twenty-second, one thousand nine hundred and forty-one (P. L. 1941, c. 288).

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

Section amended.

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

C. 2:8-9.1. Courts to be bipartisan.

1. To the end that the district courts throughout any county shall not remain or become, as the case may be, more partisanly constituted than the col-

lective number thereof shall compel, in every county in which there are or may be two or more district court judges all appointments to such judgeships shall be made in such manner that eventually the judges therein shall have been chosen equally from the membership of different political parties; *provided, however,* that in any county having an odd number of district courts, there may be one more appointee of one political affiliation than of the other; *and provided further, however,* that the words "political parties" shall always mean such political parties as shall have cast the largest and the next to the largest number of votes, respectively, for members of the General Assembly at the last preceding general election held for the election of all the members of the General Assembly, prior to the making of such appointments. Proviso. Proviso.

2. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 101

AN ACT concerning the appointment of certain judges of the court of common pleas, and amending section 2:6–4 of the Revised Statutes.

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

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

2:6–4. In every county in which there are or may be two or more judges of the court of common pleas, all appointments to such judgeships shall be made in such manner that the appointees shall be, as nearly as possible, in equal numbers, members of different political parties, so as to constitute the court of common pleas in any such county bipartisan in character. Bipartisan appointments.

Political parties, defined.

The words "political parties" mean such political parties as shall have cast the largest and the next to the largest number of votes, respectively, for members of the General Assembly at the last preceding general election held for the election of all the members of the General Assembly, prior to the making of any such appointments.

2. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 102

AN ACT to amend "An act concerning district courts, and supplementing chapter eight of Title 2 of the Revised Statutes," approved May second, one thousand nine hundred and forty-five (P. L. 1945, c. 278).

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

Section amended.

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

C. 2:8-48.3. Bipartisan appointments.

3. So as to constitute such courts bipartisan in character, all appointments to such judgeships shall be made in such manner that the appointments shall be, as nearly as possible, in equal numbers, members of different political parties, that is to say, such political parties as shall have cast the largest and the next to the largest number of votes, respectively, for members of the General Assembly at the last preceding general election held for the election of all the members of the General Assembly, prior to the making of such appointments.

2. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 103

AN ACT pertaining to street lighting districts in townships, and amending section 40:155–4 of the Revised Statutes.

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

1. Section 40:155–4 of the Revised Statutes is amended to read as follows: Section amended.

40:155–4. The meeting for the election of commissioners and the determination of the sum or sums to be raised shall be held at such public place within the district as the township committee may designate, and notice of the time and place of such election shall be given by the township clerk or commissioners, by setting up the same in at least three of the most public places within the district ten days before the said election. The commissioners shall, prior to the posting of such notice, determine by resolution the sum of money deemed necessary to be raised and which is to be voted upon at said election and in the notice of election there shall be set forth the sum so determined upon. The polls on said election shall be open for at least four hours between the hours of one o'clock in the afternoon and seven o'clock in the evening as shall be determined by the commissioners and set forth in said notice. The commissioners shall cause to be printed the same number of printed ballots as the number of registered voters in the district which ballots shall contain a copy of the resolution determining the sum of money deemed necessary to be raised, so arranged as to give the voters opportunity to vote for or against the fixing and appropriation of the same, and to write in the names of the persons for whom they desire to vote for membership in the commission. In event there shall be filed with the township clerk, not less than ten Notice and conduct of election.

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days prior to the date fixed for holding such election, a petition endorsing the name of any qualified voter or voters of the district for the office of commissioner and requesting that the name or names of such person or persons be printed upon the ballots, signed by one or more qualified voters of the district and verified as to the qualifications of the person or persons nominated and the qualifications of the signer or signers of said petition, and the authenticity of their signatures to said petition, as provided by this act, the township clerk, having verified the qualifications of such person or persons so nominated and of the person or persons so nominating him, or them shall certify the name or names of the person or persons so nominated to the commissioners who shall place such name or names upon said ballot in such manner that they may be voted for by the voters at said election. The voters there assembled, before any votes are cast, shall elect by viva voce vote, a judge, inspector and clerk of said election.

2. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 104

AN ACT concerning awards to members of police departments of municipalities of this State, and supplementing article two of chapter forty-seven of Title 40 of the Revised Statutes.

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

C. 40:47-20.1. Award to be recorded on officers record.

1. Whenever an award shall be made to a member of a municipal police department by a duly constituted governmental or voluntary agency, for heroic or meritorious service, a record shall be made and kept of such award by the chief or other

person in command of the department of which the recipient of the award may be a member, and such record shall constitute a part of the service record of such recipient. Whenever the wearing of a bar or similar indication of the making and receipt of an award of the nature herein described is authorized by the awarding authority, such bar may be worn by the recipient of the award, upon his official uniform, upon the left breast thereof, above the wearer's official police badge.

May wear decoration.

2. No person, other than the recipient of an award, as described in section one hereof, shall wear any symbol or indication of the receipt of such award, nor copy or imitate such symbol or indication; *provided, however,* that nothing in this section contained shall be deemed to apply to recipients of posthumous awards of the character in this act described.

C. 40:47-20.2. Bars unauthorized wearing.

Proviso.

3. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 105

AN ACT concerning minimum requirements for pharmacies and drug stores and for prescription departments of pharmacies and drug stores, the issuance of temporary and limited permits, the suspension and revocation of temporary permits and other permits, and supplementing chapter fourteen of Title 45 of the Revised Statutes.

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

1. The Board of Pharmacy may promulgate rules and regulations setting up minimum requirements regarding equipment for the prescription departments in pharmacies and drug stores; stock

C. 45:14-36.1. Rules and regulations, minimum requirements.

of drugs, pharmaceuticals and chemicals in prescription departments of pharmacies and drug stores; size and other space requirements of prescription departments; and other facilities necessary in the compounding of prescriptions; and may promulgate rules and regulations governing sanitation, orderliness and cleanliness in the pharmacy or drug store.

C. 45:14-36.2. Temporary and limited permits.

2. The board may issue a temporary permit which may grant to the owner of a pharmacy or drug store the privilege of compounding or dispensing prescriptions pending compliance with all of the requirements of this chapter and the rules and regulations promulgated by the board. The board may also grant at its discretion to the owner of a pharmacy or drug store a limited permit which does not allow the compounding and dispensing of prescriptions and any pharmacy or drug store operating under a limited permit shall be subject to all of the requirements of this chapter and all rules and regulations promulgated by the board with the exception of those pertaining specifically to the prescription department and its contents. No permit of any kind, however, shall be issued by the board unless an application has been made therefor and a fee paid as prescribed in Revised Statutes, section 45:14–33. A temporary permit or a limited permit in effect on June thirtieth of any year shall expire on that date and registration of the pharmacy or drug store must be renewed on or before July first in the manner prescribed for renewal of registration of pharmacies and drug stores operating under other permits granted by the board.

C. 45:14-36.3. Suspending and revoking permits.

3. A temporary permit of any nature issued by the board may be suspended or revoked if the conditions under which the temporary permit is issued are not fulfilled within the period of time for which the temporary permit is issued. Any permit issued by the board may be suspended or revoked by the board for failure to meet any of the provisions of this chapter or any of the rules and regulations

with reference to equipment for the prescription department; stock of drugs, pharmaceuticals and chemicals in the prescription department; size and other space requirements of the prescription department; facilities necessary in the compounding of prescriptions; and sanitation, orderliness and cleanliness in the pharmacy or drug store, by serving a copy of the complaint upon the owner of the pharmacy or drug store and granting at least ten days' advance notice of a hearing before the board. The suspension or revocation by the board of any permit issued by it shall be reviewable by certiorari in the Superior Court.

C. 45:14-36.4. Unlawful to operate, penalty.

4. It shall be unlawful for any person, firm or corporation to operate, or conduct any business, in any pharmacy or drug store during the period of suspension of any permit theretofore issued for the operation of such pharmacy or drug store or any time after a permit theretofore issued for the operation of such pharmacy or drug store has been revoked. Any person, firm, or corporation found guilty of violating the provisions of this section shall be liable to a penalty of fifty dollars ($50.00) for each day during which said violation continues to be sued for and recovered in the name of the board.

5. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 106

AN ACT to amend "An act concerning district courts, and supplementing chapter eight of Title 2 of the Revised Statutes," approved May second, one thousand nine hundred and forty-five (P. L. 1945, c. 278).

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

Section amended.

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

C. 2:8 48.4. Salaries.

4. The president judge shall receive an annual salary of not less than eight thousand five hundred dollars ($8,500.00) or more than twelve thousand five hundred dollars ($12,500.00), and each of the other judges an annual salary of not less than eight thousand dollars ($8,000.00), or more than twelve thousand dollars ($12,000.00), as shall be fixed by the board of chosen freeholders but none of said judges shall receive any additional salary for acting as judge of the division of small claims of such district court, which division shall be conducted by such judges personally and without references, and said judges shall devote their entire time to their duties and shall not engage in the practice of law.

If, during the fiscal year in which this act shall become effective, any board of chosen freeholders shall not have made sufficient provision in its annual budget for the full payment of such salaries during the fiscal year said board may appropriate and use any county funds not otherwise appropriated or dedicated, or may appropriate and raise such funds as may be necessary for such purpose during such fiscal year and may borrow the same, or any part thereof, on the credit of the county, and may issue obligations therefor in the same manner as other similar obligations are issued.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. Note: Act effective.

Approved May 28, 1948.

CHAPTER 107

AN ACT to provide for the application for and acceptance on behalf of the State of New Jersey, and the administration by the Commissioner of Education, through the Division of the State Library, Archives and History, of any funds, books and library facilities applicable to public or school library purposes, granted or provided by the Federal Government, or any agency or officer thereof.

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

1. Subject to approval by the Governor and the State Board of Education, the Commissioner of Education may apply for and accept on behalf of the State of New Jersey and, through the Division of the State Library, Archives and History, administer for the State, any funds, books and library facilities applicable to public or school library purposes, granted or provided by the Federal Government, or any agency or officer thereof, under or pursuant to any Federal law heretofore or hereafter enacted authorizing grants to the States for such purposes or for similar purposes. C. 18:24-24. May apply for and accept funds, books and library facilities.

2. In the event that under or pursuant to any such Federal law it is required that a State agency be designated to carry out the purposes of such law, including the administration or suspension of administration of any plan or program pursuant thereto, the State Department of Education shall be the sole agency in this State for carrying out such purposes. The Governor is hereby authorized to make such designation, and the State De- C. 18:24-25. Sole agent.

partment of Education is hereby empowered to act as the sole agency in this State for carrying out such purposes.

C. 18:24-26. Custody of funds.

3. The State Treasurer shall receive and provide for the proper custody of any funds granted by the Federal Government for such public or school library purposes, under or pursuant to any Federal law. All moneys so received shall be used exclusively for the purposes of any such law. Such moneys shall be expended, in exactly the same manner as any funds of the State are expended, upon vouchers certified or approved by the Commissioner of Education or his duly authorized representative, as provided by law.

4. This act shall take effect immediately.

Approved May 28, 1948.

CHAPTER 108

AN ACT to amend "An act imposing a tax on the sale, possession for sale, use, consumption or storage for use of cigarettes within the State; providing for the licensing of distributors, dealers and consumers; defining certain words for the purposes of the act; prescribing the methods of collecting the tax imposed; providing penalties for violations; and making certain violations misdemeanors," approved April twenty-nine, one thousand nine hundred forty-eight (P. L. 1948, c. 65).

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

Section amended.

1. Section two hundred and two of the act of which this act is amendatory is amended to read as follows:

C. 54:40A-4. Issuance of license.

202. Issuance of license; fee.

All licenses shall be issued by the director, who shall make rules and regulations respecting ap-

plications therefor and issuance thereof. Each such license issued prior to June thirtieth, one thousand nine hundred and forty-nine, shall expire on the last day of June, one thousand nine hundred and forty-nine; thereafter, each license shall expire on the last day of June of the period for which it is issued, and each such license shall be renewable annually upon the conditions that the licensee shall have paid the required fee and complied with all the provisions of this act and the rules and regulations of the director made pursuant thereto.

Distributor's fee.

For each license issued to a distributor, and for each renewal thereof, there shall be paid to the director a fee of two hundred fifty dollars ($250.00). If a distributor sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license shall be required for each place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director. The director shall require each licensed distributor to file with him a bond in an amount not less than one thousand dollars ($1,000.00) to guarantee the proper performance of his duties and the discharge of his liabilities under this act. The bond shall be executed by such licensed distributor as principal, and by a corporation approved by the director and duly authorized to engage in business as a surety company in the State of New Jersey, as surety. The bond shall run concurrently with the distributor's license.

Wholesale dealers, fee.

For each license issued to a wholesale dealer, and for each renewal thereof there shall be paid to the director a fee of twenty-five dollars ($25.00). If a wholesale dealer sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license shall be required for each place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business

for which it is issued and in such manner as may be prescribed by the director.

Retail dealers, fee.

For each license issued to a retail dealer, and for each renewal thereof, excepting a retail dealer operating a cigarette vending machine, there shall be paid to the director a fee of five dollars ($5.00). For each license issued to a retail dealer operating a vending machine for the sale of cigarettes, and for each renewal thereof, there shall be paid to the director a fee of one dollar ($1.00). If a retail dealer sells or intends to sell cigarettes at two or more places of business, whether established or temporary, or whether in the same building or not, a separate license shall be required for each place of business. Each vending machine for the sale of cigarettes shall be separately licensed and be deemed a separate place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director.

Not to operate as retailer.

Any person licensed only as a distributor or as a wholesale dealer shall not operate as a retail dealer, unless the appropriate license therefor is first secured, and any person licensed only as a retail dealer shall not operate as a wholesale dealer or distributor unless the appropriate licenses therefor are first secured.

Consumer's license.

For each license issued to a consumer, and for each renewal thereof, there shall be paid to the director a fee of one dollar ($1.00). Each license, or certificate thereof, or such other evidence of license as may be prescribed by the director, shall be so kept by the consumer as to be readily available for inspection.

Full fee, license not transferable.

No license shall be issued to any person except upon the payment of the full fee therefor, any statute or exemption to the contrary notwithstanding. No license shall be assignable or transferable, except as hereinafter provided, but in the case of death, bankruptcy, receivership, or incompetency of the licensee, or if for any other reason whatso-

ever the business of the licensee shall devolve upon another by operation of law, the director may, in his discretion, extend said license for a limited time to the executor, administrator, trustee, receiver, or person upon whom the same has devolved. The license issued for each vending machine for the sale of cigarettes may be transferred from machine to machine in the same ownership. No refund of the license fee shall be paid to any person upon the surrender or revocation of any license except a license fee paid or collected in error. But, upon payment of a fifty-cent ($0.50) fee, there may be obtained (1) a duplicate license, or certificate thereof, in the event the original is lost, destroyed or defaced, and (2) an amended license, or certificate thereof, upon a change in the location of the place of business of any distributor or dealer.

Section amended.

2. Section four hundred and three of the act, of which this act is amendatory, is amended to read as follows:

C. 54:40A-13. Credit sale of revenue stamps.

403. Credit sales of revenue stamps. The director, in his discretion, may permit a licensed distributor to pay for revenue stamps within thirty days after the date of purchase; *provided,* a bond satisfactory to the director in an amount not less than the sales price of such stamps shall have been filed with the director. The bond, conditioned to secure payment for such stamps, shall be executed by the licensed distributor as principal, and by a corporation duly authorized to engage in business as a surety company in the State of New Jersey, as surety.

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Section amended.

3. Section seven hundred and six of the act of which this act is amendatory is amended to read as follows:

C. 54:40A-42. Repealer.

706. Repealer.

All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; *provided, however,* that nothing contained herein shall be construed to repeal the provisions of "An act authorizing any city of the fourth class by ordinance, subject to referendum, to impose, in the

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municipality, certain retail sales and services taxes and providing for the collection thereof," filed April nineteenth, one thousand nine hundred and forty-seven (P. L. 1947, c. 71), or of any ordinance adopted under the authority of said chapter seventy-one of the laws of one thousand nine hundred and forty-seven.

Note: Act effective.

4. This act shall take effect on the first day of July, one thousand nine hundred and forty-eight.

Approved May 28, 1948.

CHAPTER 109

AN ACT concerning unemployment compensation, requiring certain covered workers and employers to contribute to the State disability benefits fund, amending section 43:21–7 and supplementing chapter twenty-one of Title 43 of the Revised Statutes.

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

Section amended.

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

Contributions, payments.

43:21–7. (a) Payment.

(1) On and after December first, one thousand nine hundred and thirty-six, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter, with respect to having individuals in his employ during such calendar year at the rates and on the basis hereinafter set forth, except that for the month of December, one thousand nine hundred and thirty-six, such contributions shall accrue and become payable with respect to having individuals in

his employ during the month of December, one thousand nine hundred and thirty-six. Such contributions shall become due and be paid by each employer to the commission for the fund in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent ($0.005) or more, in which case it shall be increased to one cent ($0.01).

(b) Rate of contribution. Each employer shall pay the following contributions: Rate.

(1) Ten and eight-tenths per centum (10 8/10%) of wages payable with respect to employment during the month of December, one thousand nine hundred and thirty-six and paid prior to January first, one thousand nine hundred and forty-seven; *provided*, that if the total of such contributions at such ten and eight-tenths per centum (10 8/10%) rate equals less than nine-tenths of one per centum (9/10 of 1%) of the annual payroll of any employer payable for the calendar year one thousand nine hundred and thirty-six, such employer shall pay, not later than January twenty-fifth, one thousand nine hundred and thirty-seven, an additional lump-sum contribution with respect to employment for such one month's period beginning December first, one thousand nine hundred and thirty-six, equal to the difference between nine-tenths of one per centum (9/10 of 1%) of his annual payroll payable for the calendar year one thousand nine hundred and thirty-six and the total of his contributions at such ten and eight-tenths per centum (10 8/10%) for such one month's period beginning December first, one thousand Proviso.

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nine hundred and thirty-six; *and provided further,* that the total of such contributions with respect to employment for such one month's period beginning December first, one thousand nine hundred and thirty-six, shall not exceed nine-tenths of one per centum (9/10 of 1%) of such employer's annual payroll payable for the calendar year one thousand nine hundred and thirty-six.

(2) One and eight-tenths per centum (1 8/10%) of wages payable with respect to employment during the calendar year one thousand nine hundred and thirty-seven and paid prior to January first, one thousand nine hundred and forty-seven;

(3) Two and seven-tenths per centum (2 7/10%) of wages payable with respect to employment during the calendar years one thousand nine hundred and thirty-eight, one thousand nine hundred and thirty-nine, one thousand nine hundred and forty and one thousand nine hundred and forty-one and paid prior to January first, one thousand nine hundred and forty-seven; and, except as otherwise prescribed by subsection (c) of this section, also during the calendar years one thousand nine hundred and forty-two to one thousand nine hundred and forty-six, inclusive, and paid prior to January first, one thousand nine hundred and forty-seven; and

(4) For the calendar year one thousand nine hundred and forty-seven, and each calendar year thereafter, two and seven-tenths per centum (2 7/10%) of wages paid by him during each such calendar year, except as otherwise prescribed by subsection (c) of this section.

(5) The "wages" of any individual, with respect to any one employer as the term is used in this subsection (b) and in subsections (c), (d) and (e) of this section 7, shall include:

(A) All remuneration payable for the month of December, one thousand nine hundred and thirty-six, and for the calendar years one thousand nine hundred and thirty-seven, one thousand nine hundred and thirty-eight, one thousand nine hundred and thirty-nine, and paid prior to January first, one thousand nine hundred and forty-seven;

(B) The first three thousand dollars ($3,000.00) earned for each of the calendar years one thousand nine hundred and forty to one thousand nine hundred and forty-six, inclusive, and paid prior to January first, one thousand nine hundred and forty-seven; and

(C) The first three thousand dollars ($3,000.00) paid during the calendar year one thousand nine hundred and forty-seven and during each calendar year thereafter, for services either within or without this State; *provided,* that no contribution shall be required by this State with respect to services performed in another State if such other State imposes contribution liability with respect thereto. Proviso.

(c) Future rates based on benefit experience: Future rates.
(1) A separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January thirty-first of any calendar year with respect to employment occurring in preceding calendar years. But nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to any individual on or before January thirty-first of any calendar year with respect to unemployment in preceding calendar years shall be charged against the account of each of the employers with whom such individual accrued the wage

credits constituting the basis of such benefits, in the same proportion as such wage credits with each such employer bear to such wage credits with all such employers. The commission shall furnish to each employer at such frequency as the commission shall, by regulation, prescribe, but in no case less frequently than annually, a detailed statement of benefits charged to his account.

(2) The commission may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(3) Each employer's rate shall be two and seven-tenths per centum (2 7/10%), except as otherwise provided in the following provisions. No employer's rate shall be other than two and seven-tenths per centum (2 7/10%) unless and until there shall have been three calendar years throughout which any individual in his employ could have received benefits if eligible.

(4) Each employer's rate for the twelve months commencing July first of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions, paid on his own behalf, for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be:

(A) Two and four-tenths per centum (2 4/10%), if such excess equals or exceeds four per centum (4%), but is less than five per centum (5%) of his average annual payroll (as defined in paragraph (2), subsection (a) of section 43:21–19 of this Title):

(B) Two and one-tenth per centum (2 1/10%), if such excess equals or exceeds five per centum (5%), but is less than six per centum (6%) of his average annual payroll;

(C) One and eight-tenths per centum (1 8/10%), if such excess equals or exceeds six per centum (6%), but is less than seven per centum (7%) of his average annual payroll;

(D) One and five-tenths per centum (1 5/10%), if such excess equals or exceeds seven per centum (7%), but is less than eight per centum (8%) of his average annual payroll;

(E) One and two-tenths per centum (1 2/10%), if such excess equals or exceeds eight per centum (8%), but is less than nine per centum (9%), of his average annual payroll;

(F) Nine-tenths of one per centum (9/10 of 1%), if such excess equals or exceeds nine per centum (9%), but is less than ten per centum (10%), of his average annual payroll;

(G) Six-tenths of one per centum (6/10 of 1%), if such excess equals or exceeds ten per centum (10%), but is less than eleven per centum (11%), of his average annual payroll;

(H) Three-tenths of one per centum (3/10 of 1%), if such excess equals or exceeds eleven per centum (11%) of his average annual payroll.

If the total of his contributions, paid on his own behalf, for all past periods, or for the past one hundred twenty consecutive calendar months, whichever period is more advantageous to such employer for the purposes of this paragraph, is less than the total benefits charged against his account during the same period, his rate shall be three per centum (3%).

(5) (A) If on March thirty-first of any calendar year the balance in the Unemployment Trust Fund equals or exceeds four per centum (4%) but is less than seven per centum (7%) of the total taxable wages reported to the commission as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July first following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by three-tenths of one per centum (3/10 of 1%) over the contribution rate otherwise established under the provisions of paragraph (4) of this subsection. If on March thirty-first of any calendar year the balance of the Unemployment Trust Fund is less than four per centum (4%) of the total taxable wages reported to the commission as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July first following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by six-tenths of one per centum (6/10 of 1%) over the contribution rate otherwise established under the provisions of paragraph (4) of this subsection; *provided,* that if on such March thirty-first, such balance is less than two and one-half per centum (2½%) of such total taxable wages, the contribution rate so effective, of any employer, shall be not less than two and seven-tenths per centum (2 7/10%); *provided, further,* that the contribution rate of any employer increased pursuant to the provisions of this subparagraph, when so increased, shall not exceed three and six-tenths per centum (3 6/10%).

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(B) If on March thirty-first of any calendar year the balance in the Unemployment Trust Fund equals or exceeds ten per centum (10%) but is less than twelve and one-half per centum (12½%) of the total taxable wages reported to the commission as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July first following, of each employer eligible for a contribution rate calculation based

upon benefit experience, shall be reduced by three-tenths of one per centum (3/10 of 1%) under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; *provided,* that in no event shall the contribution rate of any employer be reduced to less than three-tenths of one per centum (3/10 of 1%). If on March thirty-first of any calendar year the balance in the Unemployment Trust Fund equals or exceeds twelve and one-half per centum (12½%) of the total taxable wages reported to the commission as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July first following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by six-tenths of one per centum (6/10 of 1%) if his account reflects an excess of contributions paid over total benefits charged of three per centum (3%) or more of his average annual payroll, otherwise by three-tenths of one per centum (3/10 of 1%) under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; *provided,* that in no event shall the contribution rate of any employer be reduced to less than three-tenths of one per centum (3/10 of 1%).

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(6) Additional contributions.

Additional contributions.

Notwithstanding any other provision of law, any employer who has been assigned a contribution rate pursuant to subsection (c) of this section for the year commencing July first, one thousand nine hundred and forty-eight, and for any year commencing July first thereafter, may voluntarily make payment of additional contributions, and upon such payment shall receive a recomputation of the experience rate applicable to such employer including in the calculation the additional contribution so made. Any such additional contribution shall be made during the thirty-day period following the date of the mailing to the employer of the notice of his contribution rate as prescribed in this

section, unless, for good cause, the time for payment has been extended by the director for not to exceed an additional sixty days; *provided,* that in no event may such payments which are made later than one hundred twenty days after the beginning of the year for which such rates are effective be considered in determining the experience rate for the year in which the payment is made. Any employer receiving any extended period of time within which to make such additional payment and failing to make such payment timely shall pay, in addition to the required amount of additional payment, a penalty of five per centum (5%) thereof or five dollars ($5.00), whichever is greater, not to exceed fifty dollars ($50.00). Any adjustment under this subsection shall be made only in the form of credits against accrued or future contributions.

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Transfers.

(7) Transfers.

An employer who transfers his or its organization, trade, assets of business, in whole or in part, to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, may jointly make application with such successor in interest for transfer of the employment experience of the predecessor employer to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer. The commission may allow such transfer of employment experience pursuant to regulations adopted by the commission, only if it finds that the employment experience of the predecessor employer with respect to the organization, trade, assets or business, or part thereof, as the case may be, which has been transferred, may be considered indicative of the future employment experience of the successor in interest. In the event of a part transfer of an employer's organization, trade, assets or business, only that portion of the employment experience relating to the portion of the organization, trade, assets or business transferred shall be transferred, and credit shall be given to

the successor in interest only for the years during which contributions were paid by the predecessor employer with respect to that part of the organization, trade, assets or business transferred. A transfer of the employment experience in whole or in part having been applied for and approved by the commission, the predecessor employer thereafter shall not be entitled to consideration for an adjusted rate based upon his or its experience or the part thereof, as the case may be, which has thus been transferred. A successor in interest to whom employment experience or a part thereof is transferred pursuant to this subsection shall, as of the date of the transfer of the organization, trade, assets or business, or part thereof, immediately become an employer if not theretofore an employer subject to this chapter.

(d) Contribution of workers; transfer to temporary disability benefit fund. Contribution of workers.

(1) Each worker shall contribute to the fund one per centum (1%) of his wages paid by an employer with respect to his employment which occurs after December thirty-first, one thousand nine hundred and thirty-seven, and after such employer has satisfied the conditions set forth in subsection (h) of section 43:21–19 of this Title with respect to becoming an employer; *provided, however,* that such contribution shall be at the rate of one-fourth of one per centum (¼ of 1%) of wages paid with respect to employment on and after January first, one thousand nine hundred and forty-nine, while the worker is covered by an approved private plan under the Temporary Disability Benefits Law. Each employer shall, notwithstanding any provisions of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction of his payroll records, shall furnish such evidence thereof to his workers as the commission may prescribe, and shall transmit all such contributions, in addition to his own contributions, to the office of the commission Proviso.

in such manner and at such times as may be prescribed. If any employer fails to deduct the contributions of any of his workers at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid for the next succeeding payroll period, he alone shall thereafter be liable for such contributions, and for the purposes of section 43:21–14 of this Title, such contributions shall be treated as employer's contributions required from him. As used in this chapter, except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.

(2) There shall be deposited in and credited to the State disability benefits fund, as the same shall be established by law, three-quarters of all worker contributions, received by the commission pursuant to subparagraph (1) above on and after April first, one thousand nine hundred and forty-eight or the date this subparagraph takes effect, whichever is later, with respect to wages upon which the rate of contributions is one per centum (1%) as provided in (1) above.

(3) If an individual does not receive any wages from the employing unit which for the purposes of this chapter is treated as his employer, or receives his wages from some other employing unit, such employer shall nevertheless be liable for such individual's contributions in the first instance; and after payment thereof such employer may deduct the amount of such contributions from any sums payable by him to such employing unit, or may recover the amount of such contributions from such employing unit or in the absence of such an employing unit, from such individual, in a civil action for debt; *provided,* proceedings therefor are instituted within three months after the date on which such contributions are payable. General rules shall be prescribed whereby such an employing unit may recover the amount of such contributions from such individuals in the same manner as if it were the employer.

(4) Every employer who has elected to become an employer subject to this chapter or to cease to be an employer subject to this chapter, pursuant to the provisions of section 43:21–8 of this Title, shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the executive director may determine to be necessary to give notice thereof to persons in his service.

Exempt from garnishment.

(5) Contributions by workers, payable to the commission as herein provided, shall be exempt from garnishment, attachment, execution, or any other remedy for the collection of debts.

Contributions of employees.

(e) Contributions by employers to State disability benefits fund.

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c) of this section, contribute one-quarter of one per centum (¼ of 1%) of the wages paid by such employer to workers with respect to employment after January first, one thousand nine hundred and forty-nine. Such contributions shall become due and be paid by each employer to the commission for the State disability benefits fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent ($0.005) or more, in which case it shall be increased to one cent ($0.01).

(2) During the continuance of coverage of a worker by an approved private plan of disability benefits under the Temporary Disability Benefits Law, the employer shall be exempt from the contribution required by subparagraph (1) above with respect to wages paid to such worker.

(3) (A) The rates of contribution as specified in subparagraph (1) above shall be subject to modification as provided herein with respect to em-

ployer contributions due on and after July first, one thousand nine hundred and fifty-one.

(B) A separate disability benefits account shall be maintained for each employer required to contribute to the State disability benefits fund and such account shall be credited with contributions deposited in and credited to such fund with respect to employment occurring on and after January first, one thousand nine hundred and forty-nine. Each employer's account shall be credited with all contributions paid on or before January thirty-first of any calendar year on his own behalf and on behalf of individuals in his service with respect to employment occurring in preceding calendar years. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him to the fund either on his own behalf or on behalf of such individuals. Benefits paid to any covered individual in accordance with Article III of the Temporary Disability Benefits Law on or before January thirty-first of any calendar year with respect to disability in preceding calendar years shall be charged against the account of the employer by whom such individual was employed at the commencement of such disability or by whom he was last employed if out of employment.

(C) The commission may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(D) Prior to July first of each calendar year, the commission shall make a preliminary determination of the rate of contribution for the twelve months commencing on such July first for each employer subject to the contribution requirements of this subsection (e).

(1) Such preliminary rate shall be one-quarter of one per centum (¼ of 1%) unless on the preceding December thirty-first such employer shall have been a covered employer for at least two full years and his account shall have been credited with at least fifteen hundred dollars ($1,500.00) of employer and employee contributions.

(2) If the minimum requirements in (1) above have been fulfilled and the credited contributions exceed the benefits charged by more than five hundred dollars ($500.00), such preliminary rate shall be as follows:

(i) Two-tenths of one per centum (2/10 of 1%) if such excess over five hundred dollars ($500.00) exceeds one per centum (1%) but is less than one and one-quarter per centum (1¼%) of his average annual payroll (as defined in this chapter);

(ii) Fifteen one hundredths of one per centum (15/100 of 1%) if such excess over five hundred dollars ($500.00) equals or exceeds one and one-quarter per centum (1¼%) but is less than one and one-half per centum (1½%) of his average annual payroll;

(iii) One-tenth of one per centum (1/10 of 1%) if such excess over five hundred dollars ($500.00) equals or exceeds one and one-half per centum (1½%) of his average annual payroll.

(3) If the minimum requirements in (1) above have been fulfilled and the contributions credited exceed the benefits charged but by not more than five hundred dollars ($500.00) plus one per centum (1%) of his average annual payroll, or if the benefits charged exceed the contributions credited but by not more than five hundred dollars ($500.00), the preliminary rate shall be one-quarter of one per centum (¼ of 1%).

(4) If the minimum requirements in (1) above have been fulfilled and the benefits charged exceed the contributions credited by more than five hun-

dred dollars ($500.00), such preliminary rate shall be as follows:

(i) Thirty-five one hundredths of one per centum (35/100 of 1%) if such excess over five hundred dollars ($500.00) is less than one-quarter of one per centum (¼ of 1%) of his average annual payroll;

(ii) Forty-five one hundredths of one per centum (45/100 of 1%) if such excess over five hundred dollars ($500.00) equals or exceeds one-quarter of one per centum (¼ of 1%) but is less than one-half of one per centum (½ of 1%) of his average annual payroll;

(iii) Fifty-five one hundredths of one per centum (55/100 of 1%) if such excess over five hundred dollars ($500.00) equals or exceeds one-half of one per centum (½ of 1%) but is less than three-quarters of one per centum (¾ of 1%) of his average annual payroll;

(iv) Sixty-five one hundredths of one per centum (65/100 of 1%) if such excess over five hundred dollars ($500.00) equals or exceeds three-quarters of one per centum (¾ of 1%) but is less than one per centum (1%) of his average annual payroll;

(v) Seventy-five one hundredths of one per centum (75/100 of 1%) if such excess over five hundred dollars ($500.00) equals or exceeds one per centum (1%) of his average annual payroll.

(5) Determination of the preliminary rate as specified in (2), (3) and (4) above shall be subject, however, to the condition that it shall in no event be decreased by more than one-tenth of one per centum (1/10 of 1%) of wages or increased by more than two-tenths of one per centum (2/10 of 1%) of wages from the preliminary rate determined for the preceding year in accordance with (1), (2), (3) or (4), whichever shall have been applicable.

(E) (1) Prior to July first of each calendar year the commission shall determine the amount of the State disability benefits fund as of December thirty-first of the preceding calendar year increased by the contributions paid thereto during January of the current calendar year with respect to employment occurring in preceding calendar years and decreased by the benefits paid during January of the current calendar year with respect to disability in preceding calendar years. If such amount exceeds the total of the amounts withdrawn from the unemployment trust fund pursuant to section twenty-three of the Temporary Disability Benefits Law plus the amount at the end of such preceding calendar year of the unemployment disability account (as defined in section twenty-two of said law), such excess shall be expressed as a percentage of the wages on which contributions were paid to the State disability benefits fund on or before January thirty-first with respect to employment in the preceding calendar year.

(2) The commission shall then make a final determination of the rates of contribution for the twelve months commencing July first of such year for employers whose preliminary rates are determined as provided in (D) hereof, as follows:

(i) If the percentage determined in accordance with paragraph (1) of this subsection equals or exceeds one and one-quarter per centum (1¼%) the final employer rates shall be the preliminary rates determined as provided in (D) hereof, except that if the employer's preliminary rate is determined as provided in (D) (2) or (D) (3) hereof, the final employer rate shall be the preliminary employer rate decreased by such percentage of excess taken to the nearest five one hundredths of one per centum (5/100 of 1%), but in no case shall such final rate be less than one-tenth of one per centum (1/10 of 1%).

(ii) If the percentage determined in accordance with paragraph (1) of this subsection equals or exceeds three-quarters of one per centum (¾ of 1%) and is less than one and one-quarter of one per centum (1¼ of 1%), the final employer rates shall be the preliminary employer rates.

(iii) If the percentage determined in accordance with paragraph (1) of this subsection is less than three-quarters of one per centum (¾ of 1%), the final employer rates shall be the preliminary employer rates determined as provided in (D) hereof increased by the difference between three-quarters of one per centum (¾ of 1%) and such percentage taken to the nearest five one hundredths of one per centum (5/100 of 1%); *provided, however,* that no such final rate shall be more than one-quarter of one per centum (¼ of 1%) in the case of an employer whose preliminary rate is determined as provided in (D) (2) hereof, more than one-half of one per centum (½ of 1%) in the case of an employer whose preliminary rate is determined as provided in (D) (1) and (D) (3) hereof, nor more than three-quarters of one per centum (¾ of 1%) in the case of an employer whose preliminary rate is determined as provided in (D) (4) hereof.

Proviso.

(iv) If the amount of the State disability benefits fund determined as provided in paragraph (1) of this subsection is equal to or less than the total of the amounts withdrawn from the unemployment trust fund pursuant to section twenty-three of the Temporary Disability Benefits Law plus the amount at the end of the preceding calendar year of the unemployment disability account, then the final rate shall be three-quarters of one per centum (¾ of 1%) for all employers.

2. Notwithstanding any other provision of this act, the contribution rate of each employer established or effective January first, one thousand nine hundred and forty-eight, pursuant to R. S. 43:21–7 (c) for the calendar year one thousand nine hundred and forty-eight shall be effective in respect to the entire calendar year one thousand nine hundred and forty-eight. Such contribution rates of employers which would otherwise be effective July first, one thousand nine hundred and forty-eight, with respect to year commencing July first, one thousand nine hundred and forty-eight, and ending June thirtieth, one thousand nine hundred and forty-nine, shall be suspended in respect to the period commencing July first, one thousand nine hundred and forty-eight, and ending December thirty-first, one thousand nine hundred and forty-eight, and shall be fully effective in respect to the period commencing January first, one thousand nine hundred and forty-nine, and ending June thirtieth, one thousand nine hundred and forty-nine. Employer's rate of contribution.

3. This act shall take effect immediately.

Approved June 1, 1948.

CHAPTER 110

AN ACT to provide for the payment of disability benefits to certain persons with respect to accident and sickness not compensable under the workmen's compensation law, supplementing chapter twenty-one of Title 43, amending sections 43:21–1, 43:21–3, and 43:21–4 of the Revised Statutes.

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

ARTICLE I

C. 43:21-25. Short title.

1. Short Title. This act shall be known and may be cited as the "Temporary Disability Benefits Law."

C. 43:21-26. Purpose.

2. Purpose. This act shall be liberally construed as remedial legislation enacted upon the following declarations of public policy and legislative findings of fact:

Public policy.

The public policy of this State, already established, is to protect employees against the suffering and hardship generally caused by involuntary unemployment. But the unemployment compensation law provides benefit payments to replace wage loss caused by involuntary unemployment only so long as an individual is "able to work, and is available for work," and fails to provide any protection against wage loss suffered because of inability to perform the duties of a job interrupted by illness. Nor is there any other comprehensive and systematic provision for the protection of working people against loss of earnings due to nonoccupational sickness or accident.

The prevalence and incidence of nonoccupational sickness and accident among employed people is greatest among the lower income groups, who ei-

ther cannot or will not voluntarily provide out of their own resources against the hazard of earnings loss caused by nonoccupational sickness or accident. Disabling sickness or accident occurs throughout the working population at one time or another, and approximately fifteen per centum (15%) of the number of people at work may be expected to suffer disabling illness of more than one week each year.

It has been found that existing voluntary plans for the payment of cash sickness benefits cover less than one-half of the number of working people of this State who are now covered by the unemployment compensation law, and that even this degree of voluntary protection affords uneven, unequal and sometimes uncertain protection among the various voluntary benefit programs. It is therefore desirable and necessary to fill the gap in existing provisions for protection against the loss of earnings caused by involuntary unemployment, by extending such protection to meet the hazard of earnings loss due to inability to work caused by nonoccupational sickness or accident.

The foregoing facts and considerations require that there be a uniform minimum program providing in a systematic manner for the payment of reasonable benefits to replace partially such earnings loss and to meet the continuing need for benefits where an individual becomes disabled during unemployment. In order to maintain consumer purchasing power, relieve the serious menace to health, morals and welfare of the people caused by insecurity and the loss of earnings, to reduce the necessity for public relief of needy persons, and in the interest of the health, welfare and security of the people of this State, such a system, enacted under the police power, is hereby established, requiring the payment of reasonable cash benefits to eligible individuals suffering accident or illness which is not compensable under the workmen's compensation law.

C. 43:21-27. Terms defined.

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

Covered employer;

(a) "Covered employer" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, who is an employer subject to the chapter to which this act is a supplement, designated as the unemployment compensation law (chapter twenty-one of Title 43 of the Revised Statutes).

Covered individual;

(b) "Covered individual" means any person who is in employment, as defined in the chapter to which this act is a supplement, for which he is entitled to remuneration from a covered employer, or who has been out of such employment for less than two weeks.

Commission;

(c) "Commission" shall mean the Unemployment Compensation Commission as established, constituted and empowered under the chapter to which this act is a supplement.

Disability;

(d) "Disability" shall mean such disability as is compensable under section five of this act.

Disability benefits;

(e) "Disability benefits" shall mean any cash payments which are payable to a covered individual pursuant to this act.

Wages.

(f) "Wages" shall mean all compensation payable by covered employers to covered individuals for personal services, including commissions and bonuses and the cash value of all compensation payable in any medium other than cash.

C. 43:21-28. Coverage.

4. Coverage. All covered individuals shall be entitled on and after January first, one thousand nine hundred and forty-nine, to the benefits provided under either a private plan or the State plan of disability benefits, as hereinafter provided.

C. 43:21-29. Compensable disability.

5. Compensable disability. Disability shall be compensable subject to the limitations of this act, where a covered individual suffers any accident or sickness not arising out of and in the course of his

employment or if so arising not compensable under the workmen's compensation law (Title 34 of the Revised Statutes), and resulting in his total inability to perform the duties of his employment.

C. 43:21-30. Nonduplication of benefits.

6. Nonduplication of benefits. No benefits shall be required or paid under this act for any period with respect to which benefits are paid or payable under any unemployment compensation or similar law, or under any disability or cash sickness benefit or similar law, of this State or of any other State or of the Federal Government. Nor shall any benefits be required or paid under this act for any period with respect to which benefits, other than benefits for permanent partial disability previously incurred, are paid or payable on account of the disability of the covered individual under any workmen's compensation law, occupational disease law, or similar legislation, of this State or of any other State or the Federal Government. In the event that workmen's compensation benefits, other than benefits for permanent partial disability previously incurred, are subsequently awarded for weeks with respect to which the claimant has received disability benefits pursuant to this act, the State fund, or the private plan, as the case may be, shall be entitled to be subrogated to such claimant's rights in such award to the extent of the amount of disability payments made hereunder. Disability benefits otherwise required hereunder shall be reduced by the amount of any primary insurance benefits which are being paid to such individual under Title II of the Federal Social Security Act, and by the amount of any payments of annuities, pensions or permanent disability benefits or allowances under a policy or program of an employer from whose service he has been retired, in accordance with such regulations as the commission shall prescribe.

C. 43:21-31. Certain individuals excepted.

7. Certain individuals excepted. Any person who adheres to the faith or teachings of any church, sect, or denomination, and who in accordance with its creed, tenets, or principles depends

for healing upon prayer or spiritual means, in the practice of religion, shall be exempt from this act upon filing with the commission and with his employer a statement, in such form as the commission shall by regulation prescribe, waiving any and all benefits under this act. Such person shall thereupon be exempt from the provisions of this act, including any obligation to make contributions hereunder and any right to receive benefits hereunder.

Article II

PRIVATE PLANS

C. 43:21-32. Establishing private plans.

8. Establishment of private plans. Any covered employer may establish a private plan for the payment of disability benefits in lieu of the benefits of the State plan hereinafter established. Benefits under such a private plan may be provided by a contract of insurance issued by an insurer duly authorized and admitted to do business in this State, or by an agreement between the employer and a union or association representing his employees, or by a specific undertaking by the employer as a self-insurer. Subject to the insurance laws of this State, such a contract of insurance may be between the insurer and the employer; or may be between the insurer and two or more employers, acting for the purpose through a nominee, designee or trustee; or may be between the insurer and the union or association with which the employer has an agreement with respect thereto. Each such private plan shall be submitted in detail to the commission and shall be approved by the commission, to take effect as of the first day of the calendar quarter next following, if the commission finds that:

(a) all of the employees of the employer are to be covered under the provisions of such plan with respect to any disability commencing after the effective date of such plan, except as otherwise provided in this section; and

(b) eligibility requirements for benefits are no more restrictive than as provided in this act for benefits payable by the State plan; and

(c) the weekly benefits payable under such plan for any week of disability are at least equal to the weekly benefit amount payable by the State plan, taking into consideration any coverage with respect to concurrent employment by another employer, and the total number of weeks of disability for which benefits are payable under such plan is at least equal to the total number of weeks for which benefits would have been payable by the State plan; and

(d) no greater amount is required to be paid by employees toward the cost of benefits than that prescribed by law as the amount of worker contribution to the State disability benefits fund for covered individuals under the State plan; and

(e) coverage is continued under the plan while an employee remains a covered individual as defined in section three of this act, but not after the employee may become employed by another employer following termination of employment to which the plan relates; and

(f) a majority of the employees to be covered by the plan have or shall have agreed to the plan prior to the effective date thereof, if employees are required to contribute to the cost of the private plan, as provided in section nine.

Subject to the approval of the commission, any such private plan may exclude a class or classes of employees; *provided*, it does not appear to the commission that such exclusion will result in a substantial selection of risk adverse to the State plan. Covered individuals so excluded shall be covered by the State plan and subject to the employee contribution required by law to be paid into the State disability benefits fund. Proviso.

9. Election by employees; deduction of contributions. If employees are to be required to contribute toward the cost of benefits under a private plan, such plan shall not become effective unless prior C. 43:21-33. Election by employees.

to the effective date a majority of the employees in the class or classes to be covered thereby have agreed thereto by written election. In such event, the employer may during the continuance of the approved private plan collect the required contributions thereto by deduction from the wages paid to covered individuals under such plan; *provided,* that if any employer fails to deduct the contributions of any of his employees at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid for the next succeeding payroll period, he may not thereafter collect a contribution with respect to such wages previously paid.

Contributions.

Proviso.

A covered individual shall not be entitled to any benefits from the State disability benefits fund with respect to any period of disability commencing while he is covered under an approved private plan.

C. 43:21-34. Existing plans.

10. Existing plans. If upon the effective date of this act a covered employer has in effect a plan for the payment of cash disability benefits to his employees or to any class or classes thereof, or has in effect an agreement with a union or association whereby there is in effect a plan for the payment of cash disability benefits to his employees or to any class or classes thereof (and to the cost of which plan the employer is obligated to contribute,) such plan shall, regardless of the requirements of this article, be deemed to be an approved private plan until the earliest date upon which the employer shall have the right to modify the benefits of or discontinue such plan, or to discontinue contributions toward the cost thereof. In such case the employer shall notify the commission of the circumstances. During the continuance of such private plan the employees covered thereunder shall not be entitled to any benefits under the State plan with respect to any period of disability commencing while they are covered under such private plan. If any such private plan covers only a class or classes of covered individuals, the employer may effect another private plan for his remaining em-

ployees or for a class or classes of them, subject to the requirements and limitations of section eight.

11. Termination of private plans.

C. 43:21-35. Terminating private plans.

(a) If the commission is furnished satisfactory evidence that a majority of the employees covered by an approved private plan have made election in writing to discontinue such plan, the commission shall withdraw its approval of such plan effective at the end of the calendar quarter next succeeding that in which such evidence is furnished. Upon receipt of a petition therefor signed by not less than ten per centum (10%) of the employees covered by an approved private plan, the commission shall require the employer upon thirty days written notice to conduct an election by ballot in writing to determine whether or not a majority of the employees covered by such private plan favor discontinuance thereof; *provided,* that such election shall not be required more often than once in any twelve month period.

(b) Unless sooner permitted, for cause, by the commission, no approved private plan shall be terminated by an employer, in whole or in part, until at least thirty days after written notice of intention so to do has given by the employer to the commission and after notices are conspicuously posted so as reasonably to assure their being seen, or after individual notices are given to the employees concerned.

(c) The commission may after notice and hearing withdraw its approval of any approved private plan if it finds that there is danger that the benefits accrued or to accrue will not be paid, that the security for such payment is insufficient, or for other good cause shown. No employer, and no union or association representing employees, shall so administer or apply the provisions of an approved private plan as to derive any profit therefrom. The commission may withdraw its approval from any private plan which is administered or applied in violation of this provision.

(d) No termination of an approved private plan shall affect the payment of benefits, in accordance with the provisions of the plan, to disabled employees whose period of disability commenced prior to the date of termination. Employees who have ceased to be covered by an approved private plan because of its termination shall, subject to the limitations and restrictions of this act, become eligible forthwith for benefits from the State disability benefits fund for disability commencing after such cessation, and contributions with respect to their wages shall immediately become payable as otherwise provided by law. Any withdrawal of approval of a private plan pursuant to this section shall be reviewable by writ of certiorari or by such other procedure as may be provided by law.

C. 43:21-36. Additional benefits.

12. Additional benefits. Nothing in this act shall be construed to prohibit the establishment by an employer, without approval, of a supplementary plan or plans providing for the payment to employees, or to any class or classes thereof, of benefits in addition to the benefits of an approved private plan, or to prohibit the collection or receipt of additional voluntary contributions from employees toward the cost of such additional benefits. The rights, duties and responsibilities of all interested parties under such supplementary plans shall be unaffected by any provision of this act.

Article III

STATE PLAN

C. 43:21-37. Benefits under State plan.

13. Any covered individual who on the date of the commencement of a period of disability is not entitled to disability benefits under an approved private plan shall be entitled to disability benefits as provided in this article, referred to in this act as the State plan.

C. 43:21-38. Duration of benefits.

14. Duration of benefits. Disability benefits shall be payable with respect to disability which commences while a person is a covered individual

under this act, and shall be payable with respect to the eighth consecutive day of such disability and each day thereafter that such disability continues, but not in excess of the individual's maximum benefits. The maximum total benefits payable to any eligible individual in any twelve months period shall be either twenty-six times his weekly benefit amount or one-third of his total wages in the first four of the last five completed calendar quarters immediately preceding the commencement of the current period of disability, which ever produces the lesser maximum payment; *provided,* that in no event shall such maximum total benefits be less than ten times his weekly benefit amount.

C. 43:21-39. Limitation of benefits.

15. Limitation of benefits. Notwithstanding any other provision of this act, no benefits shall be payable under the State plan to any person:

(a) for the first seven consecutive days of each period of disability, or for more than twenty-six weeks with respect to any one period of disability, or for any period of disability which did not commence while the claimant was a covered individual;

(b) for any period during which a claimant is not under the care of a legally licensed physician;

(c) for any period of disability due to pregnancy or resulting childbirth, miscarriage, or abortion;

(d) for any period of disability due to willfully and intentionally self-inflicted injury, or to injury sustained in the perpetration by the claimant of a high misdemeanor;

(e) for any period during which the claimant performs any work for remuneration or profit;

(f) in a weekly amount which together with any remuneration he continues to receive from his employer would exceed his regular weekly wages immediately prior to disability;

(g) for any period during which a covered individual would be disqualified for unemployment compensation benefits under subsection (d) of section 43:21–5 of the Revised Statutes unless the disability commenced prior to such disqualification.

(h) for any period of disability commencing prior to January first, one thousand nine hundred and forty-nine;

and there shall be no other cause of disqualification or ineligibility to receive disability benefits hereunder except as may be specifically provided in this act.

C. 43:21-40. Determining weekly benefit amount.

16. The weekly benefit amount shall be determined as one-twenty-second (1/22) of the covered individual's total wages in that calendar quarter in which said total wages were highest of the first four of the last five completed calendar quarters immediately preceding the commencement of the period of disability; *provided,* that such amount shall be computed in the next higher multiple of one dollar ($1.00) if not already a multiple thereof, and shall not be more than twenty-two dollars ($22.00) nor less than nine dollars ($9.00). The amount of the benefits for each day of the disability for which benefits are payable shall be one-seventh of the corresponding weekly benefit amount; *provided,* that the total benefits for a fractional part of a week shall be computed in the next higher multiple of one dollar ($1.00) if not already a multiple thereof.

Proviso.

Proviso.

C. 43:21-41. Not entitled to benefits.

17. No individual shall be entitled to benefits under this article unless his wages in the first four of the last five completed calendar quarters immediately preceding the commencement of the period of disability are at least thirty times his weekly benefit amount, nor unless he shall duly file notice and proof of claim, and submit to such reasonable examinations as are required by this act and the rules and regulations of the commission.

C. 43:21-42. Payment regulations.

18. Disability benefits payable pursuant to this article shall be paid out of the State disability benefits fund established by law, and to the extent that such laws, regulations and practices are not inconsistent herewith, shall be administered subject to the same laws, regulations and practices as are applicable under the chapter of the Revised Statutes to which this act is a supplement.

ARTICLE IV

DISABILITY DURING UNEMPLOYMENT

19. Section 43:21–3 of the Revised Statutes is amended to read as follows: Section amended.

43:21–3. (a) Payment of benefits. Twenty-five months after the date when contributions first accrue under this chapter, benefits shall become payable from the fund; *provided,* that remuneration or services with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act (52 Stat. 1094), irrespective of when performed, shall not be included for purposes of determining eligibility under subsection (e) of section 43:21–4 of this chapter or the weekly benefit rate under subsection (c) of this section for the purpose of any benefit year commencing on or after July first, one thousand nine hundred and thirty-nine, nor shall any benefits with respect to unemployment occurring on and after July first, one thousand nine hundred and thirty-nine, be payable under subsection (d) of this section on the basis of such remuneration. All benefits shall be paid through employment offices, or such other agencies as may be designated in accordance with such regulations as may be prescribed hereunder. C. 43:21-43. Payment of benefits. Proviso.

(b) Weekly benefits for unemployment. Each eligible individual who is unemployed (as defined in subsection (m) of section 43:21–19 of this chapter) in any week shall be paid with respect to such week (except as to final payment) an amount equal to his weekly benefit rate less any remuneration in excess of three dollars ($3.00) paid or payable to him for such week; *provided,* that such amount shall be computed to the next highest multiple of one dollar ($1.00), if not already a multiple thereof. Weekly benefits for unemployment.

(c) Weekly benefit rate. An individual's weekly rate shall be one-twenty-second of his total wages in that calendar quarter in which said total wages were highest during his base year; *provided,* that such rate shall be computed to the next highest Weekly benefit rate.

multiple of one dollar ($1.00) if not already a multiple thereof, and shall not be more than twenty-two dollars ($22.00) nor less than nine dollars ($9.00).

Maximum total benefits.

(d) Maximum total benefits. The maximum total amount of benefits payable to any eligible individual under either of subsections (c) and (f) of section 43:21–4 of this Title during any benefit year shall be either one-third of his total wages during his base year, computed to the next highest multiple of one dollar ($1.00), if not already a multiple thereof, or twenty-six times his weekly benefit rate, whichever is the lesser; in no event, however, are such total benefits under either of said subsections (c) and (f) to be less than ten times his weekly benefit rate. In the event that an individual qualifies for benefits under both of said subsections during any benefit year, the maximum total amount of benefits payable under said subsections combined to such individual during the benefit year shall be one and one-half times the maximum amount of benefits payable under one of said subsections.

Section amended.

20. Section 43:21–4 of the Revised Statutes is amended to read as follows:

C. 43:21-44. Benefit eligibility conditions.

43:21–4. An individual, totally or partially unemployed, shall be eligible to receive benefits with respect to any week only if it appears that:

(a) He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the commission may prescribe, except that the commission may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commission finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this act; *provided*, that no such regulation shall conflict with subsection (a) of section 43:21–3 of the Revised Statutes.

(b) He has made a claim for benefits in accordance with the provisions of subsection (a) of section 43:21–6 of this Title.

(c) He is able to work, is available for work, and has demonstrated that he is actively seeking work, except as provided in subsection (f) of this section;

(d) Prior to the first week for which he claims benefits in any benefit year he has been totally or partially unemployed for a waiting period of one week in that benefit year. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) if benefits have been paid, or are payable with respect thereto;

(2) if it has constituted a waiting period week under the Temporary Disability Benefits Law;

(3) unless the individual fulfills the requirements of subsection (a) and (c) of this section.

(e) His wages within his base year were not less than thirty times his weekly benefit amount.

(f) He has suffered any accident or sickness not compensable under the workmen's compensation law (Title 34 of the Revised Statutes) and resulting in his total disability to perform any work for remuneration, and would be eligible to receive benefits under this chapter (without regard to the maximum amount of benefits payable during any benefit year) except for his inability to work, and has furnished notice and proof of claim to the commission, in accordance with its rules and regulations, and payment is not precluded by the provisions of subsection (g) hereof or of section 43:21–3 (d) of this Title. Such benefit payments shall be charged to and paid from the State disability benefits fund established by the Temporary Disability Benefits Law, and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

(g) No benefits shall be payable under subsection (f) above to any individual:

(1) for any period during which such individual is not under the care of a legally licensed physician;

(2) for any period of disability due to pregnancy or resulting childbirth, miscarriage, or abortion;

(3) for any period of disability due to willfully or intentionally self-inflicted injury, or to injuries sustained in the perpetration by the individual of a high misdemeanor;

(4) for any week with respect to which or a part of which he has received or is seeking unemployment benefits under any unemployment compensation or disability benefit law of any other State or of the United States; *provided,* that if the appropriate agency of such other State or of the United States finally determines that he is not entitled to such benefits, this disqualification shall not apply;

(5) for the two weeks immediately following detachment from any maritime services performed under shipping articles;

(6) for any week with respect to which or part of which he has received or is seeking disability benefits under the Temporary Disability Benefits Law;

(7) for any period of disability commencing prior to January first, one thousand nine hundred and forty-nine, or after the expiration of twenty-six consecutive weeks during which the individual has been unemployed and ineligible or disqualified for benefits for such unemployment.

ARTICLE V

ADMINISTRATION AND FINANCE

C. 43:21-45. Administration.

21. Administration. (a) It shall be the duty of the executive director of the commission to administer this act under the supervision and control of

the commission; to appoint and fix the compensation of members of the staff subject to the approval of the commission and subject to the provisions of subsection (d) of section 43:21–11 of the Revised Statutes; and to make such expenditures as are necessary in the discharge of his functions hereunder as provided for in the budget to be approved annually by the commission.

Advisory council.

(b) There is hereby established an Advisory Council on Disability Benefits to consist of the following: Four representatives of labor, two representatives of employers, two representatives of the insurance industry, and two representatives of the medical profession, to be appointed by the Governor with the advice and consent of the Senate; the executive director of the commission and the commissioners of Banking and Insurance, and of Labor, for the time being. Each appointive member shall serve for a term of five years, and vacancies shall be filled for the unexpired term only. Members of the advisory council shall serve without compensation but may be reimbursed for their necessary expenses. The advisory council shall:

(1) study the administration and operation of this act;

(2) aid the commission in formulating policies, rules and regulations and consult and advise with the executive director;

(3) report to the Governor and the Legislature on or before March first, one thousand nine hundred and fifty-one, and at such other times as it may deem appropriate its recommendations for legislation or administration necessary or desirable to improve and perfect the operation of this act;

(4) report to the Governor and the Legislature on such other matters relating to this act, and at such other times, as it may deem in the public interest.

C. 43:21-46. State disability benefits fund.

22. State disability benefits fund. (a) The State disability benefits fund, hereinafter referred to as the fund, is hereby established. The fund shall remain in the custody of the State Treasurer, and to the extent of its cash requirements shall be deposited in authorized public depositories in the State of New Jersey. There shall be deposited in and credited to the fund the amount of worker and employer contributions provided under subsections (d) and (e) of section 43:21–7 of the Revised Statutes, less refunds authorized by the chapter to which this act is a supplement, and the entire amount of interest and earnings from investments of the fund, and all assessments, fines and penalties collected under this act. The fund shall be held in trust for the payment of disability benefits pursuant to this act, for the payment of benefits pursuant to subsection (f) of section 43:21–4 of the Revised Statutes, and for the payment of any authorized refunds of contributions. All moneys withdrawn from the fund shall be upon warrant signed by the State Treasurer and countersigned by the director of the commission or by such trustee of the fund as may be designated by the commission. The Treasurer shall maintain books, records and accounts for the fund, appoint personnel and fix their compensation within the limits of available appropriations. The expenses of the Treasurer in administering the fund and its accounts shall be charged against the administration account, as hereinafter established. A separate account, to be known as the administration account, shall be maintained in the fund, and there shall be credited to such account six per centum (6%) of the current contributions otherwise payable into the fund, and the entire amount of any assessments against covered employers, as hereinafter provided, for costs of administration pro rated among approved private plans. The costs of administration of this act including section 43:21–4 (f) of the Revised Statutes shall be charged to the administration account.

(b) A further separate account, to be known as the unemployment disability account, shall be maintained in the fund. Such account shall be charged with all benefit payments under section 43:21–4 (f) of the Revised Statutes. Unemployment disability account.

Prior to July first of each calendar year, commencing with the calendar year one thousand nine hundred and forty-nine, the commission shall determine the average rate of interest and other earnings on all investments of the State disability benefits fund for the preceding calendar year. An amount equal to the sum of the amounts withdrawn from the unemployment trust fund pursuant to section twenty-three hereof multiplied by such average rate shall be determined by the commission and credited to the unemployment disability account as of the end of the preceding calendar year. Interest credited.

If the unemployment disability account shall show an accumulated deficit at the end of any calendar year after interest and other earnings have been credited as provided hereinabove, the commission shall determine the ratio of such deficit to the total of all taxable wages paid during that year. Prior to July first of the calendar year following each calendar year when the unemployment disability account shows such a deficit, the commission shall make an assessment against the respective employers in an amount equal to the taxable wages paid by them during such preceding calendar year to employees while covered under private plans, multiplied by such ratio, but in no event shall any such assessment exceed two one-hundredths of one per centum (2/100 of 1%) of such wages. Such amounts shall be collectible by the commission in the same manner as provided for the collection of employer contributions under the chapter to which this act is a supplement. In making this assessment, the commission shall furnish to each affected employer a brief summary of the determination thereof. The amounts of such assessments collected by the commission shall be credited to the unemployment disability account. Assessment in case of deficit.

Unemployment disability account credited.

At the same time as an assessment is made as hereinabove provided, the commission shall determine an amount equal to the taxable wages paid during the preceding calendar year to employees while covered under the State plan, multiplied by the aforementioned ratio, but in no event shall such amount exceed two one-hundredths of one per centum (2/100 of 1%) of such wages. The amount so determined shall be credited to the unemployment disability account.

Taxable wages.

As used in this section, "taxable wages" shall mean wages with respect to which employer contributions have been paid or are payable pursuant to subsections (a), (b) and (c) of section 43:21–7 of the Revised Statutes.

Board of trustees.

(c) A board of trustees, consisting of the State Treasurer, the Secretary of State, the Commissioner of Labor, the executive director of the commission, and the State Comptroller, is hereby created. The board shall invest and reinvest all moneys in the fund in excess of its cash requirements, and such investments shall be made in obligations legal for savings banks.

Appropriation.

(d) There is hereby appropriated, to be paid out of the fund, such amounts as may from time to time be required for the payment of disability benefits, and such amounts as may be required each year, as contained in the annual appropriation act, for the administration of this act including section 43:21–4 (f) of the Revised Statutes.

C. 43:21-47. Withdrawal from Federal treasury.

23. Withdrawal from Federal treasury. The State Treasurer is hereby authorized and directed to requisition and withdraw on or before December thirty-first, one thousand nine hundred and forty-eight, the sum of fifty million dollars ($50,000,000.00) from the amount of worker contributions heretofore accumulated in the State unemployment compensation fund and deposited in and credited to the account of this State in the unemployment trust fund of the United States of America, established and maintained pursuant to Section 904 of the Social Security Act, as amended (U. S. Code

Title 42, Section 1104), and to deposit such sum in the State disability benefits fund, established by this act. The State Treasurer is further authorized and empowered to make such requisitions or withdrawals in accordance with such regulations relating thereto as may be prescribed by the United States Secretary of the Treasury. No portion of the amount requisitioned or withdrawn from the Federal Treasury shall be expended for the purpose of administering this act.

C. 43:21-48. Assessing cost of administration.

24. Assessment of costs of administration. (a) If officers or employees of the commission perform duties in part related to the administration of this act and of the unemployment compensation law, or if there be expenses otherwise incurred jointly in connection with administration of such acts, the commission shall make an equitable apportionment to determine the portion of total expense to be charged to administration of this act including section 43:21–4 (f) of the Revised Statutes. So far as possible such apportionment shall be based upon records to be maintained with respect to activities undertaken in administering this act.

Proration of costs among private plans.

(b) The commission shall, at the end of each fiscal year, determine the total amount expended by it for added administrative cost directly attributable to the supervision and operation of approved private plans, and such amount and a proportionate part of the administrative cost of section 43:21–4 (f) of the Revised Statutes, shall be prorated among the approved private plans in effect during that year on the basis of the amount of contributions that would have been paid into the State temporary disability benefits fund if the employees had not been covered under such private plans. The prorated amounts shall be assessed against the respective employers but shall not exceed two per centum (2%) of such contributions, and such amounts shall be collectible by the commission in the same manner as provided for the collection of employer contributions under the chapter to which this act is a supplement. In making this assess-

ment, the commission shall furnish to each affected employer a brief summary of the apportionment of expense to be charged to administration of this act, and of the facts upon which the calculation of the assessment is based. The amounts of such assessments shall be credited to the administration account.

C. 43:21-49. Notice and proof of claim.

25. Notice and proof of claim. (a) Written notice of disability on which a claim for benefits under the State plan is based shall, within ten days after the commencement of the period of disability, be furnished the commission, by or on behalf of the individual claiming benefits. Proof of such disability shall be furnished to the commission not later than thirty days after the commencement of the period for which such proof is furnished. When requested by the commission, such proof shall include certification of total disability by the attending physician, or a record of hospital confinement. Failure to furnish notice or proof within the time or in the manner above provided shall not invalidate or reduce any claim if it shall be shown to the satisfaction of the commission not to have been reasonably possible to furnish such notice or proof and that such notice or proof was furnished as soon as reasonably possible.

Physical examination.

(b) A person claiming benefits under the State plan shall, when requested by the commission, submit himself at intervals, but not more often than once a week, for examination by a legally licensed physician or public health nurse designated by the commission. In all cases of physical examination of a female claimant, the examination shall be made by a female designee of the commission, if the claimant so requests. All such examinations by physicians or nurses designated by the commission shall be without cost to the claimant and shall be held at a reasonable time and place. Refusal to submit to such a requested examination shall disqualify the claimant from all benefits for the period of disability in question, except as to benefits already paid.

(c) All medical records of the commission, except to the extent necessary for the proper administration of this act, shall be confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the identity of the claimant, or the nature or cause of his disability nor admissible in evidence in any action or special proceeding other than one arising under this act. Medical records confidential.

26. Review. (a) If a person claiming benefits under an approved private plan shall be unable to agree with the employer or insurer as to benefits thereunder, such claimant may, within one year after the beginning of the period for which benefits are claimed, file a complaint with the commission, which shall conduct such investigation, including informal hearings, as it deems proper. Such complaint shall be filed in writing in a form satisfactory to the commission. The commission shall have the authority to make procedural rules and regulations providing for a fair and impartial hearing, and shall designate one or more hearing officers. If the issues raised by the complaint are not settled, the hearing officer shall conduct a hearing upon due notice to claimant, the employer and the insurer, if any, at which any party in interest shall have the right to appear. At such hearing evidence, exclusive of ex parte affidavits, may be produced by any party, but the hearing officer, in conducting the hearing, shall not be bound by the rules of evidence. All proceedings at such hearing shall be recorded, but need not be transcribed unless the order on the disputed claim is to be reviewed. The hearing officer shall make a determination of facts, and an order disposing of the issues presented, which shall be final and binding on the claimant, the employer and the insurer. A copy of such order shall be served upon each of the interested parties by registered mail addressed to their respective last known addresses. Any party in interest feeling aggrieved by action of the hearing C. 43:21-50. Review.

officer may within thirty days after receipt of the hearing officer's order and not thereafter apply to the Superior Court for a writ of certiorari to review his determination; in such event the record of the proceedings shall be transcribed and the entire record of the disputed claim shall be duly certified to the Superior Court. The cost of recording and transcribing the proceedings, and of the preparation of such record, shall constitute a cost of administering this act.

Individual entitled to review.

(b) Individuals claiming benefits under the State plan shall be entitled to review hearing and determination as provided in unemployment compensation cases.

C. 43:21-51. Fees.

27. Fees of attorneys and medical witnesses. In any proceeding had as the result of a complaint filed with the commission as provided in this article, the hearing officer may (i) if an award of benefits is made to an employee, allow a reasonable fee, not exceeding twenty per centum (20%) of the amount of the award, to the attorney, if any, representing the employee, payable by the employer or insurer, and (ii) allow reasonable appearance fees to medical witnesses, the payment of which may be assessed wholly or in part against the employee, the employer or the insurer as the hearing officer shall determine. Except for amounts thus allowed, it shall be unlawful for an attorney or any other person to ask for, contract for, or receive, directly or indirectly, any charge for services in securing or attempting to secure any benefits hereunder, or for a medical witness to make any charge for an appearance at a hearing held pursuant to this act.

C. 43:21-52 Records and reports.

28. Records and reports.

(a) Each employer shall keep true and accurate employment records, containing such information as may reasonably be prescribed by the commission. Such records shall be open to inspection by the commission or its authorized representative at any time during ordinary business hours for the purpose of ascertaining whether such employer is

a covered employer and, if so, whether such employer is complying with the provisions of this act. Information thus obtained shall not be published or open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing an employee's or employer's identity, but any claimant at a hearing before the commission or a hearing officer shall be supplied with information from such records to the extent necessary for the proper presentation of his claim.

(b) Covered employers whose employees are participating in an approved private plan and any insurer of an approved private plan shall furnish such reports and information and make available to the commission such records as the commission may by regulation require for the proper administration of this act.

(c) The commission is hereby authorized and directed to make available to any insurer or self-insurer, on request, any information from its records that is necessary for the determination of liability under an approved private plan.

C. 43:21-53. Rights in payments.

29. Rights in payments. Benefits payable under an approved private plan by an employer as a self-insurer shall have the same preference against the assets of the employer as are now or may hereafter be allowed by law for a claim for unpaid wages for labor, and benefits under the State plan or under an approved private plan shall not be assignable or subject to levy, execution, attachment or other process for satisfacton of debts.

C. 43:21-54. Financial responsibility under private plans.

30. Financial responsibility under private plans. If a private plan does not provide for the assumption by an insurer, duly authorized and admitted to do business in this State, of the liability to pay the benefits afforded by such plan, the commission shall not approve it unless the employer files with the commission the bond of an admitted surety insurer conditioned on the payment of obligations under the plan, or deposits with the commission securities approved by the commission to secure the

payment of such obligations. The penal sum of the bond or the amount of the deposit shall be determined by the commission and shall be not less than one-half of the contributions which would have been paid by the employees to be covered by the plan during the previous year, or one-half of the estimated contributions of such employees for the ensuing year, whichever is greater; *provided, however,* that any employer who is a self-insurer and is exempt from insuring his workmen's compensation liability, as provided by law, shall so long as such exemption remains in effect be exempt from the surety bond and security deposit requirements of this section; and any other employer who shall satisfy the commission as to the permanence of his business and his financial ability to pay the benefits provided by a private plan submitted for approval may, upon application, be exempted from such requirements by written order of the commission, which order shall be revocable at any time.

Proviso.

C. 43:21-55. Penalties.

31. Penalties. (a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit under the State plan or an approved private plan, either for himself or for any other person, shall be liable to a fine of not less than twenty dollars ($20.00) nor more than fifty dollars ($50.00), the amount thereof to be determined by and paid to the commission. Upon refusal to pay such fine, the same shall be recovered in an action at law by the commission in the name of the State of New Jersey. If in any case liability for the payment of a fine as aforesaid shall be determined, any person who shall have received any benefits hereunder by reason of the making of such false statements or representations or failure to disclose a material fact, shall pay to the commission, the employer or insurer, as the case may be, an amount equal to the sum of any benefits hereunder received from the commission, employer or insurer by reason thereof, and such person shall

not be entitled to any benefits under this act for any disability occurring prior to the time he shall have discharged his liability hereunder to pay such fine, and to reimburse the commission, employer or insurer.

(b) Any employer or any officer or agent of any employer or any other person who makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to prevent or reduce the benefits to any person entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employer under this act, or who willfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be liable to a fine of not less than twenty dollars ($20.00) nor more than two hundred dollars ($200.00), the amount thereof to be determined by and paid to the commission. Upon refusal to pay such fine, the same shall be recovered in an action at law by the commission in the name of the State of New Jersey.

(c) Any person who shall willfully violate any provision hereof or any rule or regulation made hereunder, for which a fine is neither prescribed herein nor provided by any other applicable statute, shall be liable to a fine of not less than twenty dollars ($20.00) nor more than two hundred dollars ($200.00), the amount thereof to be determined by and paid to the commission. Upon refusal to pay such fine, the same shall be recovered in an action at law by the commission in the name of the State of New Jersey.

Appropriation.

32. There is hereby appropriated for the fiscal year ending June thirtieth, one thousand nine hundred and forty-nine, so much of the sum accumulated in the administration account as the commission, in its discretion, may deem necessary for the effective administration of this act.

C. 43:21-56. Severability of section.

33. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be unconstitutional, invalid or inoperative, in whole or in part, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. To the extent that any provision of this act shall not have been adjudged unconstitutional, invalid or inoperative, such provision shall be enforced and effectuated.

Effective date.

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

Approved June 1, 1948.

CHAPTER 111

AN ACT concerning county superintendents of bridges, assistant county supervisors of roads and assistant county superintendents of bridges, and amending section 27:14–24 of the Revised Statutes.

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

Section amended.

1. Section 27:14–24 of the Revised Statutes is amended to read as follows:

Supervisor of roads and engineer, appointment, term, salary.

27:14–24. After the first county road shall have been constructed under this article in any county, the board of chosen freeholders shall appoint a county supervisor of roads, and a qualified civil engineer as county engineer, and the board of chosen freeholders may appoint a county superintendent of bridges, each of whom, before assuming the duties of his office, shall make and subscribe an oath that he will faithfully perform all the duties of his office to the best of his ability and understanding. Each shall hold office for five

years and until his successor is appointed and qualified. He shall give bond to the board of chosen freeholders in the penal sum of one thousand dollars ($1,000.00), conditioned for the faithful performance of the duties of his office with such surety as the board shall approve. The engineer and superintendent of bridges shall receive such compensation for his services as the board shall determine and the supervisor shall receive a salary and allowance for expenses, both fixed by the board. Such compensation or salary shall not be reduced during the engineer's, supervisor's or superintendent's of bridges term of office.

Assistants.

The board of chosen freeholders may appoint an assistant county supervisor of roads and an assistant county superintendent of bridges, who, when appointed, shall hold office for three years and until his successor is appointed and qualified. Each such assistant shall receive such compensation for his services as the board shall determine, which said compensation, when so fixed, shall not be reduced during such assistant's term of office.

2. This act shall take effect immediately.

Approved June 1, 1948.

CHAPTER 112

AN ACT concerning appropriations by counties and municipalities for armory purposes, and amending section 38:8–8 of the Revised Statutes.

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

Section amended.

1. Section 38:8–8 of the Revised Statutes is amended to read as follows:

May make appropriations.

38:8–8. The board of chosen freeholders of any county and the governing body of any municipality may issue bonds in the manner authorized by the provisions of article one of chapter one of the Title Municipalities and Counties (§40:1–1 et seq.) to

raise, or may appropriate and raise by taxation, such sums of money as they may seem expedient for any or all of the following purposes:

a. The purchase of land or buildings, or both, for the use of the national guard or naval militia;

Proviso. *provided,* that in the case of any county the land or buildings, or both, shall be located in such county and in the case of any municipality or municipalities the land or buildings, or both, shall be located in the county wherein such municipality or municipalities are situated;

b. The construction and equipping of any armory, arsenal, or other building, camp ground and rifle ranges, or any or all of them, located or to be located in such county or in the county wherein any such municipality is situated;

c. The maintenance and support of any units of the national guard or naval militia located in such county or in the county wherein any such municipality is situated;

d. Gratuitously to give or grant by appropriate deed or conveyance any land or buildings, or both, located in or owned by such county or any municipality or municipalities for the use of the national guard or naval militia.

Any county or any municipality or municipalities thereof may contribute sums of money for any or all of the foregoing purposes, notwithstanding that the lands or buildings, or both, shall not be located in such municipality or in any of such municipal-

Proviso. ities; *provided,* the same shall be located in the county.

2. This act shall take effect immediately.

Approved June 1, 1948.

CHAPTER 113

AN ACT regulating commercial pheasant-shooting preserves and providing a license therefor, defining pheasant, and amending sections 23:3–28, 23:3–29, 23:3–32 and 23:3–36 of the Revised Statutes.

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

Section amended.

1. Section 23:3–28 of the Revised Statutes is amended to read as follows:

Terms defined.

23:3–28. As used in sections 23:3–29 to 23:3–39 of this Title:

a. A wholly inclosed preserve means an area of land the boundaries of which are surrounded by a fence at least six feet in height, constructed of a woven wire not larger than two-inch mesh for game birds and at least eight feet in height for quadrupeds.

b. Propagating in a semi-wild state means propagating on land the boundaries of which are clearly defined by a fence, road, ditch, wire, water or highway, and posted at intervals of not more than five hundred feet with signs to be prescribed by the division.

c. A commercial pheasant-shooting preserve shall mean land, the boundaries of which shall be clearly defined by posting at intervals of not more than two hundred feet with signs to be prescribed by the Division of Fish and Game.

d. "Pheasant" shall mean the species commonly known as English Ring-neck, Melanistic Mutant, Mongolian, Formosan, Chinese or artificially propagated variety thereof.

Section amended.

2. Section 23:3–29 of the Revised Statutes is amended to read as follows:

License, fee.

23:3–29. A person desiring to engage in the business of raising and selling game birds or game

animals, or both, in a wholly inclosed preserve of which he is the owner or lessee, or to have in captivity game birds or game animals, or to propagate pheasants or quail, or both, in a semiwild state on lands of which he is the owner or lessee, may apply in writing to the division for a license to do so. The license fee shall be two dollars ($2.00) per annum for each of the above purposes.

Classes of licenses.

The division, when it appears that the application is made in good faith, shall, upon the payment of the fee for each license, issue to the applicant such of the following license or licenses as may be applied for:

a. Propagating license permitting the licensee to propagate game birds or game animals, or both, in the wholly inclosed preserve the location of which is stated in the license and the application therefor, and to sell such propagated game birds or game animals, or both, and ship them from the State alive at any time and to kill the same and sell the carcasses for food subject to the conditions prescribed by sections 23:3–28 to 23:3–39 of this Title;

b. License to propagate pheasants or quail, or both, in a semiwild state on lands of which the applicant is the owner or lessee, when the applicant shall have produced evidence satisfactory to the division that he has released, or already has, on land described in the application and license, at least ten female and two male pheasants or at least six female and six male quail, or both such pheasants and quail, to each one hundred acres of land, or a proportionate number of such birds for less than one hundred acres, prior to May first in the calendar year for which the license is to be issued;

c. License to keep game birds and animals in captivity; or

d. A person desiring to operate a "commercial pheasant-shooting preserve" on lands of which he is the owner or bona fide lessee may apply in writing to the division for a license so to do. The license fee shall be one hundred dollars ($100.00)

per annum and the form of the application and license shall be determined by the division.

Conditions for issuing license.

The division may, upon payment of the fee, issue to the applicant such a license when it appears that:

(1) The operation of such shooting preserve shall not conflict with a prior reasonable public interest; and

(2) The applicant shall produce evidence satisfactory to the division that he has released on lands described in the application and license, at least ten female and two male pheasants for the first one hundred acres of land or portion thereof, or a proportionate number of birds for any acreage in excess of the first one hundred acres, prior to May first in the calendar year for which the license is to be issued; and

(3) The applicant shall have produced evidence satisfactory to the division that he will raise or purchase for liberation and liberate on the shooting preserve at least five hundred pheasants between September first of the year for which the license was issued and the following March fifteenth.

Section amended.

3. Section 23:3–32 of the Revised Statutes is amended to read as follows:

Pheasants and quail, killing, shipping, tags.

23:3–32. No pheasants or quail propagated in a semiwild state shall be sold. No such pheasants or quail shall be possessed or transported outside of licensed areas unless each bird shall have been tagged with the special tag prescribed by sections 23:3–28 to 23:3–39 of this Title. Except as to the additional tags hereinafter provided for, no licensee raising pheasants or quail in a semiwild state shall procure from the division during any year of operation more tags to be affixed to the dead bodies of pheasants or quail propagated in a semiwild state than four times the number of female pheasants or quail released prior to May

first in each year. Additional tags may be provided to any licensee in number equal to four-fifths of the number of birds released after May first in each year. The tags shall be of a special kind provided for the purpose. The numbers of birds taken in any year, either alive or dead, on lands on which pheasants or quail are propagated in a semiwild state shall not exceed the number of tags obtained from the division. Pheasants propagated in a semiwild state may be taken by shooting only from November tenth to January twentieth, except where the licensee shall have produced evidence satisfactory to the division that he has liberated on the land during the year covered by his license, or that he has in his possession on the land or in some other designated place or places and will liberate on the land prior to February twenty-eighth at least one hundred pheasants for any acreage up to one hundred acres and at least one pheasant for each additional acre, in which case the licensee or any person or persons authorized by him so to do may take pheasants by shooting from November tenth to the next following February twenty-eighth, both days inclusive, on the land described in his license. The number of pheasants so taken by shooting shall not exceed four-fifths of the total number of pheasants liberated on said land during the year covered by such license. Section 23:4–17 of this Title relating to the tracking of game in the snow or the killing of game while there is snow on the ground and section 23:4–24 of this Title relating to hunting on Sunday shall not apply to any person authorized to shoot pheasants under sections 23:3–28 to 23:3–39 of this Title. Quail propagated in a semiwild state may be taken by shooting only from November tenth to the next following February twenty-eighth, both days inclusive. No pheasants or quail propagated in a semiwild state shall be trapped without the written permission of the division.

Open season.

Under a "commercial pheasant-shooting preserve" license, pheasants may be taken by shoot-

Limits taking to licensed land.

ing only on lands described in the application and license, without regard to sex and daily bag limit, by fully licensed hunters authorized by the licensee to shoot on said land between September first and the following March fifteenth, both dates inclusive.

Tagging.

All pheasants liberated on a "commercial pheasant-shooting preserve" for which a license has been issued shall first be banded with a leg band which shall bear upon it a symbol identifying the shooting preserve, and a description of said band and symbol shall be set forth in the application for license. No pheasants shall be possessed or transported outside the licensed area, unless each bird shall have been tagged with a suitable tag or seal supplied by the division, and no licensee shall receive from the division, during any year of operation, more tags to be affixed to the bodies of pheasants than four times the number of female pheasants released prior to May first in each year, in addition to one tag for each pheasant liberated during the shooting period hereinbefore specified.

Section amended.

4. Section 23:3–36 of the Revised Statutes is amended to read as follows:

Expiration of licenses, renewal requirements.

23:3–36. All licenses under sections 23:3–28 to 23:3–39 of this Title shall expire on March fifteenth of each year. No renewal of a propagating license for pheasants or quail in a semiwild state or for a "commercial pheasant-shooting preserve" license shall be granted until the required number of birds have been released as provided in section 23:3–29 of this Title, or until the applicant for renewal shall have submitted evidence satisfactory to the division showing that the minimum number of birds required in said section 23:3–29 are present on his property.

5. This act shall take effect immediately.

Approved June 8, 1948.

CHAPTER 114

AN ACT to authorize the municipalities, incorporated as villages, in counties of the first class, in certain cases, to sell a part of lands, devoted to park purposes when not suitable for such park purposes.

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

C. 40:164-2. May sell certain lands.

1. Notwithstanding the provisions of any other law, whenever any municipality, incorporated as a village, in counties of the first class, has received or shall hereafter receive, title to lands which have been or shall be intended to be devoted to park purposes, and the governing body thereof has or shall have determined that a part of said lands is not suitable for park purposes, and said part of said lands is less than one and one-half per centum (1½%) in area of the whole park tract which includes the said part, the governing body of such municipality may, by resolution, provide for the sale of such lands, in accordance with provisions of section 40:60–26 of the Revised Statutes, and may sell such lands accordingly.

2. This act shall become effective immediately.

Approved June 8, 1948.

CHAPTER 115

AN ACT concerning the minimum annual salary or compensation for persons holding full-time offices, positions or employment in the service of the State.

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

C. 52:14-15.30. Minimum State salary.

1. The minimum annual salary or compensation for each person holding full-time office, position or employment in the service of the State shall not be less than at the rate of one thousand four hundred and forty dollars ($1,440.00) per annum and shall be increased to the rate of one thousand five hundred and sixty dollars ($1,560.00) per annum upon the first day of July, October, January or April, whichever shall next succeed the first six months of service.

C. 52:14-15.31. Act effective.

2. This act shall take effect July first, one thousand nine hundred and forty-eight.

Approved June 9, 1948.

CHAPTER 116

AN ACT concerning war adjustment, and cost of living, bonuses for certain persons holding office, position or employment in the State, whose compensation is paid from State funds or from funds derived from Federal sources, or holding office, position or employment in educational institutions whose compensation is paid, in whole or in part, by contract or otherwise, through the Commissioner of Education or the State Board of Education, or holding Federal office, position or employment who received supplemental compensation from State funds, or holding office, position or employment under the Delaware River Joint Toll Bridge Commission or the Interstate Sanitation Commission, and making an appropriation therefor and providing for a study of existing State salary ranges, and salary increase increments, by the Civil Service Commission.

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

C. 52:14-15.32. Purpose.

1. The purpose of this act is to continue as bonuses the war adjustment payments to the persons who received such payments during the fiscal year one thousand nine hundred and forty-seven to one thousand nine hundred and forty-eight and to provide for such payments to persons holding office, position or employment in any educational institutions whose compensation is paid, directly or indirectly, in whole or in part, from State funds by contract or otherwise through the State Board of Education and in all cases where increments, reclassification and increases in compensation re-

ceived since July first, one thousand nine hundred and forty-seven, do not equal or exceed one hundred twenty dollars ($120.00) per year and thus guarantee to all State employees for the fiscal year one thousand nine hundred and forty-eight to one thousand nine hundred and forty-nine a total income comparable to that received during the fiscal year one thousand nine hundred and forty-seven to one thousand nine hundred and forty-eight and to provide for additional cost of living bonuses for persons holding office, position or employment in the classified civil service of the State, including laborers, and in the unclassified civil service of the State for which offices, positions or employments salary ranges have been fixed by the Civil Service Commission, who have been, or shall have been, in the service of the State for not less than one year.

C. 52:14-15.33. To promulgate rules and regulations.

2. In order to insure fair and equitable treatment for all State employees and to carry out the purpose of this act, the State Treasurer, the president of the Civil Service Commission and the Commissioner of Taxation and Finance are empowered to make such rules and regulations as, in their discretion, are necessary or proper, to carry out such objectives. They shall meet quarterly and at such other times as may be necessary to carry out the purposes of this act.

C. 52:14-15.34. War adjustments continued.

3. All persons who received war adjustment payments under an act entitled "A supplement to 'An act concerning war adjustment in the compensation of certain persons holding State office, position or employment whose compensation is paid from State funds or from funds derived from Federal sources, or holding office, position or employment in an educational institution whose compensation is paid in whole or part through the board of regents, or holding Federal office, position or employment who received supplemental compensation from State funds and concerning additional compensation in lieu of a further salary increase for persons holding office, position or employment

under the Delaware River Joint Toll Bridge Commission and making appropriation therefor,' approved April fourteenth, one thousand nine hundred and forty-four (P. L. 1944, c. 119), and extending the benefits of said act to include certain persons holding office, position or employment in an educational institution whose compensation is paid in whole or in part from State funds through the Commissioner of Education, and under the Interstate Sanitation Commission,'' approved July third, one thousand nine hundred and forty-seven, shall continue to receive as bonuses war adjustment payments at the rate of one hundred twenty dollars ($120.00) a year during the fiscal year beginning July first, one thousand nine hundred and forty-eight, and ending June thirtieth, one thousand nine hundred and forty-nine; *provided, however,* that in each case such war adjustment payment shall be reduced in each payroll period by an amount equal to any amount of increase in the rate of compensation excluding war adjustment payments for each payroll period over the rate of compensation excluding war adjustment payments payable to such persons as of July first, one thousand nine hundred and forty-seven.

Proviso.

C. 52:14-15.35. Bonus authorized.

4. Each person holding office, position or employment in the classified civil service of this State, including laborers, or in the unclassified civil service of this State for which salary ranges have been fixed by the Civil Service Commission, who has been in the service of the State for at least one year upon the effective date of this act, shall be entitled to receive, in addition to his annual salary or compensation and in addition to any other sums which may be payable to him under this or any other act except as hereinafter provided, the sum of one hundred twenty dollars ($120.00) as a cost of living bonus, and each such person whose annual salary or compensation for the fiscal year one thousand nine hundred and forty-eight to one thousand nine hundred and forty-nine will not ex-

ceed three thousand six hundred dollars ($3,600.00) shall be entitled to receive an additional sum of one hundred twenty dollars ($120.00) as an additional cost of living bonus, and each such person who, during the fiscal year one thousand nine hundred and forty-eight to one thousand nine hundred and forty-nine, will not receive any increase in salary by virtue of the fact that he will be at or above the maximum of his salary range in that fiscal year shall receive an additional sum of one hundred twenty dollars ($120.00) as an additional cost of living bonus and each person holding office, position or employment who has not been in the service of the State for at least one year upon the effective date of this act but who shall complete his first year of service with the State during the fiscal year one thousand nine hundred and forty-eight to one thousand nine hundred and forty-nine shall be entitled to receive as cost of living bonuses the pro rata amounts of the sums which he would have been entitled to as such cost of living bonuses, if he had been in the State service for said one year, calculated from the first day of October, January or April, whichever shall next succeed the first anniversary of his entering said service and until the end of said fiscal year; *provided, however,* if any such person, as of or after May first, one thousand nine hundred and forty-eight, has received or shall receive any increase in his annual salary or compensation in excess of the regular annual salary increase increment for his office, position or employment, or has received or shall receive an increase in his annual salary or compensation by reason of promotion in excess of the regular annual salary increase increment for his former salary range, such excess shall be deducted from his cost of living bonuses.

Payment.

Said cost of living bonuses shall be paid in equal installments beginning July first, one thousand nine hundred and forty-eight, or at such later date as shall be provided by this act, in the same manner

as the annual salary or compensation of the person entitled thereto is paid.

C. 52:14-15.36. Employees of educational institutions.

5. Each person holding office, position or employment in any educational institution whose compensation is paid, directly or indirectly, in whole or in part, from State funds by contract or otherwise through the Commissioner of Education or the State Board of Education, shall be paid the same war adjustment bonus, cost of living bonus and additional cost of living bonuses as if he were a State employee and his compensation were paid wholly from State funds, subject to such conditions as may be imposed by the State Treasurer, the president of the Civil Service Commission and the State Commissioner of Taxation and Finance, which conditions shall be as nearly like the conditions applying to State employees as the circumstances of the case will permit.

C. 52:14-15.37. Employees of joint toll bridge commissions.

6. Each person holding office, position or employment under the Delaware River Joint Toll Bridge Commission or under the Interstate Sanitation Commission shall be paid additional compensation in lieu of a further salary increase equal in amount to the war adjustment bonus, cost of living bonus and additional cost of living bonuses which he would receive during said fiscal year if he were a State employee and his compensation were paid wholly from State funds, subject to such conditions as may be imposed by the State Treasurer, the president of the Civil Service Commission and the Commissioner of Taxation and Finance, which conditions shall be as nearly like the conditions applying to State employees as the circumstances of the case will permit, but only to the extent that such additional compensation exceeds any increase of the regular salary of such person payable otherwise than by way of cost of living bonuses and effective during the fiscal year one thousand nine hundred and forty-eight to one thousand nine hundred and forty-nine.

C. 52:14-15.38. Employees paid from Federal funds.

7. Each person holding State office, position or employment, who receives no compensation from State funds other than that derived from Federal sources, shall be paid the same war adjustment bonus, the same cost of living bonus and additional cost of living bonuses as if he were a State employee and his compensation were paid wholly from State funds; *provided,* that the Federal Government consents to the payment of such war adjustment bonus and of such cost of living bonuses, respectively, from Federal funds or from State funds derived from Federal sources. If the Federal Government gives such consent, the war adjustment and the cost of living bonuses, or either of them, as the case may be, shall be paid upon such conditions as may be imposed by the State Treasurer and the Commissioner of Taxation and Finance, which conditions shall be as nearly like the conditions applying to State employees as the circumstances of the case will permit.

Proviso.

C. 52:14-15.39. Veterans.

8. Any person on leave of absence granted because of entry into any branch of the military or naval service of this State or of the United States, who returns to the active service of the State as a State employee in the fiscal year one thousand nine hundred and forty-eight to one thousand nine hundred and forty-nine, shall receive for each payroll period after his return the same war adjustment bonus and cost of living bonuses under this act as he would have received if he would have continued in the active State service as a State employee.

C. 52:14-15.40. Not deemed to increase salary.

9. No war adjustment bonus or cost of living bonus or sum or sums paid in lieu thereof under this act shall be deemed to be a part of the regular compensation of any person or to constitute any increase in salary or compensation of the person receiving the same and shall not affect pension payments or benefits.

C. 52:14-15.41. To make study of salaries.

10. The Civil Service Commission shall make a study of the adequacy of the salary ranges and the annual salary increase increments fixed for State

offices, positions and employments, and report thereon to the Governor with their recommendations on or before October first, one thousand nine hundred and forty-eight.

C. 52:14-15.42. Transfer of funds.

11. There is hereby transferred from the State highway account to the unappropriated general fund of the State treasury the sum of one million six hundred thousand dollars ($1,600,000.00), which sum, or so much thereof as may be necessary, hereby is appropriated to carry out the purposes of this act, and of which sum the sum of one million one hundred fifty thousand dollars ($1,150,000.00) shall be refunded and repaid to the State highway account from the balance which shall remain in the Veterans' Loan Guaranty and Insurance Fund when all obligations and liabilities of said fund, accrued and to accrue, shall have been fully paid and satisfied or payment and satisfaction thereof shall have been fully provided for.

C. 52:14-15.43. Act effective.

12. This act shall take effect July first, one thousand nine hundred and forty-eight.

Approved June 9, 1948.

CHAPTER 117

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

ANTICIPATED REVENUES FOR THE FISCAL YEAR 1948-49

Revenues

Anticipated revenues.

Estimated balance, General Funds, July 1, 1948	$11,549,609 00
Estimated balance, Highway Funds, July 1, 1948	11,520,000 00
Transfer inheritance taxes	9,000,000 00
Main stem and franchise-excise taxes	5,000,000 00
Miscellaneous corporation taxes, domestic and foreign	7,500,000 00
Domestic life insurance corporation taxes	1,000,000 00
Foreign insurance corporation taxes	4,500,000 00
Beverage taxes	14,250,000 00
Beverage licenses	650,000 00
Taxes on cigarettes	14,200,000 00
Revenue from pari-mutuel racing	12,250,000 00
Hunters' and anglers' licenses	1,020,000 00
Fertilizer inspection fees, et cetera	95,000 00
Outdoor advertising permits	65,000 00
Department of Banking and Insurance	1,050,000 00
Secretary of State	375,000 00
Clerk in Chancery	425,000 00
Clerk of the Supreme Court	88,600 00
Real Estate Commission	130,000 00
Board of Beauty Culture Control	100,000 00

Board of Barber Examiners	62,000 00
Commissions	60,000 00
Department of Conservation, Division of Navigation	14,500 00
Department of Conservation, excess water diversion fees	100,000 00
Department of Conservation, Division of Shell Fisheries	41,000 00
Board of Public Utility Commissioners	60,000 00
Department of Labor	120,000 00
Department of Labor (from dedicated receipts)	72,000 00
Dividends	18,870 00
Athletic Commissioner	120,000 00
Division of Local Government	85,000 00
Department of Health	70,000 00
Rabies control licenses	80,000 00
Tenement House Supervision	17,000 00
Department of Conservation (receipts Morris canal fund)	21,484 00
Department of Conservation, Division of Forestry, et cetera	14,300 00
Department of Conservation (State forest fund receipts)	18,000 00
Public Utility Tax (Administration)	21,928 00
Department of Weights and Measures	50,500 00
Department of Economic Development, Rental Veterans Housing .	1,000,000 00
Academic Certificate Fund	18,000 00
Manual Training and Industrial School, Bordentown	60,000 00
School for the Deaf	6,800 00
State Teachers College, Glassboro:	
Extension fees	12,900 00
Tuition fees	28,000 00
Dormitory fees	59,500 00

State Teachers College, Jersey City:	
Extension fees	17,300 00
Tuition fees	40,500 00
State Teachers College, Newark:	
Extension fees	44,000 00
Tuition fees	39,000 00
State Teachers College, Paterson:	
Extension fees	26,000 00
Tuition fees	29,000 00
State Teachers College, Montclair:	
Extension fees	37,500 00
Tuition fees	70,000 00
Dormitory fees, cafeteria-boarding hall fees	90,000 00
State Teachers College, Trenton:	
Extension fees	12,300 00
Tuition fees	47,000 00
Dormitory fees, cafeteria-boarding hall fees	130,000 00
State Board of Examiners	18,000 00
Agricultural Experiment Station	67,000 00
Department of Agriculture	33,500 00
Milk control licenses and fees	110,000 00
Rehabilitation Commission	1,000 00
Colony for Feeble-Minded Males, New Lisbon	325,000 00
Colony for Feeble-Minded Males, Woodbine	290,000 00
Home for Disabled Soldiers, Menlo Park (Federal Aid)	22,000 00
Home for Disabled Soldiers, Vineland (Federal Aid)	16,500 00
Home for Disabled Soldiers, Vineland (State)	500 00
North Jersey Training School, Totowa	167,000 00
Reformatory, Annandale	1,000 00
Reformatory, Rahway	1,500 00

Sanatorium for Tuberculous Diseases	90,000 00
State Home for Boys	10,000 00
State Home for Girls	10,500 00
State Hospital, Greystone Park	1,951,000 00
State Board of Child Welfare (Federal Aid)	178,000 00
State Hospital, Marlboro	890,000 00
State Hospital, Trenton	1,267,000 00
State Prison	500 00
Village for Epileptics	470,000 00
Vineland State School	365,000 00
The Arthur Brisbane Child Center	30,000 00
Miscellaneous sources	250,000 00
Tax on motor fuels	26,500,000 00
Motor vehicle fees, fines, et cetera	29,300,000 00
Motor vehicle inspection fees	1,200,000 00
Bus excise tax	100,000 00
Miscellaneous highway revenues	150,000 00
Total revenues	$138,327,982 00

Interfund Transfers

From School Fund	$455,000 00
From 1837 Surplus Revenue Fund	18,000 00
Total transfers	$473,000 00

Non-Recurring Revenues

State's Share of Interest on Past Due Railroad Taxes	$5,070,000 00
Total available resources	$166,940,591 00

Less Amounts Reserved:		
Dedicated revenues not available for general purposes	$209,243	00
Supplemental appropriations (General)	3,861,019	75
Supplemental appropriations for Legislature's salaries	204,166	00
Supplemental appropriations for Senate J. R. No. 1	25,000	00
Supplemental appropriations for administration of Cigarette Tax Law	230,000	00
Total amount reserved	$4,529,428	75
Net resources available for appropriations	$162,411,162	25

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

Annual appropriation.

1. The appropriations herein made or so much thereof as may be necessary are hereby appropriated for the respective public officers and for the several purposes herein specified for the fiscal year ending on the thirtieth day of June, one thousand nine hundred and forty-nine. The appropriations herein made for debt service, for State aid to counties and municipalities under R 3, and for State Highway purposes under R 8, herein shall not lapse by reason of the expiration of said period. The appropriations herein made, other than those for debt service, State aid to counties and municipalities under R 3, and for State Highway purposes under R 8, shall be available for expenditure during said fiscal year and for a period of two months thereafter to pay obligations incurred during said period only. At the expiration of said two months period all unexpended balances except in appropriations herein made for debt services, State aid to counties and municipalities under R 3 and for

State Highway purposes under R 8 and in appropriations to the extent specifically held by contracts on file with the Commissioner of Taxation and Finance shall lapse into the State treasury or, in cases of appropriations from special funds, shall lapse to the credit of such special funds. Nothing in this section or in this act contained shall be construed to prohibit the payment due upon any contract made under any appropriation contained in any highway appropriation bill of the previous year or years.

GENERAL STATE PURPOSES

A. Executive and Administrative

A 1. Department of Law

Law department.

Salaries:		
Attorney-General ...	$15,000 00	
Deputy Attorney-General	12,000 00	
Other officers and employees	205,900 00	
		$232,900 00
Materials and Supplies:		
Motor vehicular transportation supplies .	$900 00	
Stationery and office supplies	1,600 00	
Printing and binding.	600 00	
Law books	1,000 00	
		4,100 00

Services Other Than Personal:		
Traveling expenses ..	$1,600 00	
Household or office expenses	250 00	
Miscellaneous expenses	700 00	
Court costs	1,000 00	
Advertising	500 00	
Subscriptions	300 00	
Expenses of special investigations	5,000 00	
Witness fees, condemnation commissioners and stenographic fee	5,000 00	
		14,350 00
Current Repairs and Maintenance:		
Automotive equipment	$800 00	
Office furniture, machines and equipment	100 00	
		900 00
In addition, to the amounts hereinabove appropriated, all funds received by the Department of Law from the various counties as reimbursement for special investigations for the fiscal years 1947-48 and 1948-49 are hereby appropriated to the Department of Law, to constitute a revolving fund for the purpose of continuing such special investigations.		
		$252,250 00

A 2. Department of Taxation and Finance

Executive—Administrative Bureau

Taxation and finance.

Salaries:		
Commissioner	$12,000 00	
Other officers and employees	62,600 00	
		$74,600 00
Materials and Supplies:		
Motor vehicular transportation supplies .	$100 00	
Stationery and office supplies	550 00	
		650 00
Services Other Than Personal:		
Traveling expenses ..	$300 00	
Rents of office appliances	16,378 00	
Freight, express and cartage	70 00	
Subscriptions	105 00	
Miscellaneous expenses	80 00	
		16,933 00
Current Repairs and Maintenance:		
Office furniture, fixtures and machines	$259 00	
Automotive equipment	100 00	
		359 00
		$92,542 00

Division of Budget and Accounting

Salaries:		
Other officers and employees		$250,500 00
Materials and Supplies:		
Motor vehicular transportation supplies .	$250 00	
Stationery and office supplies	3,000 00	
Printing and binding.	4,750 00	
		8,000 00
Services Other Than Personal:		
Traveling expenses ..	$7,500 00	
Freight, express and cartage	50 00	
Household or office expense	125 00	
Subscriptions	268 50	
Miscellaneous expenses	200 00	
		8,143 50
Current Repairs and Maintenance:		
Automotive equipment	$150 00	
Office furniture, fixtures and machines	1,975 92	
		2,125 92
Extraordinary Expenditures:		
Share of cost of forms for centralized payroll		2,000 00
		$270,769 42

Division of Taxation

Salaries:		
Director	$10,000 00	
Other officers and employees	1,236,898 50	
		$1,246,898 50
Materials and Supplies:		
Motor vehicular transportation supplies .	$12,210 00	
Stationery and office supplies	18,575 00	
Photographing, blueprinting and drafting and engineering supplies	700 00	
Motor fuel and outdoor advertising license plates	2,000 00	
Briefs and law books	1,800 00	
Printing and binding	12,500 00	
		47,785 00
Services Other Than Personal:		
Traveling expenses ..	$20,000 00	
Freight, express and cartage	150 00	
Household expenses .	85 00	
Subscriptions	1,387 00	
Wharfage rent (motor fuels tax bureau) ..	540 00	
Miscellaneous expenses	1,500 00	
Boat crew expenses ..	2,100 00	
Maintenance of patrol boat	3,000 00	
Garage rents	3,706 00	
Rent of equipment ..	3,852 00	
		36,320 00

Current Repairs and Maintenance:		
Office furniture, machines and equipment	$1,820 00	
Automotive equipment	7,475 00	
		9,295 00
		$1,340,298 50

General Tax Refunds:

Upon certification of the Director of the Division of Taxation, the Commissioner of Taxation and Finance is hereby authorized and it shall be his duty to withdraw from the State treasury, moneys to refund and pay such claims for refund as may be necessary under the authorized provisions of Title 54 of the Revised Statutes and any statutes superseded thereby, and under any statute enacted subsequent to the adoption of the Revised Statutes, 1937, imposing a tax which is collected by the Division of Taxation, and the State Treasurer shall pay same upon warrants of

the said Commissioner of Taxation and Finance.

Division of Local Government

Salaries:		
Director	$10,000 00	
Members of board (3)	12,000 00	
Other officers and employees	116,160 00	
		$138,160 00
Materials and Supplies:		
Motor vehicular transportation supplies .	$1,600 00	
Stationery and office supplies	3,000 00	
Printing and binding.	5,000 00	
		9,600 00
Services Other Than Personal:		
Traveling expenses ..	$17,000 00	
Rent of garages	350 00	
Freight, express and cartage	170 00	
Subscriptions	450 00	
Miscellaneous expenses	150 00	
		18,120 00
Current Repairs and Maintenance:		
Office furniture, fixtures and machines	$600 00	
Automotive equipment	500 00	
		1,100 00
		$166,980 00

Division of Tax Appeals

Salaries:		
Members of board (6)	$48,000 00	
President	9,000 00	
Other officers and employees	47,160 00	
Special stenographic services	8,000 00	
		$112,160 00
Materials and Supplies:		
Motor vehicular transportation supplies .	$170 00	
Stationery and office supplies	2,500 00	
Printing and binding.	550 00	
		3,220 00
Services Other Than Personal:		
Traveling expenses ..	$2,000 00	
Rents, garage	144 00	
Freight, express and cartage	50 00	
Subscriptions	225 00	
Miscellaneous expenses	50 00	
		2,469 00
Current Repairs and Maintenance:		
Office furniture, fixtures and machines	$100 00	
Automotive equipment	250 00	
		350 00
		$118,199 00

Division of Purchase and Property

Salaries:		
Director	$10,000 00	
Other officers and employees	533,350 00	
		$543,350 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$84,500 00	
Motor vehicular transportation supplies .	2,050 00	
Household and organization supplies ...	250 00	
Stationery and office supplies	9,000 00	
Other materials and supplies (property bureau)	23,500 00	
Laboratory testing supplies	100 00	
		119,400 00
Current Repairs and Maintenance:		
Buildings and grounds		37,375 00
Services Other Than Personal:		
Traveling expenses ..	$1,000 00	
Freight, express and cartage	350 00	
Advertising	2,000 00	
Subscriptions	500 00	
Rent of office machines (purchase bureau).	7,452 00	
Miscellaneous expenses	400 00	
Technical and laboratory testing service	1,000 00	

Maintenance, Stacy Park and Capitol grounds	6,500 00	
Expenses in connection with confiscated property	250 00	
		19,452 00
Extraordinary Expenditures:		
Converting coal heaters to oil, State office building	$1,500 00	
Reconditioning State House boiler room.	10,000 00	
Repairing roof, State House	2,500 00	
Renew electric power lines, State House..	4,000 00	
Repairing elevators..	12,000 00	
Reconditioning roof, Annex	2,500 00	
Renovating sewer, Annex	2,500 00	
Repairing roof, State Office Building	1,000 00	
Replace rough coat, exterior of State House	1,500 00	
Building rear entrance to Senate for members of Legislature	1,500 00	
		39,000 00
		$758,577 00
		$2,747,365 92

State Purchase Fund:
The unexpended balance of the State purchase fund is hereby reappropriated, together with such sums as may be returned to the State treasury for the reimbursement of said fund, and together with such additional sum as may be required so that a "purchase revolving fund" not exceeding $450,000.00 will be established and maintained for the purpose of making payments for purchases pursuant to the purchase act (Chapter 25 of Title 52 of the R. S.), and for the expenses of handling, storing and transporting purchases so made, the cost of said purchases to be apportioned among the various using agencies and the appropriations current for their use so as to reimburse the said "purchase fund" for said purchases when so made; said amounts

so appropriated to be credited to said fund when deposited in the State treasury for disbursement in accordance with the provisions of said chapter 25 of Title 52 of the R. S. Any sum or sums in excess of the amount hereby appropriated received by the Commissioner of Taxation and Finance from any source shall by him be paid to the State Treasurer and deposited in the general fund of the State.

Special Accounts

Telephone and Telegraph:	
Present departments and agencies whose telephone and telegraph charges are paid by the Commissioner of Taxation and Finance ..	$150,000 00
Rents:	
Present departments and agencies whose rents are paid by the Commissioner of Taxation and Finance	$565,596 59

Insurance:	
For payment of insurance premiums not otherwise provided for, maturing during the current fiscal year, including purchase of equipment required to effect reductions in fire rates	$205,000 00
Postage:	
Present departments and agencies whose postage is paid by the Commissioner of Taxation and Finance	$210,000 00

In addition to the amounts hereinabove appropriated the unexpended balances of all appropriations to the Commissioner of Taxation and Finance, as of June 30, 1948, are hereby reappropriated.

A 3. Civil Service Commission

Civil service commission.

Salaries:		
President	$10,000 00	
Commissioners (4 at $5,000.00 each) ...	20,000 00	
Chief examiner and secretary	10,000 00	
Other officers and employees	325,640 00	
Monitors, special examiners and other part-time employees	11,245 00	
		$376,885 00
Materials and Supplies:		
Stationery and office supplies	$10,000 00	
Office equipment replacement	3,000 00	
Printing	5,000 00	
Motor vehicular transportation supplies..	1,700 00	
		19,700 00
Services Other Than Personal:		
Traveling expenses ..	$5,500 00	
Rents of equipment..	11,616 00	
Advertising	4,000 00	
Subscriptions	600 00	
Freight, express and cartage	150 00	
Household expenses..	100 00	
Garage rent	864 00	
Rent of rooms conducting examinations	2,500 00	
Miscellaneous expenses	50 00	
Contract I. B. M. services	1,200 00	
		26,580 00

Current Repairs and Maintenance:		
Automotive equipment	$400 00	
Office furniture, machines and equipment	1,000 00	
		1,400 00
Extraordinary Expenses:		
Share of cost of forms for centralized payroll		2,000 00
		$426,565 00

A 5. State Auditor's Department

State auditor.

Salaries:		
State Auditor	$9,000 00	
Compensation for assistants	187,490 00	
		$196,490 00
Materials and Supplies:		
Stationery and office supplies	$600 00	
Printing and binding	100 00	
		700 00
Services Other Than Personal:		
Traveling expenses	$15,000 00	
Household expenses	25 00	
Subscriptions	78 00	
Miscellaneous expenses	25 00	
		15,128 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment		200 00
		$212,518 00

A 6. EXECUTIVE DEPARTMENT

Executive department.

Salaries:		
Governor	$20,000 00	
Secretary to Governor	10,000 00	
Counsel and associate counsel	13,000 00	
Compensation for assistants	51,540 00	
		$94,540 00
Materials and Supplies:		
Motor vehicular transportation supplies	$1,500 00	
Stationery and office supplies	3,000 00	
Office equipment replacement	500 00	
		5,000 00
Services Other Than Personal:		
Subscriptions	$500 00	
Miscellaneous expenses	800 00	
		1,300 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment		200 00
Extraordinary Expenditures:		
To enable the Governor to meet any emergency requiring the expenditure of money not otherwise appropriated, including entertainment on behalf of the State and to cover any incidental personal expenses or the expenses of commissioners appointed by him under statute, or in his discretion		10,000 00

The unexpended balance June 30, 1948, in the appropriation to enable the Governor to carry out the provisions of chapter 16, laws of 1941, is hereby reappropriated.		
		$111,040 00

A 8. SECRETARY OF STATE

Secretary of State.

Salaries:		
Secretary of State ...	$10,000 00	
Chief Clerk	8,000 00	
Other employees	64,680 00	
		$82,680 00
Materials and Supplies:		
Stationery and office supplies	$10,800 00	
Office equipment replacement	3,500 00	
		14,300 00
Services Other Than Personal:		
Traveling expenses ..	$250 00	
Election expenses (chapter 102, laws of 1940)	26,500 00	
Photostating copies of certificates of incorporation	5,000 00	
		31,750 00
Extraordinary Expenditures:		
Revised Statutes Cumulative Supplements		1,500 00
Unexpended balances not in excess of $1,500.00 in the accounts of the Secretary of State as of June 30, 1948, are hereby reappropriated.		
		$130,230 00

A 9. TREASURER'S DEPARTMENT

Treasurer's department.

Salaries:		
Treasurer	$10,000 00	
Cashier and deputy treasurer	9,000 00	
Compensation for other assistants ...	78,721 00	
		$97,721 00
Materials and Supplies:		
Stationery and office supplies	$2,000 00	
Office equipment replacement	3,000 00	
Printing, binding, photographing and blueprinting	100 00	
		5,100 00
Services Other Than Personal:		
Traveling expenses ..	$1,000 00	
Rent of equipment ..	1,100 00	
Subscriptions	325 00	
Miscellaneous expenses	300 00	
		2,725 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment		750 00
Extraordinary Expenditures:		
Share of cost of forms for centralized payroll		2,000 00
		$108,296 00

Teachers' Retirement Fund—Pension and Annuity Fund

State Treasurer, for expenses incurred in connection with the fund, pursuant to article 3, chapter 13 of Title 18 of the R. S.		
Salary of clerks	$5,600 00	
Materials and supplies .	100 00	
Services other than personal	50 00	
		5,750 00
		$114,046 00

A 10. STATE ATHLETIC COMMISSIONER

State athletic commissioner.

Salaries:		
Commissioner	$5,200 00	
Compensation for other assistants ...	20,640 00	
Per diem inspectors and physicians	14,280 00	
		$40,120 00
Materials and Supplies:		
Stationery and office supplies	$500 00	
Office equipment replacement	500 00	
Printing	360 00	
		1,360 00
Services Other Than Personal:		
Traveling expenses, includes telephone and miscellaneous expenses	$2,500 00	
Subscriptions and membership fees ..	155 50	
		2,655 50

Current Repairs and Maintenance:		
Office furniture, machines and equipment		50 00
Additions and Improvements:		
Additional equipment and improvements		500 00
		$44,685 50

B. Legislative

B 1. Legislature

Legislature.

Salaries:		
Senators and Assemblymen	$245,000 00	
Compensation for officers and employees	47,150 00	
		$292,150 00
Materials and Supplies:		
Manuals of the Legislature		4,000 00
Services Other Than Personal:		
Indexing Journal and Minutes and other incidental and contingent expenses		98,000 00
		$394,150 00

B 2. Commission on Post-War Economic Welfare

Post-War economic welfare commission.

The unexpended balances in the accounts of the Commission on Post-War Economic Welfare as of June 30, 1948, are hereby reappropriated.

B 3. Law Revision and Bill Drafting Commission

Law revision and bill drafting commission.

Salaries:		
Counsel (2)	$16,500 00	
Other officers and employees	23,120 00	
Special per diem services	1,760 00	
		$41,380 00
Materials and Supplies:		
Stationery and office supplies	$400 00	
Library supplies	600 00	
Printing, binding, photostating and blueprinting	1,000 00	
		2,000 00
Services Other Than Personal:		
Traveling expenses ..	$750 00	
Household or office expenses	30 00	
		780 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment		45 00
Unexpended balances in the accounts of the Law Revision and Bill Drafting Commission, as of June 30, 1948, are hereby reappropriated.		
		$44,205 00

B 5. Legislative Printing

Legislative printing.

Materials and Supplies:		
Legislative printing .	$91,000 00	
Printing and binding public documents ..	9,000 00	
		$100,000 00

C. Judicial

C 1. Clerk in Chancery

Clerk in chancery.

Salaries:		
Clerk in Chancery ...	$8,500 00	
Other employees	154,020 00	
		$162,520 00
Materials and Supplies:		
Stationery and office supplies		7,500 00
Services Other Than Personal:		
Traveling expenses ..	$50 00	
Freight, express and cartage	650 00	
		700 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment		500 00
		$171,220 00

C 2. Clerk of the Supreme Court

Clerk, supreme court.

Salaries:		
Clerk of the Supreme Court	$6,000 00	
Chief clerk	7,250 00	
Compensation for assistants	57,180 00	
		$70,430 00
Materials and Supplies:		
Stationery and office supplies	$2,000 00	
Office equipment replacement	500 00	
Printing, binding, photographing, engrossing and blueprinting	150 00	
		2,650 00

Services Other Than Personal:		
Miscellaneous expenses		21 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment		590 00
		$73,691 00

C 3. COURT OF CHANCERY

Court of chancery.

Salaries:		
Chancellor	$19,000 00	
Vice-Chancellors (10 at $18,000.00)	180,000 00	
Other assistants and employees	198,360 00	
		$397,360 00
Materials and Supplies:		
Stationery and office supplies	$3,600 00	
Library supplies	5,000 00	
Motor vehicular transportation supplies .	400 00	
		9,000 00
Services Other Than Personal:		
Traveling expenses for court attendants ...	$250 00	
Miscellaneous expenses	75 00	
Household or office expenses	75 00	
		400 00
Current Repairs and Maintenance:		
Automotive equipment	$125 00	
Office furniture, machines and equipment	100 00	
		225 00

Additions and Improvements:		
New equipment and reconditioning of office		2,000 00
		$408,985 00

C 4. COURT OF ERRORS AND APPEALS

Court of errors and appeals.

Salaries:		
Compensation of judges of the Court of Errors and Appeals, at $40.00 per diem	$54,000 00	
Compensation of officers	4,980 00	
		$58,980 00
Materials and Supplies:		
Stationery and office supplies	$635 00	
Printed or typewritten copies of draft of opinions of the Lay Judges	2,000 00	
Binding state of cases, briefs, and printing lists of causes	365 00	
		3,000 00
		$61,980 00

C 5. Court of Pardons

Court of pardons.

Salaries:		
Compensation of judges of the Court of Pardons, at $40.00 per diem	$10,000 00	
Compensation of clerk and stenographer	3,300 00	
		$13,300 00
Materials and Supplies:		
Stationery and office supplies		600 00
Services Other Than Personal:		
Miscellaneous expenses		100 00
		$14,000 00

C 7. Law and Equity Reports

Law and equity reports.

Salaries:		
Chancery reporter ...	$500 00	
Supreme Court reporter	500 00	
		$1,000 00
Services Other Than Personal:		
Publication of chancery reports	$9,000 00	
Publication of law reports	9,000 00	
Binding chancery and law reports	4,500 00	
		22,500 00
		$23,500 00

C 9. SUPREME COURT

Supreme court.

Salaries:		
Chief Justice	$19,000 00	
Associate justices (8 at $18,000.00)	144,000 00	
Circuit Court judges (14 at $16,000.00) .	224,000 00	
Salaries of secretaries to justices of the Supreme Court, pursuant to R. S. 2:4–13	25,760 00	
Compensation of other assistants ...	14,240 00	
Board of Bar Examiners, salary of three members, secretary, assistant secretary and messenger	17,150 00	
		$444,150 00
Materials and Supplies:		
Stationery and office supplies	$600 00	
Binding	400 00	
		1,000 00
Services Other Than Personal:		
Expenses of Board of Bar Examiners incurred by court order, including disbarment proceedings	$2,000 00	
Library and office expenses	10,000 00	
		12,000 00
		$457,150 00

In addition to the amounts hereinabove appropriated for the Judicial accounts, there is appropriated the Masters' in Chancery fees received in the General Treasury during 1948-49, to be allotted by the Chief Justice in carrying out the reorganization of the Court System, pursuant to the provisions of the Constitution, provided such allotments are approved by the Governor.

D. Regulative

D 1. Department of Conservation

To carry out the provisions of chapter 22, P. L. 1945.

Commissioner's Office

Department of conservation.

Salaries:		
Commissioner	$12,000 00	
Other officers and employees	10,080 00	
		$22,080 00
Materials and Supplies:		
Vehicular transportation supplies	$850 00	
Stationery and office supplies	250 00	
	$1,100 00	

Current Repairs and Maintenance:		
Automotive equipment	$200 00	
Services Other Than Personal:		
Traveling expenses ..	$500 00	
Rents (Garages)	180 00	
Subscriptions	125 00	
	$805 00	
		$24,185 00

Division of Water Policy and Supply

Salaries:		
Engineer-in-charge ..	$7,500 00	
Other officers and employees	99,704 72	
Hourly laborers and monthly gauge observers	15,472 00	
	$122,676 72	
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$350 00	
Household supplies ..	50 00	
Motor vehicular transportation supplies..	1,500 00	
Stationery and office supplies	540 00	
Engineering supplies.	600 00	
Printing and binding.	480 00	
Other materials and supplies	25 00	
	$3,545 00	

Services Other Than Personal:	
Traveling expenses ..	$4,000 00
Telephone and telegraph	800 00
Rents	6,331 00
Insurance (other than fire)	283 92
Postage	400 00
Miscellaneous expenses	50 00
Advertising (legal) ..	50 00
Subscriptions and memberships	350 00
	$12,264 92
Current Repairs and Maintenance:	
Automotive equipment	$500 00
Buildings and grounds	7,500 00
Office furniture, machines and equipment	100 00
Scientific and laboratory equipment	300 00
Other repairs	200 00
	$8,600 00
Additions and Improvements:	
Recording gauges, 3 at $300.00	$900 00

In addition, all balances remaining in the appropriations for the repairs, rehabilitation and improvement of the Delaware and Raritan Canal, as of June 30, 1948, together with $50,000.00 of the balances in the State Water Supply Fund, are reappropriated for

the construction and reconstruction of the Deep Lock located at New Brunswick, being part of the improvement of the Delaware and Raritan Canal.		
The unexpended balance in the Interconnection Revolving Fund as of June 30, 1948, is hereby reappropriated.		
		$147,986 64

Division of Fish and Game

Salaries:		
Other officers and employees	$288,874 00	
Materials and Supplies:		
Food for fish and game	$142,000 00	
Clothing (uniforms)	2,500 00	
Heat, light, power, water, gas and electricity	8,400 00	
Motor vehicular transportation supplies	20,000 00	
Replacements of motor vehicles	20,100 00	
Stationery and office supplies	1,500 00	
Farm, stable and ground supplies	13,000 00	
Household supplies	275 00	
Educational, recreational and library supplies	1,000 00	
Other materials and supplies	525 00	

Printing, binding, blueprinting and photographic supplies	6,500 00
Purchase of live fish and game	30,500 00
Boat transportation supplies	3,000 00
Replacement boats and motors	500 00
Replacement of plant equipment	2,100 00
	$251,900 00

Services Other Than Personal:	
Traveling expenses	$6,500 00
Telephone and telegraph	5,000 00
Rents	5,420 00
Insurance	5,118 00
Freight, express and cartage	475 00
Fair exhibits	500 00
Medical expenses	600 00
Postage	2,500 00
Garage rents	2,100 00
Miscellaneous expenses	925 00
Dock and other rents.	625 00
Court costs	300 00
	$30,063 00

Current Repairs and Maintenance:	
Automotive equipment	$10,400 00
Buildings and grounds	7,650 00
Repairs to boat equipment	3,000 00
Repairs to plant equipment	3,150 00
	$24,200 00

Additions and Improvements:		
New office equipment.	$500 00	
Holding pens at game farms	7,500 00	
Other equipment	2,000 00	
	$10,000 00	
Unclassified Expenditures:		
Compensation Award Josephine Perkins (Widow of Warden Alfred Perkins) ...	$1,187 68	
		$606,224 68

Division of Fish and Game
Public Shooting and Fishing Grounds Fund

Salaries:		
Other officers and employees	$53,868 00	
Materials and Supplies:		
Heat, light and power	$400 00	
Motor vehicular transportation supplies..	3,000 00	
Replacements of motor vehicles	5,000 00	
Stationery and office supplies	100 00	
Purchase of live fish and game	50,000 00	
Operating materials and supplies	5,000 00	
Printing and binding.	350 00	
Other materials and supplies	250 00	
	$64,100 00	

Services Other Than Personal:		
Traveling expenses ..	$800 00	
Telephone and telegraph	500 00	
Rents (garage)	60 00	
Insurance (other than fire)	1,000 00	
Freight, express and cartage	100 00	
Miscellaneous expenses	100 00	
	$2,560 00	
Current Repairs and Maintenance:		
Buildings and grounds	$5,000 00	
Repairs to auto equipment	1,800 00	
Office furniture, machines and equipment, farm machinery	1,000 00	
	$7,800 00	
Additions and Improvements:		
New equipment	$1,000 00	
New motor vehicles..	2,000 00	
	$3,000 00	
		$131,328 00

Division of Fish and Game

Public Shooting and Fishing Grounds Fund

Reimbursable by Federal Aid

Salaries:		
Employees	$17,760 00	
Materials and Supplies:		
Heat, light and power	$125 00	
Motor vehicular transportation supplies..	1,500 00	
Stationery and office supplies	100 00	
Printing	1,000 00	
Operating materials and supplies	5,000 00	
	$7,725 00	
Services Other Than Personal:		
Traveling expenses ..	$1,500 00	
Telephone and telegraph	150 00	
Miscellaneous expenses	150 00	
	$1,800 00	
Current Repairs and Maintenance:		
Repairs to motor vehicles	$2,000 00	
Repairs to other equipment	250 00	
	$2,250 00	
Additions and Improvements:		
New motor vehicles..	$1,000 00	
		$30,535 00

Appropriations made to the Division of Fish and Game shall be chargeable to receipts from hunters' and anglers' licenses and all excess receipts from hunters' and anglers' licenses pursuant to the provisions of article 1, chapter 3 of Title 23; R. S. 23:3–3, R. S. 23:3–23 to 27; all receipts, licenses and sales pursuant to the provisions of R. S. 52:18–31; all fines pursuant to the provisions of R. S. 23:10–19, together with balances of appropriations that may not have been disbursed during the fiscal year ending June thirtieth, one thousand nine hundred and forty-eight, are hereby appropriated to the Division of Fish and Game but there may only be expended of said receipts and balances the amounts as itemized above and no portion of any receipts shall lapse into the general funds of the State; *provided, however,* that an excess may be expended and is hereby appropriated

above the amounts herein above indicated when expressly approved by the Commissioner of Taxation and Finance, but limited to the amount of the receipts of the division for the fiscal year.

Division of Shell Fisheries

Salaries:	
Director	$5,100 00
Other officers and employees	85,500 00
Pension—Mrs. Myron Jones (Chapter 86, P. L. 1923)	1,200 00
	$91,800 00
Materials and Supplies:	
Heat, light, power, water, gas and electricity	$700 00
Stationery and office supplies	200 00
Motor boat transportation supplies	3,600 00
Printing of shellfish laws and resolutions of council	100 00
License plates	150 00
	$4,750 00

Services Other Than Personal:		
Traveling expenses ..	$2,500 00	
Miscellaneous expenses	200 00	
Surveying and mapping	1,500 00	
	$4,200 00	
Current Repairs and Maintenance:		
Boats and equipment.	$8,000 00	
Additions and Improvements:		
Shelling beds, dynamiting and netting drumfish, department of Maurice river cove and Atlantic coast, and control of oyster drill in Cumberland and Cape May counties.	$20,000 00	
Staking State's natural spawning oyster beds	500 00	
	$20,500 00	
Extraordinary Expenditures:		
Relocation of State Guard House at Long Point	$350 00	
		$129,600 00

Division of Forestry, Geology, Parks and Historic Sites

Salaries:	
State Forester and director	$6,500 00
Other officers and employees	539,458 00
	$545,958 00
Materials and Supplies:	
Heat, light, power, water, gas and electricity	$13,750 00
Household and organization supplies	2,000 00
Drugs, medical, surgical and chemical supplies	430 00
Motor vehicular transportation supplies..	6,580 00
Stationery and office supplies	2,500 00
Office equipment replacement	1,200 00
Engineering supplies.	435 00
Other materials and supplies	225 00
Farm, stable and ground supplies ..	2,500 00
Educational, recreational and library supplies	110 00
Exhibit materials ...	100 00
Photographing, printing, binding, blueprinting supplies ..	6,000 00
Supplies for Zoo	30 00
	$35,860 00

Services Other Than Personal:	
Traveling expenses ..	$15,000 00
Telephone and telegraph	423 00
Miscellaneous rents ..	99 00
Freight, express and cartage	250 00
Garage rents	1,260 00
Household or office expenses	1,060 00
Advertising	100 00
Subscriptions	217 40
Skidding logs and cord wood from woods	50 00
	$18,459 40

Current Repairs and Maintenance:	
Automotive equipment	$4,000 00
Buildings and grounds	35,000 00
Machinery and plant equipment	3,500 00
Office furniture, machines and equipment	450 00
Scientific equipment ..	400 00
Recreational equipment	750 00
Other repairs	1,300 00
Household furniture, machines and equipment	500 00
	$45,900 00

Additions and Improvements:	
Purchase of other equipment	$5,000 00
Educational, scientific and recreational equipment	5,000 00

Conduits, roads, sidewalks, grading drains, et cetera ..	3,000 00
	$13,000 00

Extraordinary Expenditures:

Tax lieu	$6,466 69
Fire fighting costs ..	25,000 00
Fire extinguishers—12 historic sites ... Repairs and redecoration — Wallace House ..... Repairs and redecoration — Hancock House ..... Repairs and redecoration — Walt Whitman House .. Repairs and redecoration — Indian King	5,000 00
Expenses in connection with Carranza Memorial	250 00
Maintenance contract, elevator service, Trenton Battle Monument	360 00
	$37,076 69

Unclassified Expenditures:

Compensation awards	$951 48

All unexpended balances of amounts appropriated for development of Princeton battlefield as of June 30, 1948, are hereby reappropriated. Out of the

sum herein reappropriated there shall be paid the costs of developing and maintaining Fort Mott.		
All unexpended balances as of June 30, 1948, remaining from revenues received from all State parks under the jurisdiction of the Department of Conservation; and also the revenues received from the same parks are hereby appropriated for the use of the Department of Conservation for the operation, maintenance and development of said parks.		
		$697,205 57

Morris Canal Fund

Salaries:		
General manager	$1,000 00	
Officers and employees	14,320 00	
New employees, life guards	400 00	
	$15,720 00	
Materials and supplies.	750 00	
Services other than personal	500 00	
Current repairs	500 00	
Additions and improvements	3,100 00	
Pensions (Chapter 205, Laws of 1946)	2,280 00	

There shall be refunded to the State fund such amounts as have heretofore been advanced from said fund to the Morris Canal fund whenever and to the extent that the canal funds exceed the liabilities of said fund for the balance of the fiscal year ending June 30, 1949.		$22,850 00

State Forest Fund

Salaries:		
Labor	$18,240 00	
Additions and Improvements:		
Completion of buildings, dams, et cetera	16,600 00	
		$34,840 00

Division of Navigation

Salaries:		
Director	$9,000 00	
Per diem inspectors..	10,450 00	
Other officers and employees	176,190 00	
	$195,640 00	
Materials and Supplies:		
Food	$4,200 00	
Clothing	440 00	
Heat, light, power, water, gas and electricity	2,500 00	

Household supplies (house boats)	660 00
Drugs, medical and chemical supplies ..	200 00
Motor vehicular transportation supplies ..	4,000 00
Stationery and office supplies	2,400 00
Office equipment replacement	2,000 00
Photographing, blueprinting and drafting supplies	2,000 00
Engineering supplies.	1,750 00
Motor boat transportation supplies	7,500 00
Photographing, blueprinting and drafting equipment replacement	1,800 00
	$29,450 00

Services Other Than Personal:	
Traveling expenses ..	$4,500 00
Rent of equipment ...	1,200 00
Miscellaneous expenses	750 00
Garage rent	1,170 00
Household or office expenses	250 00
Advertising for bids and legal notices ...	500 00
Subscriptions and membership fees ...	350 00
	$8,720 00

Current Repairs and Maintenance:	
Automotive equipment	$3,000 00
Buildings and grounds	10,000 00

Repairs to cranes, bulldozers, amphibian trucks	5,000 00	
Motor boats	4,200 00	
Office machines and equipment	300 00	
	$22,500 00	
Additions and Improvements—Expenditures for Waterways:		
Lights and buoys	$2,950 00	
Maintenance navigation lights, Cape May-Manasquan river	2,950 00	
Maintenance Newark bay lights and replacements	350 00	
Maintenance Barnegat light	3,000 00	
	$9,250 00	
Extraordinary Expenditures:		
Enforcement of collections of licenses and provisions for fees	$2,000 00	
State boundaries—chapter 52:29–1 R. S.	1,800 00	
To comply with power vessel bill, chapter 306, laws of 1938	350 00	
	$4,150 00	
		$269,710 00

In addition to the amounts hereinabove appropriated, the revenue from leasing or

berthing space for boat anchorage is appropriated to defray costs of construction and other improvements and maintenance, including salaries.		
In addition to the amounts hereinabove appropriated to the Division of Navigation, there is hereby reappropriated all of the unexpended balances to this Division as of June 30, 1948.		
		$2,094,464 89

D 2. New Jersey Commission on Interstate Co-operation

Interstate co-operation commission.

Salaries:		
Secretary and treasurer		$1,200 00
Materials and Supplies:		
Stationery and office supplies	$40 00	
Printing and binding	200 00	
		240 00
Services Other Than Personal:		
Traveling expenses ..	$500 00	
Telephone and telegraph	175 00	
Postage	75 00	
Expenses of conferences	150 00	
		900 00

Commitments to Interstate Agencies:		
Unclassified:		
Interstate Commission on the Delaware River Basin	$12,000 00	
The Council of State Governments	13,000 00	
The Governor's Conference	100 00	
Atlantic States Marine Fisheries Commission	1,400 00	
National Conference Commissioners on Uniform State Laws	150 00	
Federation of Tax Administrators	750 00	
Establishment of office—National Association of Insurance Commissioners	300 00	
		27,700 00
		$30,040 00

D 3. Board of Public Utility Commissioners

Public utility commissioners.

Salaries:		
Members of the board	$36,000 00	
Secretary	8,750 00	
Other employees	269,280 00	
For reporting hearings	7,000 00	
		$321,030 00
Materials and Supplies:		
Motor vehicular transportation supplies..	$1,750 00	

Stationery and office supplies	4,200 00	
Printing	4,000 00	
		9,950 00
Services Other Than Personal:		
Traveling expenses ..	$9,000 00	
Freight, express and cartage	25 00	
Household or office expenses	400 00	
Subscriptions	900 00	
		10,325 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment		750 00
		$342,055 00

D 6. Department of Banking and Insurance

Banking and insurance.

Salaries:		
Commissioner	$12,000 00	
Other employees	763,201 00	
		$775,201 00
Materials and Supplies:		
Motor vehicular transportation supplies..	$200 00	
Printing	11,000 00	
Stationery and office supplies	4,800 00	
Compiling and printing valuations	450 00	
		16,450 00

Services Other Than Personal:		
Traveling expenses ..	$45,000 00	
Household expenses..	65 00	
Subscriptions and membership fee National Association State Banks	869 00	
Rent of office appliances and deposit box	8,032 00	
Miscellaneous expenses	50 00	
Garage rent	72 00	
Freight, express and cartage	250 00	
		54,338 00
Current Repairs and Maintenance:		
Automotive equipment	$150 00	
Office furniture, machines and equipment	1,200 00	
		1,350 00
		$847,339 00

D 7. Interstate Sanitation Commission

Interstate sanitation commission.

Expenses incurred by the commission appointed pursuant to chapter 321, laws of 1935.		
Salaries:		
Employees		$18,513 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$135 00	
Drugs, medical, surgical and chemical supplies	112 50	

Motor vehicular transportation supplies..	167 00	
Stationery and office supplies	160 00	
Printing, binding, photographing and blueprinting	88 00	
		662 50
Services Other Than Personal:		
Traveling expenses ..	$320 00	
Telephone and telegraph	180 00	
Rents	2,529 00	
Miscellaneous expenses	26 50	
Postage	112 00	
Insurance (other than fire)	82 00	
		3,249 50
		$22,425 00

D 8. Department of Health

Department of health.

Salaries:		
Director	$15,000 00	
Other employees	410,568 00	
Operating dentists on a fee basis	65,000 00	
		$490,568 00
Materials and Supplies:		
Stationery and office supplies	$3,600 00	
Office equipment replacement	2,000 00	
Educational, recreational and library supplies	200 00	
Engineering supplies.	750 00	
Motor vehicular transportation supplies..	1,900 00	

Laboratory supplies..	24,000 00	
Inspector's supplies..	100 00	
Dental health education materials	1,000 00	
Dental supplies	1,500 00	
Printing	10,000 00	
		45,050 00
Services Other Than Personal:		
Traveling expenses ..	$27,000 00	
Miscellaneous expenses	200 00	
Rental of tabulation machines	1,296 00	
Binding current volumes of birth, marriage and death certificates	750 00	
Garage rents	960 00	
Subscriptions	325 00	
Maintenance of dental trailer	1,500 00	
Freight, express and cartage	980 00	
Bleeding of sheep ...	600 00	
Maintenance of boats and plants	2,800 00	
Household or office expenses	390 00	
		36,801 00
Current Repairs and Maintenance:		
Automotive equipment	$1,200 00	
Office furniture, equipment and machines.	500 00	
		1,700 00
Extraordinary Expenditures:		
Biologicals and antibiotics		35,000 00
		$609,119 00

Bureau of Venereal Disease Control

Salaries:		
Chief	$6,375 00	
Other employees	19,620 00	
		$25,995 00
Materials and Supplies:		
Drugs and clinic supplies	$5,000 00	
Printing	1,050 00	
Stationery and office supplies	360 00	
		6,410 00
Services Other Than Personal:		
Traveling expenses ..	$1,050 00	
Freight, express and cartage	5 00	
Subscriptions	80 00	
		1,135 00
Current Repairs and Maintenance:		
Office furniture, fixtures and machines.	$200 00	
Scientific and laboratory equipment	70 00	
		270 00
		$33,810 00

Maternal and Child Health Bureau

Salaries:		
Chief	$7,250 00	
Other employees	90,374 84	
		$97,624 84
Materials and Supplies:		
Stationery and office supplies	$1,250 00	

Baby welfare station supplies	675 00	
Printing	500 00	
Educational material	50 00	
		2,475 00
Services Other Than Personal:		
Traveling expenses	$12,000 00	
Freight, express and cartage	15 00	
Subscriptions	27 00	
Miscellaneous expenses	85 00	
		12,127 00
Current Repairs and Maintenance:		
Office furniture, fixtures and machines		150 00
		$112,376 84

Bureau of Industrial Health

Salaries:		
Physicians, nurses, clerks, et cetera		$42,360 00
Materials and Supplies:		
Drugs, medical, surgical and chemical supplies	$450 00	
Stationery and office supplies	300 00	
Educational, recreational and library supplies	100 00	
Printing, binding, photographing, et cetera	1,350 00	
		2,200 00

Services Other Than Personal:		
Traveling expenses ..	$4,800 00	
Freight, express and cartage	10 00	
Subscriptions	108 00	
Miscellaneous expenses	50 00	
		4,968 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment		20 00
		$49,548 00

Rabies Control

Salaries:		
Veterinarian in charge and other employees		$23,520 00
Materials and Supplies:		
Motor vehicular transportation supplies..	$200 00	
Stationery and office supplies	240 00	
Printing	700 00	
		1,140 00
Services Other Than Personal:		
Traveling expenses ..	$3,000 00	
Telephone and telegraph	300 00	
Rents (office)	960 00	
Rents (garage)	84 00	
Insurance	60 00	
Postage	500 00	
Subscriptions	30 00	
Freight, express and cartage	20 00	
Miscellaneous expenses	200 00	
		5,154 00

Current Repairs and Maintenance:		
Automotive equipment		200 00
Extraordinary Expenditures:		
Antirabies serum	$5,000 00	
Specific rabies prevention	5,000 00	
		10,000 00
		$40,014 00

Authority is hereby granted for the expenditure of funds in excess of the amounts hereinabove indicated when expressly approved by the Commissioner of Taxation and Finance, but limited to the amount of the receipts in the Rabies Control Trust Fund for the fiscal year.

$844,867 84

D 9. Department of Labor

Department of labor.

Salaries:		
Commissioner of Labor	$12,000 00	
Deputy Commissioners Workmen's Compensation, including director ...	95,784 00	
Deputy Commissioners of Labor and chiefs of bureaus ..	40,450 00	

Examiners, inspectors, clerks and other employees	629,518 00	
		$777,752 00
Materials and Supplies:		
Light, power and water service	$1,200 00	
Household and organization supplies ...	400 00	
Stationery and office supplies	11,400 00	
Drugs, medical, surgical and chemical supplies	500 00	
Printing	8,000 00	
Coal, Jersey City, Trenton and Paterson	750 00	
Motor vehicular transportation supplies .	700 00	
		22,950 00
Services Other Than Personal:		
Traveling expenses ..	$25,000 00	
Household or office expenses	1,150 00	
Subscriptions	894 50	
Garage rents	240 00	
Rent of office appliances	3,288 00	
Miscellaneous expenses	400 00	
Expenses for Industrial Safety Campaign (printing) ..	1,000 00	
		31,972 50
Current Repairs and Maintenance:		
Automotive equipment	$500 00	
Scientific and laboratory equipment	400 00	

Office furniture, machines and equipment	500 00	
Building repairs	800 00	
		2,200 00
Unclassified Expenditures:		
Compensation award—May K. Ireland		111 43
		$834,985 93

State Board of Mediation

Salaries:		
Board members	$14,600 00	
Other employees	39,520 00	
Per diem arbitrators	1,000 00	
Transcript of statutory proceedings	5,000 00	
Additional per diem arbitrators	5,000 00	
		$65,120 00
Materials and Supplies:		
Stationery and office supplies	$750 00	
Educational, recreational and library supplies	100 00	
Printing and binding	460 00	
		1,310 00
Services Other Than Personal:		
Traveling expenses	$2,000 00	
Subscriptions	908 78	
Miscellaneous expenses	200 00	
		3,108 78

Current Repairs and Maintenance:		
Office furniture, machines and equipment		47 00
		$69,585 78

Migrant Labor Division

Salaries:		
Officers and employees		$57,602 00
Materials and Supplies:		
Motor vehicular transportation supplies	$240 00	
Stationery and office supplies	500 00	
Educational, recreational and library supplies	5,200 00	
Medical clinics for migrant labor workers	1,000 00	
Lighting	200 00	
Printing	1,000 00	
		8,140 00
Services Other Than Personal:		
Traveling expenses	$4,000 00	
Garage rents	144 00	
Miscellaneous expenses	150 00	
		4,294 00
Current Repairs and Maintenance:		
Buildings and grounds	$100 00	
Automotive equipment	200 00	
		300 00
		$70,336 00

In addition, all balances remaining in the accounts of the Migrant Labor Division on June 30, 1948, are hereby reappropriated for fiscal year 1948-49.

Bureau of Explosives

Salaries		$8,880 00
Materials and Supplies:		
Laboratory equipment	$1,000 00	
Laboratory supplies	500 00	
		1,500 00
Services Other Than Personal:		
Rent		1,800 00
		$12,180 00

Industrial Homework Division

Salaries		$9,840 00
Materials and Supplies:		
Stationery and office supplies	$100 00	
Printing	250 00	
		350 00
Services Other Than Personal:		
Rent		660 00
		$10,850 00

Bureau of Structural Inspection

Salaries		$53,640 00
Materials and Supplies:		
Engineering supplies.	$400 00	
Laboratory equipment	2,000 00	
Office equipment replacement	750 00	
Motor vehicular transportation supplies..	250 00	
		3,400 00
Services Other Than Personal:		
Rent	$780 00	
Miscellaneous expenses	500 00	
Garage rent	144 00	
		1,424 00
		$58,464 00
		$1,056,401 71

D 10. Department of Weights and Measures

Department of weights and measures.

Salaries:		
Superintendent	$5,200 00	
Other employees	55,140 00	
		$60,340 00
Materials and Supplies:		
Motor vehicular transportation supplies..	$1,450 00	
Seals and license plates	2,400 00	
Printing and binding.	2,200 00	
Stationery and office supplies	800 00	
Office equipment replacement	447 00	
Other materials and supplies	75 00	
		7,372 00

Services Other Than Personal:		
Traveling expenses ..	$8,500 00	
Rent of garages	312 00	
Subscriptions	50 00	
Miscellaneous expenses	150 00	
Freight, express and cartage	15 00	
		9,027 00
Current Repairs and Maintenance:		
Automotive equipment	$1,000 00	
Scientific and laboratory equipment ...	50 00	
Office machines and equipment	50 00	
		1,100 00
		$77,839 00

D 11. State Board of Beauty Culture Control

Beauty culture control board.

Salaries:		
Commissioner—Chairman of Board	$3,200 00	
Commissioners ((5) @ $2,200.00)	11,000 00	
Secretary	3,600 00	
Inspectors, stenographers and other employees	21,780 00	
		$39,580 00
Materials and Supplies:		
Motor vehicular transportation supplies..	$1,100 00	
Stationery and office supplies	300 00	
Printing	720 00	
		2,120 00

Services Other Than Personal:		
Traveling expenses ..	$1,000 00	
Garage rents	564 00	
Subscriptions	75 00	
Miscellaneous expenses	25 00	
		1,664 00
Current Repairs and Maintenance:		
Automotive equipment	$500 00	
Office furniture and equipment	65 00	
Examination equipment	50 00	
		615 00
Additions and Improvements:		
New office equipment		750 00
		$44,729 00

D 12. Board of Barber Examiners

Barber examiners.

Salaries:		
Members of board, including secretary-treasurer	$13,400 00	
Officers and employees	11,945 00	
		$25,345 00
Materials and Supplies:		
Stationery and office supplies	$400 00	
Printing	360 00	
		760 00
Services Other Than Personal:		
Traveling expenses ..	$4,500 00	
Rents of examination rooms	40 00	

Household or office expenses	10 00	
Subscriptions	25 00	
		4,575 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment		40 00
Additions and Improvements:		
New office equipment		250 00
		$30,970 00

D 13. State Board of Tenement House Supervision

Tenement house supervision.

Salaries:		
Secretary and executive officer	$8,250 00	
Compensation for assistants and other employees	124,752 00	
		$133,002 00
Materials and Supplies:		
Stationery and office supplies	$840 00	
Motor vehicular transportation supplies	600 00	
Industrial and vocational supplies	40 00	
Printing	100 00	
		1,580 00
Services Other Than Personal:		
Traveling expenses	$7,500 00	
Rents of garages	216 00	
Household expenses	150 00	
Subscriptions	120 00	
		7,986 00

Current Repairs and Maintenance:		
Automotive equipment	$500 00	
Office furniture, machines and equipment	160 00	
		660 00
		$143,228 00

D 14. Real Estate Commission

Real estate commission.

Salaries:		
Commissioners	$21,000 00	
Secretary	7,750 00	
Other officers and employees	35,700 00	
		$64,450 00
Materials and Supplies:		
Stationery and office supplies	$450 00	
Printing	2,180 00	
		2,630 00
Services Other Than Personal:		
Traveling expenses	$3,000 00	
Household or office expenses	175 00	
Miscellaneous expenses	25 00	
Subscriptions	149 00	
Subpœna and class room fees	650 00	
		3,999 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment		130 00
Additions and Improvements:		
New office equipment		365 00
		$71,574 00

D 15. Department of State Police

State police.

Salaries:		
Colonel and superintendent	$10,000 00	
Majors and deputy superintendents (2)	15,750 00	
Other officers and employees	1,562,042 00	
Contingencies and special services	1,680 00	
Medical and surgical services	10,000 00	
		$1,599,472 00
Materials and Supplies:		
Food and lodging	$320,000 00	
Clothing	50,000 00	
Heat, light, power, water, gas and electricity	14,000 00	
Motor vehicular transportation supplies	72,000 00	
Replacements of motor vehicles	70,000 00	
Household and organization supplies	15,000 00	
Medical, surgical and chemical supplies	2,000 00	
Stationery and office supplies	10,000 00	
Photographing, blueprinting and drafting supplies	3,000 00	
		556,000 00

Services Other Than Personal:		
Traveling expenses ..	$1,500 00	
Freight, express and cartage	125 00	
Emergency fund	1,500 00	
Garage rents	4,350 00	
Rental, fingerprint sorter	2,754 00	
Rental of communications instruments and power	44,000 00	
		54,229 00
Current Repairs and Maintenance:		
Automotive equipment	$35,000 00	
Buildings and grounds	8,000 00	
Parts, tools and repairs	5,000 00	
Office furniture, machines and equipment	750 00	
Recreational equipment	75 00	
Household furniture, machinery and equipment	200 00	
Other equipment	175 00	
		49,200 00
Additions and Improvements:		
Scientific equipment..	$3,000 00	
Communication equipment	10,000 00	
Office equipment	8,000 00	
Household equipment	2,161 00	
		23,161 00
		$2,282,062 00

D 16. RACING COMMISSION

Racing commission.

Salaries:		
Secretary	$6,500 00	
Other employees	21,360 00	
Per diem inspectors, mutuel calculators, assistant veterinarian and clerks	69,122 00	
		$96,982 00
Materials and Supplies:		
Veterinarian supplies	$944 40	
Motor vehicular transportation supplies	500 00	
Stationery and office supplies	1,000 00	
Printing	800 00	
		3,244 40
Services Other Than Personal:		
Traveling expenses	$4,760 00	
Rents	144 00	
Subscriptions and membership fees	600 00	
Investigations and engineering inspections	1,000 00	
		6,504 00
Current Repairs and Maintenance:		
Automotive equipment	$200 00	
Typewriter repairs	110 00	
		310 00
Additions and Improvements:		
Office equipment		460 00
The sums hereinabove appropriated are available to meet deficiencies which may arise during the fiscal year 1947-48.		
		$107,500 40

D 17. Department of Economic Development

Economic development.

Salaries:		
Commissioner	$12,000 00	
Director, Division of Commerce and Municipal Aid	7,500 00	
Director, Division of Planning and Engineering	7,500 00	
Director, Division of Veterans' Services.	7,500 00	
Other officers and employees	442,100 00	
Technical and professional services	5,000 00	
		$481,600 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$500 00	
Household and organization supplies	25 00	
Drugs, medical, surgical and chemical supplies	25 00	
Motor vehicular transportation supplies..	650 00	
Stationery and office supplies	6,500 00	
Educational, recreational and library supplies	300 00	
Printing and binding..	9,000 00	
		17,000 00
Services Other Than Personal:		
Traveling expenses ..	$15,000 00	
Freight, express and cartage	500 00	

Household or office expenses	25 00	
Subscriptions	1,000 00	
Miscellaneous expenses	400 00	
Rent of trucks	6,600 00	
Rent of garages	288 00	
Conference charges	250 00	
		24,063 00
Current Repairs and Maintenance:		
Automotive equipment	$350 00	
Buildings and grounds	400 00	
Office furniture, machines and equipment	2,000 00	
		2,750 00
Extraordinary Expenditures:		
Promotional expenses (New Jersey Council)	$50,000 00	
Veteran orphan fund	5,000 00	
		55,000 00
		$580,413 00

D 18. Department of Aviation

Aviation.

Expenses incurred by the Department of Aviation, established pursuant to chapter 1 of Title 6 of the R. S.

Salaries:		
Director	$7,500 00	
Other employees	29,370 00	
		$36,870 00

Materials and Supplies:		
Motor vehicular transportation supplies..	$500 00	
Stationery and office supplies	360 00	
Photographing, blueprinting and drafting supplies	500 00	
		1,360 00
Services Other Than Personal:		
Traveling expenses ..	$2,500 00	
Rent of garages	180 00	
Household or office expenses	75 00	
Subscriptions	275 00	
Miscellaneous expenses	75 00	
		3,105 00
Current Repairs and Maintenance:		
Automotive equipment		300 00
Extraordinary Expenditures:		
Air markers		2,900 00
		$44,535 00

D 19. Department of Alcoholic Beverage Control

Alcoholic beverage control.

Salaries:		
Commissioner	$16,500 00	
Compensation for other assistants and clerical services ...	489,040 00	
		$505,540 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$50 00	

Stationery and office supplies	4,000 00	
Household and organization supplies	300 00	
Office equipment replacement	600 00	
Printing and binding.	5,700 00	
Drugs, medical, surgical and chemical supplies	400 00	
		11,050 00
Services Other Than Personal:		
Traveling expenses ..	$55,000 00	
Household expenses..	350 00	
Rent of equipment ...	275 00	
Advertising	700 00	
Subscriptions, membership fees and press clippings	1,800 00	
Rent of storage and control rooms	500 00	
Miscellaneous expenses	550 00	
Trucking and wrecking	1,800 00	
Subpœna fees and court reporting services	650 00	
		61,625 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment		775 00
Additions and Improvements:		
Office equipment		1,200 00

The unexpended balances as of June 30, 1948, for the rehabilitation of alcoholics and the promotion of temperance education to be administered by the Commissioner of Alcoholic Beverage Control, the

Commissioner of the Department of Institutions and Agencies, the Commissioner of Education and the State Director of Health, are hereby reappropriated.		
		$580,190 00

E. Educational

E 1. State Board of Education

Commissioner's Office

State board of education.

Salaries:		
Commissioner	$15,000 00	
Six assistant commissioners	52,250 00	
Other officers and employees	175,340 00	
		$242,590 00
Materials and Supplies:		
Motor vehicular transportation supplies..	$1,680 00	
Stationery and office supplies	19,000 00	
Office equipment replacement	6,000 00	
Educational, recreational and library supplies	250 00	
Printing special bulletins	4,000 00	
Printing educational bulletins	7,200 00	
Printing and binding.	175 00	
		38,305 00

Services Other Than Personal:		
Traveling expenses ..	$9,000 00	
Garage rents	606 00	
Subscriptions and membership fees ..	100 00	
Miscellaneous expenses	650 00	
Freight, express and cartage	350 00	
		10,706 00
Current Repairs and Maintenance:		
Automotive equipment	$400 00	
Office furniture, machines and equipment	500 00	
		900 00
Unclassified Expenditures:		
Compensation award, family of Edwin V. Bearer, deceased		1,300 00
		$293,801 00

Division of the State Library, Archives and History

Salaries:		
Officers and employees		$73,200 00
Materials and Supplies:		
Motor vehicular transportation supplies..	$500 00	
Stationery and office supplies	2,500 00	
Educational and library supplies	35,000 00	
Printing and binding.	6,000 00	
		44,000 00

New Jersey State Library

Services Other Than Personal:		
Traveling expenses ..	$600 00	
Garage rents	96 00	
Freight, express and cartage	500 00	
Miscellaneous expenses	125 00	
Legislative reference division	250 00	
		1,571 00
Current Repairs and Maintenance:		
Automotive equipment	$150 00	
Office furniture, machines and equipment	250 00	
		400 00
Unclassified:		
Expenses in connection with setting up of microfilming service for all departments and institutions of the State Government		35,000 00
		$154,171 00

Division of the State Museum

Salaries:		
Officers and employees	$45,600 00	
Special services	1,660 00	
Fees for lectures	275 00	
		$47,535 00
Materials and Supplies:		
Clothing	$100 00	
Stationery and office supplies	1,500 00	
Educational, recreational and library supplies	600 00	

Other materials and supplies	750 00	
Printing and binding.	1,500 00	
Lantern slides and films	10,000 00	
		14,450 00
Services Other Than Personal:		
Traveling expenses ..	$250 00	
Rent of equipment ...	200 00	
Freight, express and cartage	600 00	
Subscriptions and memberships	130 00	
		1,180 00
Current Repairs and Maintenance:		
Machines and equipment	$75 00	
Repairs to exhibits, equipment and lending collections	1,100 00	
		1,175 00
		$64,340 00

Academic Certificate Fund

Salaries	$10,680 00	
Materials and Supplies:		
Stationery and office supplies	275 00	
Services other than personal	2,000 00	
		$12,955 00

Division Against Discrimination

Salaries:		
Assistant commissioner of education.	$8,500 00	
Other officers and employees	35,130 00	
		$43,630 00
Materials and Supplies:		
Motor vehicular transportation supplies .	$1,000 00	
Stationery and office supplies	1,000 00	
Educational and library supplies ...	1,000 00	
Printing and binding.	500 00	
		3,500 00
Services Other Than Personal:		
Traveling expenses ..	$2,500 00	
Rents (garage)	360 00	
Miscellaneous expenses	50 00	
		2,910 00
Current Repairs and Maintenance:		
Office furniture and equipment	$100 00	
Automotive equipment	200 00	
		300 00
Unclassified Expenditures:		
To carry out the functions now being performed by the Commission on Urban Colored Population		5,000 00
		$55,340 00

Unexpended balances in the accounts of the Division Against Discrimination, as of June 30, 1948, are hereby reappropriated.

$580,607 00

Payments under this account to be made pursuant to R. S. 18:10–31, and subsequent legislation.

TEACHERS' COLLEGES

E 2-I. GLASSBORO

Teachers' colleges: Glassboro;

For salaries and for the maintenance of the State Teachers College, Glassboro.

Salaries:		
President	$9,500 00	
Teachers	128,762 80	
Other employees	52,714 00	
Extra night service ..	1,400 00	
		$192,376 80
Materials and Supplies:		
Food	$26,620 00	
Heat, light, power, water, gas and electricity	14,000 00	
Household supplies ..	2,000 00	
Farm, stable and grounds supplies ..	500 00	
Educational, recreational and library supplies	5,280 00	
Stationery and office supplies	400 00	
Engineering supplies, visual aid	200 00	

Printing and binding.	500 00	
Drugs, medical, surgical and chemical supplies	50 00	
Industrial and vocational supplies	250 00	
Motor vehicular transportation supplies..	200 00	
		50,000 00
Services Other Than Personal:		
Traveling expenses ..	$1,400 00	
Subscriptions and memberships	100 00	
Commencement expenses	250 00	
Rents (extension classroom)	100 00	
Freight, express and cartage	250 00	
Miscellaneous expenses	100 00	
Sewer rental	195 00	
Advertising	100 00	
Laundry service	1,000 00	
		3,495 00
Current Repairs and Maintenance:		
Automotive equipment	$100 00	
Buildings and grounds	6,500 00	
Farm machinery	75 00	
Recreational equipment	25 00	
Scientific and laboratory equipment	50 00	
Office furniture, machines and equipment	75 00	
Household furniture, machinery and equipment	225 00	
		7,050 00

Additions and Improvements:		
New gymnasium equipment		500 00
In addition to the several amounts above appropriated for the Teachers' College, Glassboro, there may be expended upon the approval of the Commissioner of Taxation and Finance, any moneys received from dormitory or extension course fees or charges in excess of the receipts anticipated, and all balances of such funds as of June 30, 1948, are hereby reappropriated.		
		$253,421 80

E 2-J. Jersey City

Jersey City.

For salaries and for the maintenance of the State Teachers College, Jersey City.

Salaries:		
President	$8,750 00	
Teachers	167,458 00	
Other employees	35,535 00	
		$211,743 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$9,500 00	
Educational, recreational anl library supplies	8,800 00	
Stationery and office supplies	900 00	
Office equipment replacement	600 00	

Other materials and supplies (cafeteria)	50 00	
Institutional equipment replacement ..	2,000 00	
Printing, including catalog	1,000 00	
Household supplies ..	1,700 00	
Ground supplies	600 00	
Drugs, medical, surgical and chemical supplies	100 00	
		25,250 00

Services Other Than Personal:		
Traveling expenses ..	$950 00	
Miscellaneous expenses	75 00	
Commencement expenses	260 00	
Freight, express and cartage	60 00	
Household expenses ..	500 00	
Advertising	250 00	
Entertainment expenses	100 00	
Subscriptions and memberships	353 50	
		2,548 50

Current Repairs and Maintenance:		
Buildings and grounds	$8,000 00	
Office furniture, machines and equipment	100 00	
Household furniture, machinery and equipment	500 00	
		8,600 00

In addition to the several amounts above appropriated for the Teachers' College, Jersey City, there may

be expended upon the approval of the Commissioner of Taxation and Finance, any moneys received from dormitory or extension course fees or charges in excess of the receipts anticipated, and all balances of such funds as of June 30, 1948, are hereby reappropriated.		
		$248,141 50

E 2-K. NEWARK

For salaries, and for maintenance of the State Teachers College, Newark.		
Salaries:		Newark;
President	$9,250 00	
Teachers	203,890 00	
Other employees	42,400 00	
		$255,540 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$7,645 00	
Educational, recreational and library supplies	7,150 00	
Stationery and office supplies	1,200 00	
Office equipment replacement	250 00	
Ground supplies (including ash removal)	500 00	
Household supplies ..	715 00	
Printing	1,500 00	
Institutional equipment replacement ..	800 00	

Drugs, medical, surgical and chemical supplies	100 00	
		19,860 00
Services Other Than Personal:		
Traveling expenses ..	$1,400 00	
Subscriptions and memberships	300 00	
Freight, express and cartage	75 00	
Household expenses..	200 00	
Advertising	100 00	
Commencement and social program expenses	200 00	
		2,275 00
Current Repairs and Maintenance:		
Buildings and grounds	$7,500 00	
Household furniture, machinery and equipment	300 00	
Office furniture, machines and equipment	200 00	
Other equipment	100 00	
		8,100 00
In addition to the several amounts above appropriated for the Teachers' College, Newark, there may be expended upon approval of the Commissioner of Taxation and Finance, any moneys received from dormitory or extension course fees or charges in excess of the receipts anticipated, and all balances of such funds as of June 30, 1948, are hereby reappropriated.		
		$285,775 00

E 2-L. PATERSON

For salaries, and for maintenance of the State Teachers College, Paterson, pursuant to the provisions of R. S. 18:16–29 and R. S. 18:16–19.			Paterson;
Salaries:			
President	$9,500 00		
Teachers	115,200 00		
Other employees	19,260 00		
		$143,960 00	
Materials and Supplies:			
Heat, light, power, water, gas and electricity	$4,200 00		
Educational, recreational and library supplies	5,500 00		
Replacement educational equipment	1,500 00		
Stationery and office supplies	600 00		
Printing	850 00		
Drugs, medical, surgical and chemical supplies	50 00		
Other materials and supplies	20 00		
Replacement institutional equipment	2,000 00		
Household supplies	650 00		
		15,370 00	

Services Other Than Personal:		
Traveling expenses ..	$900 00	
Household expenses ..	100 00	
Advertising	200 00	
Freight, express and cartage	75 00	
Subscriptions	350 00	
Commencement expenses	150 00	
		1,775 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment	$75 00	
Buildings and grounds	400 00	
Scientific and laboratory equipment	50 00	
		525 00
Additions and Improvements:		
Educational and recreational equipment		1,000 00
In addition to the several amounts above appropriated for the Teachers' College, Paterson, there may be expended upon the approval of the Commissioner of Taxation and Finance, any moneys received from dormitory or extension course fees or charges in excess of the receipts anticipated, and all balances of such funds as of June 30, 1948, are hereby reappropriated.		
		$162,630 00

E 2-M. MONTCLAIR

For salaries and for maintenance of the State Teachers College, Montclair.

Montclair:

Salaries:		
President	$9,500 00	
Teachers	311,145 00	
Other employees	87,276 00	
		$407,921 00
Materials and Supplies:		
Food	$50,000 00	
Heat, light, power, water, gas and electricity	27,000 00	
Educational, recreational and library supplies	11,000 00	
Stationery and office supplies	1,560 00	
Office equipment replacement	500 00	
Ground supplies	900 00	
Other materials and supplies	425 00	
Printing	2,125 00	
Household supplies	4,500 00	
Photographic supplies	150 00	
Educational equipment replacement	600 00	
Institutional equipment replacement	3,000 00	
Motor vehicular transportation supplies	100 00	
Drugs, medical, surgical and chemical supplies	200 00	
		102,060 00

Services Other Than Personal:		
Traveling expenses ..	$2,000 00	
Freight, express and cartage	275 00	
Household expenses..	500 00	
Advertising	200 00	
Subscriptions and memberships	515 00	
Commencement expenses	500 00	
		3,990 00
Current Repairs and Maintenance:		
Other equipment	$150 00	
Buildings and grounds	20,000 00	
Household furniture, machinery and equipment	300 00	
Office furniture, machines and equipment	200 00	
Scientific and laboratory equipment ...	125 00	
Repairs to automotive equipment	100 00	
Repairs to recreational equipment	100 00	
		20,975 00
Additions and Improvements:		
Engineering scientific and technical equipment	$4,000 00	
Farm, stable and grounds equipment.	1,000 00	
Educational and recreational equipment	4,000 00	
Institutional equipment	5,000 00	
		14,000 00

In addition to the several amounts above appropriated for the Teachers' College, Montclair, there may be expended upon the approval of the Commissioner of Taxation and Finance, any moneys received from dormitory or extension course fees or charges in excess of the receipts anticipated, and all balances of such funds as of June 30, 1948, are hereby reappropriated.		
		$548,946 00

E 2-N. TRENTON

Trenton.

For salaries, and for the maintenance of the State Teachers College, Trenton.		
Salaries:		
President	$9,500 00	
Business manager ...	4,500 00	
Teachers	311,880 00	
Other employees	138,220 00	
Supervision of dormitories	8,400 00	
		$472,500 00
Materials and Supplies:		
Food	$78,500 00	
Heat, light, power, water, gas and electricity	37,500 00	
Educational, recreational and library supplies	11,000 00	
Educational equipment replacement	2,000 00	
Institutional equipment replacement..	2,000 00	

Stationery and office supplies	1,200 00	
Office equipment replacement	650 00	
Printing	1,425 00	
Motor vehicular transportation supplies..	300 00	
Ground supplies	450 00	
Household supplies ..	4,400 00	
Drugs, medical, surgical and chemical supplies	300 00	
		139,725 00
Services Other Than Personal:		
Traveling expenses ..	$2,050 00	
Household expenses..	6,500 00	
Subscriptions and memberships	335 00	
Commencement expenses	200 00	
Freight, express and cartage	100 00	
		9,185 00
Current Repairs and Maintenance:		
Automotive equipment	$100 00	
Office furniture, machines and equipment	100 00	
Buildings and grounds	15,000 00	
Household furniture, machinery and equipment	800 00	
Scientific, laboratory equipment and recreational equipment	620 00	
Farm machinery	50 00	
		16,670 00

Additions and Improvements:		
Educational equipment	3,000 00	
		$641,080 00
Total teachers' colleges		$2,139,994 30

In addition to the several amounts above appropriated for the Teachers' College, Trenton, there may be expended, upon the approval of the Commissioner of Taxation and Finance, any moneys received from dormitory, or extension course fees or charges in excess of the receipts anticipated, and all balances of such funds as of June 30, 1948, are hereby reappropriated.

The moneys in this item appropriated to be deducted in the same manner as the moneys appropriated to normal schools are required to be deducted, pursuant to R. S. 18:10–31, and subsequent legislation.

E 3. The School for the Deaf and The Manual Training and Industrial School, Bordentown

E 3-I. School for the Deaf

School for the deaf.

For salaries and for maintenance of the New Jersey School for the Deaf.

Salaries:			
Superintendent	(1)	$5,200 00	
Principals, teachers and instructors ...		199,988 00	
Other officers and employees		154,352 00	
Special services		1,300 00	
			$360,840 00

Materials and Supplies:		
Food	$55,000 00	
Clothing	1,800 00	
Heat, light, power, water, gas and electricity	36,000 00	
Household supplies	9,680 00	
Farm, stable and grounds supplies	1,200 00	
Industrial and vocational supplies	7,500 00	
Drugs, medical, surgical and chemical supplies	1,100 00	
Educational, recreational and library supplies	4,950 00	
Stationery and office supplies	265 00	
Office equipment replacement	235 00	
Motor vehicular transportation supplies	600 00	
Other materials and supplies (fire fighting)	350 00	
Earphones and equipment	2,400 00	
Repairs to boiler room chimney	850 00	
Replacement, pressure steamer	1,100 00	
Replacement, lighting facilities	1,000 00	
Replacement, tractor.	1,500 00	
Replacement, scrubbing machine	500 00	
Replacement, playground and athletic equipment	500 00	
Replacement, freight elevator	2,500 00	
		129,030 00

Services Other Than Personal:		
Traveling expenses (including children's carfare)	$1,000 00	
Entertainment expenses	750 00	
Freight, express and cartage	75 00	
		1,825 00
Current Repairs and Maintenance:		
Automotive equipment	$500 00	
Buildings and grounds	15,000 00	
		15,500 00
		$507,195 00

(1) Salary schedule adopted by State Board of Education and approved by the Appropriations Committee, $5,000.00 to $6,000.00, plus maintenance.

E 3-J. MANUAL TRAINING AND INDUSTRIAL SCHOOL, BORDENTOWN

Bordentown industrial school.

For salaries, and for maintenance of the Manual Training and Industrial School, Bordentown.		
Salaries:		
Principal	$6,000 00	
Teachers	93,682 00	
Other officers and employees	71,328 00	
Student labor	6,000 00	
Special services	200 00	
		$177,210 00

Materials and Supplies:		
Food	$42,240 00	
Heat, light, power, water, gas and electricity	35,940 00	
Household and organization supplies	10,000 00	
Farm, stable and grounds supplies	15,000 00	
Industrial and vocational supplies	4,000 00	
Printing	400 00	
Educational, recreational and library supplies	4,400 00	
Drugs, medical, surgical and chemical supplies	750 00	
Stationery and office supplies	200 00	
Office equipment replacement	500 00	
Motor vehicular transportation supplies	750 00	
		114,180 00
Services Other Than Personal:		
Traveling expenses	$500 00	
Entertainment expenses	700 00	
Freight, express and cartage	30 00	
Subscriptions	20 00	
Commencement expenses	80 00	
Rental railroad siding	31 00	
		1,361 00

Current Repairs and Maintenance:		
Automotive equipment	$150 00	
Office furniture, machines and equipment	100 00	
Buildings and grounds	17,500 00	
Farm machinery	1,050 00	
		18,800 00
Additions and Improvements:		
Replacing high pressure boiler under kitchen	$1,250 00	
Replacing kitchen and dining room equipment	1,500 00	
Washing machines	2,000 00	
Overhaul and replace fire protection system	2,800 00	
Painting exterior and roof administration building	4,000 00	
Completing apartment house	3,600 00	
Gas water heating system for girls' new dormitory	500 00	
		15,650 00
		$327,201 00

Payments under this account to be made pursuant to R. S. 18:10–31, and subsequent legislation.

E 4. THE STATE UNIVERSITY OF NEW JERSEY

General University

State university.

Salaries:		
Officers, members of faculty and other employees		$5,502,014 00
Materials and Supplies:		
Food (for resale)	$334,800 00	
Heat, light and power	227,890 00	
Supplies	103,960 00	
Stationery and printing (including catalogs)	84,065 00	
Equipment	250,000 00	
Bookstore purchases (for resale)	507,220 00	
Books, periodicals, binding and other educational supplies	338,510 00	
		1,846,445 00
Services Other Than Personal:		
Travel	$95,414 00	
Telephone and telegraph	24,935 00	
Rent	1,200 00	
Insurance (including group insurance)	76,305 00	
Freight, express and cartage	6,175 00	
Household services (laundry)	9,900 00	
Auditing and legal expenses	7,000 00	
Taxes and municipal services	36,000 00	
Memberships	970 00	
Investment custodian expense	4,000 00	
Postage	28,520 00	

Commencement expense	10,000 00	
Sundry expenses	16,200 00	
Incidentals	78,110 00	
Bus transportation, Raritan dormitories	28,500 00	
Space rent, bookstores	23,080 00	
		446,309 00
Current Repairs and Maintenance:		
Building and grounds	$486,000 00	
Equipment repairs	31,825 00	
		517,825 00
Additions and Improvements:		
Purchase of live stock (Agricultural College)		1,000 00
Unclassified:		
Research grants	$121,200 00	
Retirement allowances	42,327 00	
Expenses paid from gifts and special funds	1,088,100 00	
Athletic guarantees (based on home game receipts)	53,562 00	
Contingent fund	22,814 00	
Interest on mortgages, etc.	72,125 00	
Debt service amortizations	20,000 00	
Amortization of veterans' facilities	300,000 00	
Expenses paid from special federal funds	30,276 00	
Depreciation, dormitories, dining hall, etc.	79,600 00	
Reserves, service departments	95,218 00	
Land grant interest	5,800 00	

University Press, printing, royalties, advertising, etc. ...	299,220 00	
		2,230,242 00
		$10,543,835 00
Less Income:		
State scholarships (including Newark colleges)	$205,000 00	
Student income (including Newark colleges)	4,733,450 00	
Endowment income ..	148,800 00	
Miscellaneous income.	11,300 00	
Federal appropriations	454,689 00	
Dormitories and other housing	343,900 00	
Cafeteria (University Commons)	513,320 00	
Intercollegiate athletics	157,625 00	
Flannagan-Hope research in marketing	21,199 00	
Preparatory school ..	107,000 00	
Gifts and special funds	1,000,000 00	
Alumnæ association fund and council ...	31,320 00	
Bookstores	592,000 00	
Rutgers University Press	330,000 00	
Total general university income deductions		$8,649,603 00
		$1,894,232 00

New Jersey College for Women

Salaries		$993,170 00
Materials and Supplies:		
Food (for resale)	$172,500 00	
Heat, light and power	65,473 00	
Stationery and printing (including catalogs)	14,075 00	
Supplies	22,850 00	
Equipment	22,700 00	
Books, periodicals, binding and other educational supplies	12,800 00	
		310,398 00
Services Other Than Personal:		
Travel	$3,250 00	
Telephone and telegraph	5,720 00	
Rents	4,276 00	
Insurance	25,500 00	
Household expense	3,050 00	
Postage	3,840 00	
Incidentals	2,865 00	
Taxes and municipal services	14,400 00	
Investment custodian expense	1,300 00	
Commencement expense	1,000 00	
Sundry expense	2,000 00	
Auditing and legal expense	1,100 00	
		68,301 00
Current Repairs and Maintenance:		
Plant repairs	$114,844 00	
Equipment repairs	7,000 00	
		121,844 00

Unclassified:		
Retirement allowance	$8,691 00	
Expenses paid from special funds	47,000 00	
Contingent	2,500 00	
Interest	19,500 00	
Debt service	15,000 00	
Depreciation	89,197 00	
Reserve	16,000 00	
		197,888 00
		$1,691,601 00
Less Income:		
State scholarships ...	$96,000 00	
Student income	253,400 00	
Smith-Hughes fund (Federal and State)	12,000 00	
Rents and other miscellaneous income .	4,276 00	
Kitchen and dining hall	346,500 00	
Dormitories	231,000 00	
Endowment income ..	66,000 00	
		1,009,176 00
		$682,425 00

Agricultural Experiment Station

Salaries:		
Director	$6,000 00	
Other officers and employees	661,252 84	
		$667,252 84
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$28,390 00	
Farm, stable and grounds supplies ..	59,730 00	

Household and organization supplies	150 00	
Drugs, medical, surgical and chemical supplies	30,220 00	
Motor vehicular transportation supplies .	7,089 00	
Replacements of motor vehicles	10,730 00	
Stationery and office supplies	3,330 00	
Printing, binding, photographing, blueprinting	11,891 00	
		151,530 00
Services Other Than Personal:		
Traveling expenses ..	$8,000 00	
Rents	1,120 00	
Freight, express and cartage	450 00	
Household expenses..	300 00	
Development and operation of mosquito traps	400 00	
Subscriptions	1,534 00	
Registration of animals	360 00	
Veterinary and medical treatment	755 00	
		12,919 00
Current Repairs and Maintenance:		
Automotive equipment	$5,835 00	
Buildings and grounds	16,500 00	
Scientific equipment .	3,360 00	
		25,695 00

Additions and Improvements:		
Additional laboratory equipment for State chemist	$3,000 00	
Seed germinator	700 00	
Remodeling barn for laboratory use	5,000 00	
Farm equipment	10,000 00	
		18,700 00

The unexpended balances as of June 30, 1948, of the appropriation providing to carry out the provisions of Chapter 137 of the Laws of 1946, are hereby reappropriated.

$876,096 84

Scholarships

Scholarships at Rutgers University and the New Jersey College for Women:		
General university .	$205,000 00	
New Jersey College for Women	96,000 00	
		301,000 00

There is reappropriated the unexpended balances in the Scholarships Accounts, as of June 30, 1948, for extension of the University's services to Veterans.

$3,753,753 84

Payments under this account to be made pursuant to R. S. 18:10–31, and subsequent legislation.

E 6. INDUSTRIAL EDUCATION, MANUAL TRAINING AND VOCATIONAL SCHOOLS

Vocational Schools

Unclassified:			Vocational schools.
To carry into effect provisions of article 1, chapter 17 of Title 18 of the R. S. (Smith-Hughes)		$31,755 49	
Teacher Training-Matching George-Deen Revision		40,000 00	
Payments under this account to be made pursuant to R. S. 18:10–31, and subsequent legislation.			
		$71,755 49	

E 8. TEACHERS' PENSION AND ANNUITY FUND

Administration Expenses

Salaries and Wages:			Teachers' pension and annuity fund.
Secretary	$10,000 00		
Actuary	3,975 00		
Chief medical examiner	500 00		
Other employees	83,900 00		
		$98,375 00	
Materials and Supplies:			
Printing, stationery and supplies..		4,800 00	
Services Other Than Personal:			
Expenses of delegates, secretary and trustees	$1,250 00		
Expenses of medical examination	500 00		

Rent of offices	11,484 00	
Telephone and telegraph	1,200 00	
Postage	4,000 00	
Freight and express..	50 00	
Rent of equipment ..	6,000 00	
Incidentals	2,700 00	
		27,184 00
Current repairs and maintenance		1,200 00
		$131,559 00

Should School Apportionment Funds be insufficient to make payment pursuant to the provisions of 18:10–31, additional funds to meet this appropriation shall be drawn from the General State Fund.

TE 10. State School Fund

State school fund.

The following sums or so much thereof as may be necessary are hereby appropriated out of the income of the school fund for the purposes specified:

School Fund Expenses

Necessary Legal and Other Expenses:		
Salaries	$4,500 00	
Other expenses	500 00	
		$5,000 00

Refunds

Whenever by the conversion of a lease into a grant, or by the execution of a new lease, the rental that has been paid in advance to the State for land under water under riparian lease is in excess of the amount actually accruing and owing thereunder, the same has been carried to the credit of the trustees of the school fund, the State Treasurer, upon warrant of the Commissioner of Taxation and Finance, is hereby authorized and directed at any time upon application of the persons entitled to the same, to repay such excess from the income of the school fund.

F. AGRICULTURE

F 1. STATE SOIL CONSERVATION COMMITTEE

Salaries:		
Employees	$240 00	
Per diem conservation district supervisors and temporary labor	1,920 00	
		$2,160 00

Materials and Supplies:		
Printing		150 00
Services Other Than Personal:		
Traveling expenses ..	$875 00	
Subscriptions	22 00	
		897 00
Current repairs to farm machinery..		500 00
		$3,707 00

F 2. Department of Agriculture

Department of agriculture.

Salaries and administration of the Department of Agriculture pursuant to chapter 1 of Title 4 of the R. S.

Salaries:		
Secretary	$10,000 00	
Other officers and employees	384,225 00	
Special services	82,925 00	
		$477,150 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$1,920 00	
Drugs, medical, surgical and chemical supplies	13,000 00	
Motor vehicular transportation supplies..	10,000 00	
Stationery and office supplies	9,500 00	
Office equipment replacement	2,000 00	
Educational, recreational and library supplies	250 00	

Other materials and supplies	750 00	
Printing and binding	12,500 00	
Field and exhibit supplies	2,350 00	
		52,270 00
Services Other Than Personal:		
Traveling expenses	$24,000 00	
Freight, express and cartage	80 00	
Household or office expenses	650 00	
Subscriptions and membership fees	685 00	
Miscellaneous expenses	750 00	
Maintenance of adult fairs	4,500 00	
Garage rents	2,880 00	
U. S. Department of Agriculture fees	50 00	
Miscellaneous rentals	560 00	
Maintenance boys' and girls' 4-H Club exhibits	17,500 00	
Exhibits	2,000 00	
		53,655 00
Current Repairs and Maintenance:		
Buildings and grounds	$1,100 00	
Automotive equipment	5,500 00	
Office furniture, machines and equipment	805 00	
Scientific equipment	500 00	
		7,905 00
Unclassified Expenditures:		
Indemnities—Condemned cattle		70,000 00

In addition to the amounts hereinabove appropriated, there is reappropriated to this Department out of the unexpended balances on June 30, 1948, the sum of $21,000.00.		
		$660,980 00

F 3. State Board of Milk Control

Milk control board.

Salaries:		
Director	$10,000 00	
Other officers and employees	86,080 00	
Fees (members of board)	3,600 00	
Professional service at hearings	1,000 00	
		$100,680 00
Materials and Supplies:		
Motor vehicular transportation supplies	$2,300 00	
Stationery and office supplies	1,200 00	
Printing	200 00	
		3,700 00
Services Other Than Personal:		
Traveling expenses	$5,500 00	
Garage rents	575 00	
Other rents	35 00	
Household expenses	65 00	
Advertising (notices of hearings)	100 00	
Subscriptions	150 00	
Miscellaneous expenses	335 00	
		6,760 00

Current Repairs and Maintenance:		
Automotive equipment	$1,550 00	
Office furniture, machines and equipment	300 00	
		1,850 00
		$112,990 00

G. Military

G 1-I. Adjutant-General's Department

Adjutant-General.

Salaries:		
Adjutant-General	$8,544 00	
Other officers and employees	103,021 68	
		$111,565 68
Materials and Supplies:		
Stationery and office supplies	$2,000 00	
Motor vehicular transportation supplies	900 00	
Educational, recreational and library supplies	75 00	
Printing and binding	2,000 00	
		4,975 00
Services Other Than Personal:		
Traveling expenses	$650 00	
Freight, express and cartage	25 00	
Household expenses	75 00	
Subscriptions and membership fees	561 50	
Miscellaneous expenses	25 00	
		1,336 50

Current Repairs and Maintenance:		
Automotive equipment	$300 00	
Office furniture, machines and equipment	150 00	
		450 00
		$118,327 18

G 2. National Guard and/or State Guard

For Maintenance and Operation of Installations and Expenses of National Guard and/or State Guard

National guard.

Salaries:		
Employees	$430,626 28	
Fees of examining surgeons	2,000 00	
Salaries — allowances for organizations	67,359 96	
		$499,986 24
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$100,000 00	
Household and organization supplies	12,000 00	
Motor vehicular transportation supplies	2,000 00	
		114,000 00
Services Other Than Personal:		
Telephone and telegraph	$6,000 00	
Traveling expenses (military board)	375 00	
Rent of buildings	5,584 00	
Insurance (fire)	40,000 00	

Insurance (other than fire)	33,000 00	
Household expenses	500 00	
Postage	300 00	
		85,759 00
Current Repairs and Maintenance:		
Buildings and grounds	$37,000 00	
Furniture and equipment	1,000 00	
Automotive equipment	1,800 00	
		39,800 00
Extraordinary Expenditures:		
Armory heating plant equipment		50,000 00
Unclassified Expenses:		
Medical attendance for National and/or State Guard claims	$5,000 00	
Death claims for Pvt. Thomas Leidner	531 96	
Expenses of National Guard for drills, inspections, parades, schools of instruction, etc.	2,000 00	
Encampment expenses	30,000 00	
Equipping and maintaining the National Guard	20,000 00	
		57,531 96
In addition to the amounts hereinabove specifically appropriated the Quartermaster-General is hereby authorized to utilize such available funds as he may have in his custody, made up from Armory Rentals, etc.		
		$847,077 20

G 3. Naval Militia

Naval militia.

Salaries:		
Armorers and caretakers		$10,500 00
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$3,000 00	
Household and organization supplies ...	1,450 00	
		4,450 00
Services Other Than Personal:		
Telephone and telegraph	$300 00	
Household expenses..	50 00	
Allowance for organization	4,000 00	
		4,350 00
Current Repairs and Maintenance:		
Buildings and grounds	$750 00	
Furniture and equipment	100 00	
		850 00
Unclassified Expenditures:		
Expenses in connection with drills, cruises, inspections, etc.		1,000 00
		$21,150 00

G 4. Quartermaster-General's Department

Salaries:		
Quartermaster - General	$8,544 00	
Compensation for assistants	69,311 56	
		$77,855 56

Materials and Supplies:		
Stationery and office supplies	500 00	
Services Other Than Personal:		
Subscriptions and membership fees	100 00	
Current Repairs and Maintenance:		
Office furniture, machines and equipment	100 00	
		$78,555 56

H. Pension and Retirement Fund

H 1. Judicial Retirement Fund

Judicial retirement fund.

Unclassified:		
For current obligations, according to the provisions of article 1, chapter 6 of Title 43 of the R. S.		$24,000 00

H 2. Pensions

Pensions.

For amount required to pay pensions pursuant to various acts relative thereto:		
Heath Act	$94,000 00	
Veterans' Act	108,000 00	
Blind Veterans' Act	26,000 00	
Miscellaneous Special Acts	22,000 00	
Paraplegic Veterans Act	30,000 00	
		$280,000 00

H 3. STATE EMPLOYEES' RETIREMENT SYSTEM

State employees' retirement system.

Expenses in carrying into effect the provisions of chapter 14 of Title 43 of the R. S.

Salaries:		
Secretary	$6,000 00	
Compensation for assistants	49,340 00	
		$55,340 00
Materials and Supplies:		
Stationery and office supplies	$1,200 00	
Printing	800 00	
		2,000 00
Services Other Than Personal:		
Rent of safe deposit box	$200 00	
Freight, express and cartage	25 00	
Subscriptions	360 00	
Miscellaneous expenses	100 00	
Medical examinations	250 00	
		935 00
Current Repairs and Maintenance:		
Office furniture, maintenance and equipment		150 00
Unclassified Expenditures:		
For contingent Reserve Fund created by R. S. 43:14–12 and 43:14–14 State's Accrued Liability Contribution on account	$25,000 00	

Interest on unpaid balance	3,000 00	
State's share, on account of members' service	793,011 00	
State's share, contributions on account of members' service of employees whose salaries were paid from the State Highway Fund	339,862 00	
		1,160,873 00
		$1,219,298 00

H 4. Annuity for Widows of Governors

Annuity for governors' widows.

Unclassified:

For annuity for the widows of Governors of New Jersey at the rate of $2,500.00 per annum $5,000 00

H 5. Study of State Pension Systems

Pension systems study.

Unclassified:

The unexpended balance in this account as of June 30, 1948, is hereby reappropriated.

H 6. Police and Firemen's Retirement System

Police and firemen's retirement system.

Salaries:

Other employees	$12,340 00	
Consulting actuary and medical examiners	4,500 00	
		$16,840 00

Materials and Supplies:		
Stationery and office supplies	$750 00	
Printing, binding, photographing and blueprinting	600 00	
		1,350 00
Services Other Than Personal:		
Traveling expenses ..	$450 00	
Telephone and telegraph	270 00	
Rent of offices	1,500 00	
Freight, express and cartage	50 00	
Subscriptions	200 00	
Postage	200 00	
Miscellaneous expenses	50 00	
		2,720 00
		$20,910 00
Unclassified:		
Less balance anticipated June 30, 1948		14,000 00
		$6,910 00

The unexpended balances in this account as at June 30, 1948, are hereby reappropriated.

H 8. Prison Officers' Pension Fund

Prison officers' pension fund.

Sum required as State's share to June 30, 1949	$60,000 00

J. Constructive

J 1. South Jersey Port Commission

South Jersey port commission.

For the purpose of carrying out the provisions of chapter 11 of Title 12 of the R. S.

Salaries:		
Secretary	$7,500 00	
Other employees	20,385 00	
		$27,885 00
Materials and Supplies:		
Motor vehicular transportation supplies..	$250 00	
Stationery and office supplies	225 00	
Office equipment replacement	400 00	
Printing	360 00	
Educational and library supplies	300 00	
Engineering supplies.	100 00	
		1,635 00
Services Other Than Personal:		
Traveling expenses ..	$1,000 00	
Telephone and telegraph	175 00	
Rental safe deposit box	10 00	
Insurance (other than fire)	491 94	
Advertising (legal) ..	75 00	
Subscriptions and membership fees ...	470 00	
Postage	200 00	
Traffic and stream surveys	250 00	

Miscellaneous expenses	150 00	
		2,821 94
Current Repairs and Maintenance:		
Automotive equipment	$200 00	
Repairs to office machines and equipment	72 18	
		272 18
Extraordinary Expenditures:		
Dredging work in port districts ...		50,000 00
		$82,614 12

K. General

K 1. Burial Grounds

Burial grounds.

Salaries:
Custodian of burial grounds, pursuant to chapter 171, laws of 1898 ..... $75 00

K 2. Commission on State Tax Policy

State tax policy commission.

Unclassified:
For the expenses (chapter 157, laws of 1945) $10,000 00

K 3. Palisades Interstate Park Commission

Salaries:
Employees' salaries $145,519 00

Materials and Supplies:		
Clothing	$900 00	
Heat, light, power, water, gas and electricity	5,500 00	
Ground supplies	200 00	
Household and organization supplies	500 00	
Drugs, medical, surgical and chemical supplies	50 00	
Motor vehicular transportation supplies	900 00	
Replacements of motor vehicles	2,000 00	
Stationery and office supplies	400 00	
Photographing, blueprinting and drafting supplies	100 00	
Engineering supplies	100 00	
Police department equipment	585 00	
		11,235 00
Services Other Than Personal:		
Traveling expenses	$50 00	
Telephone and telegraph	1,000 00	
Postage	250 00	
		1,300 00
Current Repairs and Maintenance:		
Automotive equipment	$1,950 00	
Buildings and grounds	3,120 00	
Other equipment	500 00	
		5,570 00

Additions and Improvements:		
Additions and/or repairs to police radio system	$7,800 00	
Picnic facilities	2,000 00	
		9,800 00
Extraordinary Expenditures:		
Renew snow plow blades on two trucks	$750 00	
Repairs to Englewood and Alpine boat basins	17,000 00	
Replacement water and secondary power lines	18,000 00	
		35,750 00
		$209,174 00

K 4. State Crippled Children's Commission

Crippled children's commission.

Carrying out the provisions of chapter 188, laws of 1926, and supplements.		
Salaries:		
Other clerical services		$12,540 00
Materials and Supplies:		
Stationery and office supplies	$500 00	
Hospitalization, braces, et cetera	40,000 00	
		40,500 00
Services Other Than Personal:		
Traveling expenses		500 00
		$53,540 00

K 5. New Jersey Archives

Salaries		$2,050 00	New Jersey archives.
Materials and Supplies:			
Printing and binding New Jersey Archives		3,800 00	
		$5,850 00	

K 7. Rehabilitation Commission

Salaries:			Rehabilitation commission.
Physicians, assistants and other employees		$3,600 00	
Materials and Supplies:			
Heat, light, power, water, gas and electricity	$200 00		
Artificial appliances	11,430 00		
Tuition and vocational supplies	95,100 00		
Curative workshop supplies and equipment	2,500 00		
		109,230 00	
Services Other Than Personal:			
Household expenses	$200 00		
Hospitalization	5,100 00		
Medical examinations	15,000 00		
Medical treatments	20,000 00		
		40,300 00	
Current repairs and maintenance		100 00	
		$153,230 00	

K 10. Old Barracks Association

Old barracks association.

For maintenance and administration of the Old Barracks, Trenton, as an historical landmark and repository.

Salaries:		
Officers and employees		$6,180 00
Materials and Supplies:		
Heat, light, power and water	$106 96	
Household supplies ..	30 00	
Stationery and office supplies	43 04	
		180 00
Services Other Than Personal:		
Telephone and telegraph		130 00
Current Repairs and Maintenance:		
Buildings and grounds		500 00
Extraordinary Expenditures:		
Purchase and erection of flagpole and fittings		630 00
		$7,620 00

K 16. Governor's Conservation Committee

Governor's conservation committee.

Unclassified:	
To the Governor, to meet the expenses of the Conservation Committee appointed by Executive order	$10,000 00

L. Special Funds

L 1. State Emergency Fund

State emergency fund.

For the Commissioner of Taxation and Finance to meet any condition of emergency until legislation appropriate therefor shall be enacted; *provided, however,* that all disbursements therefrom shall be made only upon the written authorization of the Governor $25,000 00

Proviso.

For the Commissioner of Taxation and Finance to pay compensation awards allowed State employees upon the written authorization of the Governor 25,000 00

$50,000 00

L 3. Salary Adjustments, Increments, and War Adjustments

Salary adjustments.

All balances remaining in this account as of June 30, 1948, are hereby reappropriated for the fiscal year 1948-49 to meet costs of reclassification which may arise, but for which funds have not been appropriated, and to continue limited war adjustment payments to those employees receiving such adjustments during the fiscal year 1947-48 and who received no equal increments during the fiscal year 1947-48.

To the Commissioner of Taxation and Finance, for allotment among various departments, if the requirement de-develops, to cover the cost of providing new employees	$200,000 00	
For bonus to State employees provided, pending legislation becomes law	1,894,000 00	
		$2,094,000 00

L 4. DEBT SERVICE

Debt service.

Estimated interest requirement on sale of veterans' housing bonds	$538,625 00	
Principal requirement—veterans' housing bonds	500,000 00	
	$1,038,625 00	
Less amount to be charged against balance of $6,000,000.00 appropriated in Chapter 323, Laws of 1946 for housing purposes.	1,038,625 00	
Estimated interest required on sale of bonds to be proposed before the electorate for Institutional and Educational Construction		$100,000 00

R 1. DEBT SERVICE

Debt service.

1930 Bond Act:		
Principal requirement of highway improvement bonds	$1,180,000 00	
Interest, highway improvement bonds	1,216,250 00	
Principal requirement —institutional construction bonds	250,000 00	
Interest, institutional construction bonds.	272,775 00	
Total debt service 1930 bond act		$2,919,025 00
Roads, Bridges and Viaduct Bonds:		
Amortization and Interest on $70,000,000.00 Issue:		
Annual requirement for amortization	$707,222 00	
Interest on roads, bridges and viaducts bonds	800,000 00	
		1,507,222 00
Total debt service		$4,426,247 00

R 5. Delaware River Joint Toll Bridge Commission

Joint toll bridge commission.

Salaries:		
Officers and employees		$222,482 00
Materials and Supplies:		
Clothing	$4,000 00	
Heat, light, power, water, gas and electricity	9,117 00	
Ground supplies	250 00	
Household and organization supplies	25 00	
Drugs, medical, surgical and chemical supplies	100 00	
Motor vehicular transportation supplies .	2,000 00	
Replacements of motor vehicles	2,000 00	
Stationery and office supplies	780 00	
Office equipment replacement	150 00	
Printing, blueprinting and photostating ..	600 00	
Engineering supplies.	300 00	
Books and pamphlets	25 00	
		19,347 00
Services Other Than Personal:		
Traveling expenses ..	$1,500 00	
Telephone and telegraph	1,600 00	
Rents	1,644 00	
Insurance (fire)	3,114 64	
Insurance (other than fire)	2,737 50	
Freight, express and cartage	100 00	

Household expenses .	42 00	
Advertising	500 00	
Subscriptions	26 00	
Postage	300 00	
Weighing trucks	40 00	
Miscellaneous expenses	25 00	
		11,629 14
Current Repairs and Maintenance:		
Buildings and grounds	$20,000 00	
Other equipment	2,500 00	
Painting of bridges .	25,178 00	
Raise Pennsylvania inlets to grade, resurface Pennsylvania approach, Washington Crossing	3,500 00	
Repairs to tops of piers and walls, Stockton bridge ..	5,000 00	
Remove trolley tracks, Easton bridge	7,000 00	
		63,178 00
Additions and Improvements:		
Subsurface borings for a proposed bridge at Trenton to connect with new freeway		6,500 00
Extraordinary Expenditures:		
Renew bridge roadway, lower Trenton	$18,000 00	
New concrete aprons, base of piers, lower Trenton	45,000 00	
Open grate roadway and sidewalk, Calhoun street, Trenton	125,000 00	

Open grate roadway and sidewalk, Frenchtown bridge.	90,000 00	
Replacement of roadway, Riegelsville bridge	34,400 00	
Pennsylvania approach revision, New Hope-Lambertville bridge	5,000 00	
		317,400 00
Unclassified Expenditures:		
Expense of New Jersey Commission		300 00
		$640,836 14
Less—		
Pennsylvania's share.	$317,801 82	
Rentals and miscellaneous receipts ..	4,932 50	
		322,734 32

In addition to the net amounts herein appropriated, any unexpended balance on June 30, 1948, comprising all receipts from Pennsylvania, rental receipts, together with all moneys received during 1948-49, from any source whatsoever, whether from the operation of bridges or from the State of Pennsylvania for its proportion of its maintenance of such bridges, are hereby appropriated to be used for maintenance of bridges and the payment to the State of Pennsylvania of their proportion of the rentals and miscellaneous receipts.

$318,101 82

R 7. MOTOR VEHICLE DEPARTMENT

Motor vehicle department.

Salaries:		
Commissioner	$12,000 00	
Other officers and employees	2,080,378 80	
		$2,092,378 80
Materials and Supplies:		
Heat, light, power, water, gas and electricity	$15,500 00	
Motor vehicular transportation supplies..	53,000 00	
Replacements of motor vehicles	15,000 00	
Stationery and office supplies	45,000 00	
Office equipment replacement	3,000 00	
Printing, binding, photography and blueprinting	42,000 00	
Replacement and rentals of typewriters (Agents)	8,000 00	
Station and central office supplies	1,200 00	
Metal and material for markers	250,000 00	
Station cleanser, oil and grease	1,500 00	
Radio system supplies and maintenance	4,000 00	
		438,200 00
Services Other Than Personal:		
Traveling expenses ..	$3,000 00	
Rent of office appliances	1,824 00	

Garage rents	6,936 00	
Freight, express and cartage	2,500 00	
Subscriptions	200 00	
Miscellaneous expenses	4,750 00	
Addressing postal notices, testing stations	15,750 00	
Witness fees	2,250 00	
Safety education	20,000 00	
		57,210 00
Current Repairs and Maintenance:		
Equipment (28 testing stations)	$9,000 00	
Automotive equipment	8,500 00	
		17,500 00
Additions and Improvements:		
Filing cabinets	$1,800 00	
Station and central office equipment ...	4,000 00	
Testing equipment ..	2,000 00	
Inspector's uniforms.	1,000 00	
		8,800 00
Extraordinary Expenditures:		
Replacement of Electroencephalograph for use at Village for Epileptics, Skillman		2,500 00
		$2,616,588 80

R 8. STATE HIGHWAY DEPARTMENT

State highway department.

Salaries and Wages:		
Commissioner	$15,000 00	
Chief engineer	14,000 00	
Other officers and employees	5,072,445 00	
Wages of labor	2,721,312 84	
Special services, temporary and outside.	100,000 00	
		$7,922,757 84
Materials and Supplies:		
Heat, light and power	$101,800 00	
Gasoline, oil and grease	170,000 00	
Stationery and office supplies	40,000 00	
Purchase of power, highway lighting ..	332,000 00	
Tires and tubes	50,000 00	
Parts	100,000 00	
Printing, binding, blueprinting and photographing	60,000 00	
Road construction and maintenance, supplies and materials	1,100,000 00	
Tools	25,000 00	
		1,978,800 00
Services Other Than Personal:		
Traveling expenses ..	$55,000 00	
Traveling expenses — rent of equipment — mileage	36,400 00	
Telephone and telegraph	40,000 00	
Insurance	29,921 18	
Postage	17,500 00	

Advertising, subscriptions, dues, et cetera	15,175 00	
Rent—land, buildings	102,040 00	
Rent—equipment	125,000 00	
Freight, cartage and storage	2,500 00	
Miscellaneous expenses	5,000 00	
		428,536 18
Current repairs and maintenance ...		25,000 00
Additions and Improvements:		
Office and engineering equipment	$50,000 00	
Automobiles and other road building equipment	540,000 00	
		590,000 00
Unclassified:		
Compensation, claims, awards, medical ...	$25,000 00	
For additional electrical installations and maintenance	60,000 00	
Maintenance by agreement and contract..	540,000 00	
Maintenance of Abse-con Boulevard	100,000 00	
		725,000 00
		$11,670.094 02

X. Institutions and Agencies

X 1. Department of Institutions and Agencies

Salaries:		
Commissioner	$15,000 00	
Director of administration and accounts — deputy commissioners (4)	34,500 00	
Other officers and employees	274,060 00	
		$323,560 00
Materials and Supplies:		
Stationery and office supplies	$4,200 00	
Motor vehicular transportation supplies..	3,120 00	
		7,320 00
Services Other Than Personal:		
Traveling expenses ..	$3,000 00	
Rents—garage	1,150 00	
Miscellaneous expenses	340 00	
Advertising	150 00	
Deporting aliens and nonresidents	2,500 00	
Subscriptions	735 00	
		7,875 00
Current Repairs and Maintenance:		
Automotive equipment		2,000 00

Central Parole Bureau

Salaries:		
Assistant director, parole and domestic relations and other officers and employees	$239,328 00	
Special services	1,000 00	
		240,328 00

Materials and Supplies:		
Stationery and office supplies	$2,000 00	
Motor vehicular transportation supplies..	4,500 00	
Training school supplies	2,000 00	
		8,500 00
Services Other Than Personal:		
Traveling expenses ..	$6,500 00	
Rents—garage	1,000 00	
Miscellaneous expenses	825 00	
Subscriptions	15 00	
		8,340 00
Current Repairs and Maintenance:		
Automotive equipment		2,500 00

Division of Old Age Assistance

Salaries:		
Director	$6,500 00	
Other officers and employees	48,180 00	
		54,680 00
Materials and Supplies:		
Stationery and office supplies	$1,410 00	
Motor vehicular transportation supplies..	850 00	
		2,260 00

Industrial Supervision

There is hereby appropriated for the State Use Revolving Fund, the unexpended balance of the fund now known as the "State Use Working Capital Fund" and in accordance with the provisions of R. S. 30:4–100, all receipts derived from sales, provided that out of the amounts hereby appropriated the following sums are allotted:

Salaries:		
Director	$8,750	00
Other officers and employees	478,236	00
Inmates wages	40,000	00
	$526,986	00
Materials and Supplies:		
Heat, light, power, gas, water and electricity	$15,600	00
Stationery, office supplies and printing	3,000	00
	$18,600	00
Current repairs	$13,400	00
Services Other Than Personal:		
Telephone and telegraph	$1,600	00
Rents, royalties, leased machinery	3,900	00
Insurance (fire)	7,000	00
Freight, expressage and cartage	23,400	00

Postage	700 00	
Miscellaneous expenses	17,400 00	
	$54,000 00	
Additions and Improvements:		
Repairs, replacements and extension of State use industries	100,000 00	
Unclassified Expenditures:		
Compensation award—		
Peter Walsh	1,040 00	
	$714,026 00	

In addition to the above, there is hereby allotted such sums as may be necessary to purchase materials for manufacture and resale.

Division of Architecture, Construction and Maintenance

Salaries:		
Other employees		70,260 00
Materials and Supplies:		
Motor vehicular transportation supplies..	$1,200 00	
Stationery and office supplies	600 00	
Photographing, photostating and blueprinting supplies ..	500 00	
		2,300 00
Services Other Than Personal:		
Traveling expenses ..	$1,500 00	
Garage rent	240 00	
Miscellaneous expenses	360 00	
		2,100 00

Current Repairs and Maintenance:		
Automotive equipment		600 00
It is hereby provided that additional employees shall be paid from the fees received by the division at rates fixed by the Civil Service Commission.		

X 1-L. Adoption Law Expenses

Adoption law expenses.

Salaries:		
Other officers and employees		3,960 00
Materials and Supplies:		
Stationery and office Supplies	$500 00	
Educational, recreation and library supplies	1,500 00	
		2,000 00
Services Other Than Personal:		
Traveling expenses		300 00
		$738,883 00

The unexpended balances for institution construction as of June 30, 1948, in this account are hereby reappropriated.

X 2. Colony for Feeble-Minded Males, New Lisbon

For salaries and wages, and for maintenance of the Colony for Feeble-Minded Males, on the basis of nine hundred inmates.

Salaries and Wages:		
Superintendent	$6,000 00	
Other officers and employees	303,589 00	
Special services	2,400 00	
Cash in lieu of food maintenance	26,660 00	
		$338,649 00
Materials and Supplies:		
Food	$77,000 00	
Clothing	17,500 00	
Heat, light, power, water, gas and electricity	45,000 00	
Household supplies..	15,000 00	
Farm, stable and grounds supplies ..	33,000 00	
Industrial and vocational supplies	1,800 00	
Drugs, medical, surgical and chemical supplies	3,500 00	
Motor vehicular transportation supplies..	1,900 00	
Stationery and office supplies	700 00	
Educational, recreational and library supplies	900 00	
Other materials and supplies (tobacco)..	1,750 00	
Replacement furnishings, employees' room	2,000 00	
Replacement furnishings, patient's dining room	1,000 00	
Replacement kitchen equipment	1,100 00	
		202,150 00

Services Other Than Personal:		
Traveling expenses ..	$500 00	
Telephone and telegraph	2,100 00	
Entertainment expenses	650 00	
Funeral expenses	200 00	
Freight, express and cartage	300 00	
Subscriptions	130 00	
		3,880 00
Current Repairs and Maintenance:		
Automotive equipment	$600 00	
Buildings and grounds	12,000 00	
		12,600 00
Additions and Improvements:		
Furniture, patients' day room	$5,000 00	
Fire protection, sprinkler system	3,000 00	
Furnishings for new building	13,000 00	
Additional locking facilities	3,000 00	
		24,000 00
		$581,279 00

This colony is authorized to pay for the maintenance of any county indigent patient transferred from the colony to an institution for the training of the feeble-minded, to which moneys are paid by the State pursuant to R. S. 30:4–176, whatever sum or sums is received from the counties to pay the cost of such maintenance of any said patient in the colony.

X 3. COLONY FOR FEEBLE-MINDED MALES, WOODBINE

Woodbine colony.

For salaries and wages, and for maintenance of the Colony for Feeble-Minded Males, Woodbine, on the basis of nine hundred fifty inmates.

Salaries and Wages:		
Superintendent	$6,000 00	
Attendants, nurses and other employees ...	351,716 00	
Special services	1,000 00	
Cash in lieu of food maintenance	27,390 00	
		$386,106 00
Materials and Supplies:		
Food	$112,000 00	
Clothing	15,500 00	
Heat, light, power, water, gas and electricity	40,000 00	
Household supplies ..	14,500 00	
Farm, stable and grounds supplies ..	7,000 00	
Drugs, medical, surgical and chemical supplies	4,500 00	
Stationery and office supplies	800 00	
Motor vehicular transportation supplies..	1,000 00	
Educational, recreational and library supplies	1,200 00	
Other materials and supplies (tobacco)..	500 00	
Replacement kitchen equipment	1,375 00	

Replacement power supplies to service building	2,500 00	
Replacement electric lines in tunnel	6,650 00	
		207,525 00

Services Other Than Personal:		
Telephone and telegraph	$1,200 00	
Traveling expenses ..	750 00	
Funeral expenses	300 00	
Freight and express ..	150 00	
Advertising	25 00	
Miscellaneous expenses	50 00	
Subscriptions and membership fees ..	65 00	
Entertainment expenses	150 00	
		2,690 00

Current Repairs and Maintenance:		
Automotive equipment	$850 00	
Buildings and grounds	10,000 00	
Railroad siding	500 00	
		11,350 00

Additions and Improvements:		
Construction of ramps vestibule and platforms (3 buildings)	$4,500 00	
Heating and ventilating bathrooms (3 buildings)	3,000 00	
Eleven kitchen dishwashers	3,300 00	
Six nine-cubic-feet electric refrigerators ..	900 00	
Laundry equipment ..	3,500 00	

Furniture for new building	13,000 00	
Diesel electric generator	26,000 00	
		54,200 00
		$661,871 00

This colony is authorized to pay for the maintenance of any county indigent patient transferred from the colony to an institution for training of the feeble-minded, to which moneys are paid by the State pursuant to R. S. 30:4–176, whatever sum or sums received from the counties to pay the cost of such maintenance of any said patient in the colony.

X 4. Commission for the Blind

Commission for the blind.

Salaries:		
Secretary and executive officer	$7,000 00	
Teachers of occupational subjects and other employees ...	91,590 00	
Special services	920 00	
		$99,510 00
Materials and Supplies:		
Extension of home industries	$1,500 00	
Motor vehicular transportation supplies .	500 00	
Stationery and office supplies	1,400 00	
		3,400 00

Services Other Than Personal:		
Traveling expenses ..	$7,500 00	
Rents (garage)	252 00	
Rent of equipment ...	64 80	
Support and instruction of blind persons	55,000 00	
Higher education of the blind	5,000 00	
Expressage	1,100 00	
Subscriptions	85 00	
Entertainment for the blind	300 00	
Prevention of blindness	1,500 00	
State relief for the blind	250 00	
		71,051 80
Current Repairs and Maintenance:		
Automotive equipment	$300 00	
Office furniture, machines and equipment	175 00	
		475 00
Unclassified:		
Maintenance of summer camp	$4,000 00	
Payments to be made to counties in accordance with provisions of chapter 348, laws of 1941	8,500 00	
		12,500 00

The balance to the credit of the outdoor relief or aid to the blind—Revolving Fund—on the thirtieth day of June, one thousand nine hundred and forty-eight, is hereby reappropriated, said sum not to exceed $8,500.00.

The balance to the credit of the Revolving Industrial Fund on the thirtieth day of June, one thousand nine hundred and forty-eight, is hereby reappropriated as a Revolving Industrial Fund, in the sum of $2,000.00.		
		$186,936 80

X 7. Feeble-Minded

Unclassified:		
Clothing, maintenance, support and instruction of feeble-minded		$240,000 00

X 8. Home for Disabled Soldiers, Menlo Park

Feeble-minded.

For salaries and wages, and for maintenance of the Home for Disabled Soldiers, Menlo Park, on the basis of eighty veterans.		
Salaries and Wages:		
Superintendent	$6,800 00	
Other officers and employees	52,830 00	
Special services	150 00	
Cash in lieu of food maintenance	4,800 00	
		$64,580 00
Materials and Supplies:		
Food	$15,750 00	
Clothing	1,200 00	
Heat, light, power, water, gas and electricity	4,900 00	

Household supplies ..	1,200 00	
Ground supplies	600 00	
Stationery and office-supplies	200 00	
Drugs, medical, surgical and chemical supplies	1,450 00	
Motor vehicular transportation supplies .	410 00	
Laundry supplies	1,150 00	
Other materials and supplies	100 00	
Replacement kitchen equipment	600 00	
		27,560 00
Services Other Than Personal:		
Traveling expenses ..	$200 00	
Telephone and telegraph	400 00	
Funeral expenses	150 00	
Entertainment expenses	175 00	
Freight and express..	25 00	
		950 00
Current Repairs and Maintenance:		
Automotive equipment	$290 00	
Buildings and grounds	1,000 00	
		1,290 00
		$94,380 00

X 9. HOME FOR DISABLED SOLDIERS, ETC., VINELAND

Soldiers' home, Vineland.

For salaries and wages, and for maintenance of the Home for Disabled Soldiers, Sailors, et cetera, Vineland, on the basis of one hundred twenty members.

Salaries and Wages:		
Superintendent	$5,920 00	
Other officers and employees	86,980 00	
Medical and surgical fees	1,200 00	
Cash in lieu of food maintenance	10,410 00	
		$104,510 00
Materials and Supplies:		
Food	$24,500 00	
Clothing	1,500 00	
Heat, light, power, water, gas and electricity	16,000 00	
Household supplies ..	4,000 00	
Ground supplies	500 00	
Drugs, medical, sugrical and chemical supplies	1,800 00	
Stationery and office supplies	450 00	
Motor vehicular transportation supplies..	400 00	
Other materials and supplies	300 00	
Replacement electric sterilizer (hospital)	1,000 00	
		50,450 00
Services Other Than Personal:		
Traveling expenses ..	$150 00	
Telephone and telegraph	450 00	

Entertainment expenses	500 00	
Freight and express	25 00	
Laundry service	3,400 00	
Funeral expenses	100 00	
		4,625 00
Current Repairs and Maintenance:		
Automotive equipment	$500 00	
Buildings and grounds	6,000 00	
		6,500 00
Additions and Improvements:		
Operating room equipment	$3,750 00	
Completion of conversion from coal to oil	4,500 00	
		8,250 00
		$174,335 00

X 10. North Jersey Training School, Totowa

Totowa training school.

For salaries and wages and for maintenance of the North Jersey Training School for Females, Totowa, on the basis of seven hundred forty-five inmates.

Salaries and Wages:		
Superintendent	$6,000 00	
Attendants, nurses and other employees	297,220 50	
Special services	3,980 00	
Cash in lieu of food maintenance	22,307 50	
		$329,508 00

Materials and Supplies:		
Food	$50,000 00	
Clothing	10,000 00	
Heat, light, power, water, gas and electricity	57,000 00	
Household supplies	16,500 00	
Farm, stable and ground supplies	30,000 00	
Industrial and vocational supplies	1,500 00	
Educational, recreational and library supplies	1,750 00	
Drugs, medical, surgical and chemical supplies	5,200 00	
Stationery and office supplies	700 00	
Motor vehicular transportation supplies	1,625 00	
Replacement kitchen equipment	1,250 00	
Replacement of locks	3,000 00	
		178,525 00
Services Other Than Personal:		
Traveling expenses	$400 00	
Telephone and telegraph	1,650 00	
Entertainment expenses	300 00	
Funeral expenses	150 00	
Freight, express and cartage	70 00	
Miscellaneous expenses	30 00	
		2,600 00

Current Repairs and Maintenance:		
Automotive equipment	$500 00	
Buildings and grounds	9,500 00	
Office furniture, machines and equipment	190 00	
		10,190 00
Additions and Improvements:		
Sewage bed	$4,000 00	
Furniture and furnishings, new building unit "A"	12,000 00	
		16,000 00
Unclassified Expenditures:		
Compensation award (Rena B. Watson)		833 93
		$537,656 93

X 11. Reformatory, Annandale

Annandale reformatory.

For salaries and wages and for maintenance of the Reformatory at Annandale, on the basis of five hundred fifty inmates.

Salaries and Wages:		
Superintendent	$6,500 00	
Special services	3,340 00	
Other officers and employees	308,305 67	
Cash in lieu of food maintenance	6,510 00	
		$324,655 67

Materials and Supplies:		
Food	$47,000 00	
Clothing	15,500 00	
Heat, light, power, water, gas and electricity	37,500 00	
Farm, stable and grounds supplies	27,000 00	
Household supplies	7,500 00	
Drugs, medical, surgical and chemical supplies	1,500 00	
Motor vehicular transportation supplies	1,500 00	
Stationery and office supplies	840 00	
Educational, recreational and library supplies	2,450 00	
Other materials and supplies (including protective equipment)	750 00	
Photographing, blueprinting and drafting supplies	100 00	
Replacement lockers	1,200 00	
Replacement kitchen equipment	1,750 00	
		144,590 00
Services Other Than Personal:		
Traveling expenses	$300 00	
Telephone and telegraph	1,200 00	
Freight and express	200 00	
Entertainment expenses	500 00	
Funeral expenses	60 00	
Payments to discharged inmates and recapturing escapes	2,300 00	
Laundry service	2,250 00	
		6,810 00

Current Repairs and Maintenance:		
Automotive equipment	$750 00	
Buildings and grounds	7,900 00	
		8,650 00
		$484,705 67

X 12. Reformatory, Rahway

For salaries and wages and for maintenance of the Reformatory at Rahway on the basis of nine hundred inmates. Rahway reformatory.

Salaries and Wages:		
Superintendent	$6,500 00	
Other officers and employees	409,169 00	
Inmates' wages	10,000 00	
Special services	3,690 00	
Cash in lieu of food maintenance	3,525 00	
		$432,884 00
Materials and Supplies:		
Food	$115,000 00	
Clothing	22,900 00	
Heat, light, power, water, gas and electricity	65,000 00	
Household supplies ..	12,500 00	
Farm, stable and grounds supplies ..	23,500 00	
Industrial and vocational supplies	600 00	
Educational, recreational and library supplies	1,000 00	

Photographing, blueprinting and drafting supplies	200 00	
Drugs, medical, surgical and chemical supplies	1,500 00	
Stationery and office supplies	1,200 00	
Motor vehicular transportation supplies .	1,200 00	
Replacement plumbing fixtures	9,000 00	
		253,600 00
Services Other Than Personal:		
Traveling expenses ..	$750 00	
Telephone and telegraph	1,300 00	
Freight and express .	50 00	
Payments to discharged inmates ..	100 00	
Funeral expenses	150 00	
		2,350 00
Current Repairs and Maintenance:		
Automotive equipment	$560 00	
Buildings and grounds	20,000 00	
		20,560 00
Additions and Improvements:		
Installation of metal treads	$2,500 00	
Fire prevention	15,000 00	
Construction milk house	7,500 00	
		25,000 00
		$734,394 00

X 13. Reformatory for Women, Clinton

Clinton reformatory.

For salaries and wages, and for maintenance of the Reformatory for Women, Clinton, on the basis of five hundred inmates.		
Salaries and Wages:		
Superintendent	$5,900 00	
Other officers and employees	188,275 00	
Special services	4,700 00	
Cash in lieu of food maintenance	14,770 00	
		$213,645 00
Materials and Supplies:		
Food	$42,200 00	
Clothing	10,500 00	
Heat, light, power, water, gas and electricity	31,000 00	
Household supplies ..	10,000 00	
Farm, stable and grounds supplies ..	18,000 00	
Drugs, medical, surgical and chemical supplies	4,500 00	
Stationery and office supplies	900 00	
Educational, recreational and library supplies	900 00	
Motor vehicular transportation supplies .	900 00	
Cannery supplies	1,800 00	
Replacement of locks.	3,000 00	
Replacement of rerigerators	1,200 00	
Replacement of pantry sinks—drainboards.	1,200 00	
		126,100 00

Services Other Than Personal:		
Traveling expenses ..	$425 00	
Telephone and telegraph	1,000 00	
Freight and express .	100 00	
Entertainment expenses	600 00	
Funeral expenses ...	100 00	
Payments to discharged inmates and recapturing escapes	1,500 00	
		3,725 00
Current Repairs and Maintenance:		
Automotive equipment	$200 00	
Buildings and grounds	7,500 00	
		7,700 00
Additions and Improvements:		
Fire prevention	$17,500 00	
Repair and renewal of telephone lines..	1,400 00	
		18,900 00
		$370,070 00

X 14. Sanatorium for Tuberculous Diseases

Tuberculous diseases sanatorium.

For salaries and wages, and for the maintenance of the Sanatorium for Tuberculous Diseases, on the basis of three hundred patients.

Salaries and Wages:	
Superintendent	$9,000 00
Physicians, clerks, nurses, farm help, teachers and other employees	466,139 60
Special services	1,700 00

Clinic salaries	18,080 00	
Cash in lieu of food maintenance	54,060 00	
		$548,979 60
Materials and Supplies:		
Food	$70,000 00	
Clothing	250 00	
Heat, light, power, water, gas and electricity	59,000 00	
Household supplies ..	19,750 00	
Farm, stable and grounds supplies ..	2,500 00	
Drugs, medical, surgical and chemical supplies	14,000 00	
Stationery and office supplies	1,500 00	
Educational, recreational and library supplies	250 00	
Motor vehicular transportation supplies .	1,600 00	
Clinic supplies	175 00	
Replacement of streptomycin	15,000 00	
Reline fire box wall of two boilers	1,590 00	
		185,615 00
Services Other Than Personal:		
Traveling expenses ..	$500 00	
Telephone and telegraph	3,300 00	
Freight and express .	250 00	
Entertainment expenses	250 00	
Funeral expenses ...	200 00	
Miscellaneous expenses	50 00	
Clinic expenses	3,000 00	
		7,550 00

Current Repairs and Maintenance:		
Automotive equipment	$1,000 00	
Buildings and grounds	16,000 00	
		17,000 00
Additions and Improvements:		
Additional fire protection	$500 00	
Additional lightning rods	1,500 00	
Fire prevention	9,000 00	
		11,000 00
Unclassified:		
Compensation award, Joan MacLennon		1,040 00
		$771,184 60

X 15. State Board of Child Welfare

Board of child welfare.

Salaries:		
Executive director	$8,750 00	
Compensation for other assistants	698,208 00	
		$706,958 00
Materials and Supplies:		
Stationery and office supplies	$8,400 00	
Office equipment replacement	10,000 00	
Replacements of motor vehicles	15,000 00	
Motor vehicular transportation supplies	13,000 00	
Educational, recreational and library supplies	100 00	
		46,500 00

Services Other Than Personal:		
Traveling expenses ..	$6,000 00	
Telephone and telegraph for district offices	6,500 00	
Garage rents	6,500 00	
Rent of equipment ...	1,320 00	
Miscellaneous expenses	150 00	
Subscriptions and memberships	100 00	
District office expenses	200 00	
Social service exchanges	1,350 00	
		22,120 00
Current Repairs and Maintenance:		
Automotive equipment	$7,000 00	
Office furniture, machines and equipment	3,000 00	
		10,000 00
Unclassified Expenditures:		
Compensation awards		682 76
Revolving Fund:		
For the State Board of Child Welfare to purchase clothing and other necessary articles for children in their care and for expenses incidental thereto the Revolving Fund of $75,000.00 heretofore appropriated is reappropriated, all receipts when received to be credited to this fund. The same to be known as the State Board of Child Welfare Revolving Fund.		
		$786,260 76

X 16. State Home for Boys

State home for boys.

For salaries and wages and for maintenance of the State Home for Boys, on the basis of five hundred inmates.

Salaries and Wages:		
Superintendent	$6,000 00	
Other officers and employees	336,172 50	
Special services	3,300 00	
Cash in lieu of food maintenance	31,230 00	
		$376,702 50
Materials and Supplies:		
Food	$28,770 00	
Clothing	17,800 00	
Heat, light, power, water, gas and electricity	55,000 00	
Household supplies ..	13,000 00	
Farm, stable and ground supplies ...	27,000 00	
Industrial and vocational supplies	3,000 00	
Educational, recreational and library supplies	3,000 00	
Drugs, medical, surgical and chemical supplies	2,900 00	
Stationery and office supplies	1,000 00	
Motor vehicular transportation supplies .	2,000 00	
		153,470 00

Services Other Than Personal:		
Traveling expenses ..	$700 00	
Telephone and telegraph	1,450 00	
Entertainment expenses	300 00	
Funeral expenses	50 00	
Freight and express .	150 00	
		2,650 00
Current Repairs and Maintenance:		
Automotive equipment	$700 00	
Buildings and grounds	13,000 00	
		13,700 00
Additions and Improvements:		
Elimination of fire hazards	$15,000 00	
Power plant meter ...	2,700 00	
		17,700 00
		$564,222 50

X 17. State Home for Girls

State home for girls.

For salaries and wages, and for maintenance of the State Home for Girls on the basis of three hundred fifty inmates.

Salaries and Wages:		
Superintendent	$5,900 00	
Other employees	202,615 50	
Special services	3,320 00	
Cash in lieu of food maintenance	16,620 00	
		$228,455 50

Materials and Supplies:		
Food	$38,500 00	
Clothing	8,000 00	
Heat, light, power, water, gas and electricity	5,200 00	
Household supplies	9,500 00	
Farm, stable and grounds supplies	6,500 00	
Educational, recreational and library supplies	2,000 00	
Stationery and office supplies	700 00	
Drugs, medical, surgical and chemical supplies	1,300 00	
Motor vehicular transportation supplies	350 00	
Replacement sewing machines	1,200 00	
		73,250 00
Services Other Than Personal:		
Traveling expenses	$300 00	
Telephone and telegraph	1,250 00	
Subscriptions	150 00	
Freight and express	100 00	
Entertainment expenses	325 00	
Payments to discharged inmates	200 00	
Funeral expenses	100 00	
Fire alarm and time services	135 00	
		2,560 00
Current Repairs and Maintenance:		
Automotive equipment	$290 00	
Buildings and grounds	6,000 00	
		6,290 00

Additions and Improvements:		
Remodeling dishwashing room	$1,500 00	
Cyclone fence	6,000 00	
Resuscitator, inhalator, aspirator	400 00	
Fire prevention and elimination fire hazards	10,000 00	
Fireproofing Stokes cottage	37,500 00	
		55,400 00
		$365,955 50

X 18. State Hospital, Greystone Park

Greystone Park.

For salaries and wages and for maintenance of the State Hospital, Greystone Park, on the basis of five thousand eight hundred and fifty inmates.

Salaries and Wages:		
Medical superintendent and chief executive	$9,000 00	
Business manager	6,250 00	
Other officers and employees	2,616,364 00	
Special services	4,400 00	
Clinic salaries	63,924 00	
Cash in lieu of food maintenance	132,780 00	
		$2,832,718 00
Materials and Supplies:		
Food	$700,000 00	
Clothing	140,000 00	

Heat, light, power, water, gas and electricity	185,000 00	
Household supplies	125,000 00	
Farm, stable and grounds supplies	98,000 00	
Replacement fire hose and equipment	1,000 00	
Industrial and vocational supplies	5,000 00	
Drugs, medical, surgical and chemical supplies	42,500 00	
Stationery and office supplies	3,000 00	
Motor vehicular transportation supplies	6,500 00	
Replacement plumbing, flooring, painting	10,000 00	
Replacement of dining room chairs and tables	3,000 00	
Containers for food carts (replacements)	6,000 00	
Supplies for nursing school	500 00	
Clinic supplies	4,000 00	
Tobacco	6,500 00	
Educational, recreational and library supplies	500 00	
Replacement window guards recreation building	10,000 00	
Replacement kitchen equipment	10,000 00	
Replacement locks	3,500 00	
Replacement dormitory roof (partial)	10,000 00	
		1,370,000 00

Services Other Than Personal:		
Traveling expenses ..	$1,500 00	
Telephone and telegraph	8,200 00	
Freight and express..	1,500 00	
Funeral expenses ...	4,500 00	
Subscriptions, medical library	200 00	
Miscellaneous expenses	800 00	
Clinic expenses	2,000 00	
		18,700 00
Current Repairs and Maintenance:		
Automotive equipment	$3,200 00	
Buildings and grounds	96,000 00	
		99,200 00
Additions and Improvements:		
Fireproofing patients' quarters	$150,000 00	
Extension of fire alarm system	5,000 00	
Fire prevention	35,000 00	
Woodward governors (3)	3,600 00	
Renovation of Klondike Reservoir	26,000 00	
Cable and transformers stand-by service	7,500 00	
Dormitory kitchen equipment and installation	25,000 00	
		252,100 00
Unclassified Expenditures:		
Compensation awards		5,000 00
		$4,577,718 00

X 19. State Hospital, Marlboro

Marlboro. For salaries and wages, and for maintenance of the State Hospital, Marlboro, on the basis of two thousand nine hundred inmates.

Salaries and Wages:		
Medical director	$8,750 00	
Other officers and employees, and medical fees	1,366,548 00	
Special services	2,500 00	
Clinic salaries	32,614 00	
Cash in lieu of food maintenance	127,170 00	
		$1,537,582 00
Materials and Supplies:		
Food	$288,000 00	
Clothing	69,000 00	
Heat, light, power, water, gas and electricity	130,000 00	
Farm, stable and grounds supplies ..	47,500 00	
Household supplies ..	55,000 00	
Drugs, medical, surgical and chemical supplies	30,000 00	
Industrial and vocational supplies	2,400 00	
Educational, recreational and library supplies	2,000 00	
Stationery and office supplies	3,000 00	
Motor vehicular transportation supplies..	3,200 00	
Clinic supplies	550 00	
Other materials and supplies (tobacco).	3,000 00	

Replacement of boiler tubes	4,000 00	
Replacement window guards	10,000 00	
Replacement kitchen supplies and equipment	4,500 00	
Replacement hot water equipment	2,000 00	
Replacement water softeners	9,000 00	
		663,150 00
Services Other Than Personal:		
Traveling expenses	$800 00	
Telephone and telegraph	3,700 00	
Funeral expenses	550 00	
Freight and express	400 00	
Advertising	100 00	
Miscellaneous expenses	125 00	
Clinic expenses	450 00	
		6,125 00
Current Repairs and Maintenance:		
Automotive equipment	$1,400 00	
Buildings and grounds	44,000 00	
Office furniture, machines and equipment	375 00	
Railroad siding	500 00	
		46,275 00
Additions and Improvements:		
Tunnel drainage	$2,000 00	
Purchase of laundry equipment	2,500 00	
Purchase of comminator for sewage plant	2,500 00	
Terrazza floors	33,500 00	
High pressure condensate line	5,500 00	
		46,000 00

Unclassified Expenditures:		
Compensation award—Charles B. Lanning	$1.040 00	
Compensation award—Franklin H. Eastmond	1,300 00	
Compensation award—Bessie Fortner	680 72	
		3,020 72
		$2,302,152 72

X 20. State Hospital, Trenton

Trenton.

For salaries and wages, and for maintenance of the State Hospital, Trenton, on the basis of three thousand six hundred inmates.

Salaries and Wages:		
Medical director	$8,750 00	
Other officers and employees	2,069,493 00	
Special services	1,900 00	
Clinic salaries	48,995 00	
Cash in lieu of food maintenance	167,910 00	
		$2,297,048 00
Materials and Supplies:		
Food	$370,000 00	
Clothing	75,000 00	
Heat, light, power, water, gas and electricity	210,000 00	
Household supplies	80,000 00	
Farm, stable and ground supplies	70,000 00	
Drugs, medical, surgical and chemical supplies	45,000 00	

Stationery and office supplies	3,840 00	
Motor vehicular transportation supplies..	3,000 00	
Industrial and vocational supplies	5,000 00	
Tobacco for working male patients	4,000 00	
Candy for working female patients	1,000 00	
Clinic supplies	3,000 00	
Replacement electro therapy equipment.	3,500 00	
Replacement household plastic or china..	2,500 00	
Replacement locks ...	5,000 00	
		880,840 00

Services Other Than Personal:		
Traveling expenses ..	$1,800 00	
Telephone and telegraph	5,000 00	
Entertainment expenses	750 00	
Funeral expenses	1,000 00	
Subscriptions, newspapers and magazines	400 00	
Freight and express..	250 00	
Advertising	150 00	
Cemetery maintenance	500 00	
Miscellaneous expenses	50 00	
Clinic expenses	550 00	
		10,450 00

Current Repairs and Maintenance:		
Automotive equipment	$1,600 00	
Buildings and grounds	51,000 00	
		52,600 00

Additions and Improvements:		
Fireproofing Annex Building—Wards 4 to 12, inclusive	$150,000 00	
Purchase of bread slicing and wrapping machine	7,500 00	
Construction cafeteria —Vroom Building..	5,500 00	
Ventilation for main cafeteria	4,000 00	
		167,000 00
Unclassified:		
Compensation award —Anna Bakley	$564 20	
Compensation award —Donald Burd	1,040 00	
		1,604 20
		$3,409,542 20

X 21. State Prison

State prison. For salaries and wages, and for maintenance of the State Prison on the basis of one thousand five hundred inmates.

Salaries and Wages:		
Principal keeper	$7,550 00	
Other officers and employees	523,826 00	
Inmates wages (other than State use) ...	15,000 00	
Special services	3,980 00	
		$550,356 00

Materials and Supplies:		
Food	$150,000 00	
Clothing	40,000 00	
Heat, light, power, water, gas and electricity	60,000 00	
Household supplies	15,000 00	
Ground supplies	100 00	
Drugs, medical, surgical and chemical supplies	7,000 00	
Stationery and office supplies	1,700 00	
Educational, recreational and library supplies	1,850 00	
Motor vehicular transportation supplies	1,200 00	
Industrial and vocational supplies	150 00	
Photographing, blueprinting and drafting supplies	600 00	
Other materials and supplies (tobacco)	1,000 00	
Padlocks and key replacement in wings	2,500 00	
Protective equipment replacement	1,000 00	
		282,100 00
Services Other Than Personal:		
Traveling expenses	$1,300 00	
Telephone and telegraph	2,300 00	
Electrocution plant	800 00	
Payments to discharged inmates	800 00	
Funeral expenses	150 00	
Miscellaneous expenses	230 00	
Fire alarm service	170 00	
		5,750 00

Current Repairs and Maintenance:		
Automotive equipment	$750 00	
Buildings and Grounds	13,200 00	
Office furniture and machines	350 00	
		14,300 00
		$852,506 00

X 22. State Prison Farm, Bordentown

Bordentown farm.

For salaries and wages, and for maintenance of the State Prison Farm, Bordentown, on the basis of six hundred inmates.

Salaries and Wages:		
Superintendent	$6,250 00	
Custodial officers and other employees ...	235,846 00	
Special services	2,000 00	
Inmates' wages	7,500 00	
Cash in lieu of food maintenance	720 00	
		$252,316 00
Materials and Supplies:		
Food	$64,000 00	
Clothing	16,500 00	
Heat, light, power, water, gas and electricity	41,000 00	
Household and organization supplies	6,500 00	
Farm and stable supplies	26,500 00	
Motor vehicular transportation supplies..	850 00	
Stationery and office supplies	600 00	

Educational, recreational and library supplies	500 00	
Other materials and supplies (tobacco)..	150 00	
		156,600 00
Services Other Than Personal:		
Telephone and telegraph	$800 00	
Miscellaneous expenses	50 00	
		850 00
Current Repairs and Maintenance:		
Automotive equipment	$700 00	
Office furniture, machines and equipment	50 00	
Buildings and grounds	7,500 00	
		8,250 00
		$418,016 00

X 23. State Prison Farm, Leesburg

Leesburg farm.

For salaries and wages, and for maintenance of the State Prison Farm, Leesburg, on the basis of two hundred eighty-five inmates.

Salaries and Wages:		
Superintendent	$3,708 00	
Other officers and employees	85,020 00	
Inmates' wages	3,000 00	
Special services	1,050 00	
Cash in lieu of food maintenance	720 00	
		$93,498 00

Materials and Supplies:		
Food	$24,000 00	
Clothing	8,000 00	
Heat, light, power, water, gas and electricity	13,000 00	
Household and organization supplies	5,000 00	
Farm and stable supplies	5,000 00	
Drugs, medical, surgical and chemical supplies	300 00	
Stationery and office supplies	450 00	
Educational, recreational and library supplies	400 00	
Motor vehicular transportation supplies	200 00	
		56,350 00
Services Other Than Personal:		
Traveling expenses	$150 00	
Telephone and telegraph	750 00	
Freight, express and cartage	60 00	
Entertainment expenses	30 00	
Miscellaneous expenses	10 00	
		1,000 00
Current Repairs and Maintenance:		
Automotive equipment	$200 00	
Buildings and grounds	3,500 00	
		3,700 00
Additions and Improvements:		
Acetylene torch		250 00
		$154,798 00

X 24. VILLAGE FOR EPILEPTICS

Epileptics' village.

For salaries and wages, and for maintenance of the Village for Epileptics on the basis of one thousand five hundred inmates.		
Salaries and Wages:		
Superintendent	$9,000 00	
Other officers and employees	663,485 92	
Special services	2,000 00	
Cash in lieu of food maintenance	85,320 00	
		$759,805 92
Materials and Supplies:		
Food	$130,000 00	
Clothing	15,000 00	
Heat, light, power, water, gas and electricity	80,000 00	
Household and organization supplies ...	33,000 00	
Farm and stable supplies	55,000 00	
Drugs, medical, surgical and chemical supplies	13,500 00	
Stationery and office supplies	960 00	
Industrial and vocational supplies	700 00	
Educational, recreational and library supplies	800 00	
Motor vehicular transportation supplies .	3,000 00	
Tobacco	1,500 00	
Replacement refrigerators	1,000 00	
		334,460 00

Services Other Than Personal:		
Traveling expenses ..	$1,300 00	
Telephone and telegraph	3,500 00	
Freight, express and cartage	150 00	
Entertainment expenses	500 00	
Funeral expenses ...	300 00	
Miscellaneous expenses	100 00	
		5,850 00
Current Repairs and Maintenance:		
Office furniture, machines and equipment	$150 00	
Automotive equipment	900 00	
Buildings and grounds	22,000 00	
		23,050 00
Additions and Improvements:		
Recreation facilities..	$5,000 00	
Steam lines	25,000 00	
		30,000 00
Unclassified Expenditures:		
Compensation awards		1,037 50
		$1,154,203 42

X 25. VINELAND STATE SCHOOL

Vineland school.

For salaries and wages, and maintenance of the Vineland State School, on the basis of one thousand seven hundred and fifty inmates.

Salaries and Wages:		
Superintendent	$8,750 00	
Physicians, executive assistants, clerks, mechanics and other employees	484,102 46	
Special services	3,000 00	
Cash in lieu of food maintenance	41,520 00	
		$537,372 46
Materials and Supplies:		
Food	$163,000 00	
Clothing	27,600 00	
Heat, light, power, water, gas and electricity	65,000 00	
Household and organization supplies ...	26,000 00	
Farm and stable supplies	42,000 00	
Industrial and vocational supplies	1,700 00	
Drugs, medical, surgical and chemical supplies	6,000 00	
Stationery and office supplies	1,000 00	
Motor vehicular transportation supplies .	1,200 00	
Educational, recreational and library supplies	1,600 00	

Other materials and supplies	60 00	
Replacement deaerator	5,000 00	
Replacement hydro equipment	1,500 00	
		341,660 00
Services Other Than Personal:		
Traveling expenses ..	$1,500 00	
Telephone and telegraph	1,800 00	
Entertainment expenses	1,000 00	
Funeral expenses ...	500 00	
Advertising	90 00	
Subscriptions	50 00	
Freight, express and cartage	200 00	
		5,140 00
Current Repairs and Maintenance:		
Automotive equipment	$750 00	
Buildings and grounds	18,000 00	
		18,750 00
Additions and Improvements:		
Furnishings for new buildings	$13,000 00	
Sewage tank renovation	5,000 00	
Addition to sewage system (colony) ..	3,000 00	
		21,000 00
Unclassified Expenditures:		
Compensation award—Randolph Cobinachi	$520 00	
Compensation award—Blanche Bendell ..	230 00	
		750 00
		$924,672 46

This institution is authorized to pay for the maintenance of any county indigent patient transferred from the institution to an institution for training of the feeble-minded, to which moneys are paid by the State pursuant to R. S. 30:4–176, whatever sum or sums is received from the counties to pay the cost of such maintenance of any said patient in the institution.

X 28. THE ARTHUR BRISBANE CHILD TREATMENT CENTER

Child treatment center.

Salaries:		
Superintendent	$6,375 00	
Officers and employees	54,689 50	
Special services	1,200 00	
Cash in lieu of food maintenance	5,882 50	
		$68,147 00
Materials and Supplies:		
Food	$14,600 00	
Clothing	1,200 00	
Heat, light, power, water, gas and electricity	5,500 00	
Household and organization supplies	2,000 00	
Ground supplies	100 00	
Motor vehicular transportation supplies .	750 00	
Drugs, medical, surgical and chemical supplies	1,000 00	
Stationery and office supplies	150 00	
Educational, recreational and library supplies	500 00	

Industrial and vocational supplies	400 00	
		26,200 00
Services Other Than Personal:		
Traveling expenses ..	$150 00	
Telephone and telegraph	600 00	
Miscellaneous expenses	75 00	
Freight, express and cartage	25 00	
Household expenses .	750 00	
Entertainment expenses	300 00	
Funeral expenses	50 00	
		1,950 00
Current Repairs:		
Buildings and grounds	$1,000 00	
Automotive equipment	100 00	
		1,100 00
		$97,397 00

X 29. Department of Institutions and Agencies

Diagnostic Center

For salaries, materials and supplies, services other than personal, current repairs and additions and improvements, at the Diagnostic Center		Diagnostic center.
	$125,000 00	
Total General Maintenance, 1948-49	$70,189,147 74	

In addition to the amounts hereinabove appropriated to the various institutions and agencies for additions and improvements, permission is hereby granted to said department to transfer funds from any item appropriated to it to such other addition and improvement items which may be required during the fiscal year, *provided,* such addition and improvement items have been requested of the Governor in the Budget request of the year under review.

STATE AID TO COUNTIES, MUNICIPALITIES AND SCHOOL DISTRICTS

A 2. Department of Taxation and Finance

Refunds

State aid.

Inheritance Taxes:
Upon certification of the Director of the Taxation Division, the Commissioner of Taxation and Finance is hereby authorized and it shall be his duty to withdraw from the State fund such amounts as shall be required to carry out the provisions of R. S. 54:33–10, payment of five per centum (5%) of tax collected to counties, and to refund and pay such claims as may be necessary and the State Treasurer shall pay same upon the warrants of said Commissioner of Taxation and Finance, and there is hereby appropriated the amount necessary therefor, approximating $300,000 00

Outdoor Advertising Tax:		
In addition thereto, the Commissioner of Taxation and Finance, upon certification of the Director of the Taxation Division, is hereby authorized and it shall be his duty to withdraw from the State fund such amounts as shall be required to carry out the provisions of R. S. 54:40–7, dividing proportionately among municipalities in which billboards are located excess outdoor advertising revenues. The State Treasurer shall pay same upon warrants of the Commissioner of Taxation and Finance and there is hereby appropriated the amount necessary therefor, approximating	18,000 00	
		$318,000 00

C 8. STENOGRAPHIC REPORTERS

Court reporters.

Salaries:		
For the amount to be refunded to various counties in this State for salaries of stenographic reporters appointed by the Justices of the Supreme Court, pursuant to R. S. 2:16–21	$66,766 60	
For the amount to be refunded to Hudson county for pension granted to Neale Ransome, court stenographer, pursuant to R. S. 43:6–13–1	1,000 00	
		$67,766 60

D 1. DEPARTMENT OF CONSERVATION

Division of Navigation

Department of conservation, navigation.

Additions and Improvements:		
Bulkheading Manasquan Canal and dredging inland waterways	$125,000 00	
Construction, reconstruction and maintenance and improvement inland waterways	46,200 00	
Total Inland Waterway Expenditures		$171,200 00

Construction and maintenance of beach protection projects already constructed along Atlantic Coast towards which the municipality has contributed in the past two years their allotted share as provided for in the appropriated items for beach erosion without any further appropriation by municipality, including a survey to be undertaken in conjunction with the Federal Government, the cost of which survey is not to exceed $50,000.00 of this appropriation	250,000 00
For beach protection along the Atlantic coast, for the construction of beach protection measures, including bulkheads, back-fill, groins and jetties, and the pumping of sand, advertising and inspection costs; provided 50% of the cost of each project shall be borne by each municipality participating in the project	300,000 00

Any municipality participating in a beach protection project shall deposit its 50% share of participation with the Department of Conservation, Division of Navigation, and all projects are to be constructed under contract with and under the supervision of the Division of Navigation. All allocations heretofore made to any municipality and any balances unused in the Beach Erosion Account as of July 1, 1948, are hereby reappropriated and subject to the provisions as heretofore stated. No allocation of beach

erosion moneys shall be made to any municipality without the written consent of the Governor.

$721,200 00

D 5. COUNTY BOARDS OF TAXATION

County tax boards.

For salaries of members of the county boards of taxation $172,940 00

D 17. DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic development.

Relief subsidies $1,300,000 00

The unexpended balances in the Municipal Aid Fund and the State Relief Fund as of June 30, 1948, are hereby reappropriated. The amounts herein appropriated shall be available for 1947-48 relief subsidies if needed.

E 1. STATE DEPARTMENT OF EDUCATION

Commissioner's Office

Department of education.

Salaries:

Twenty-one county superintendents of schools $126,000 00

E 5. NEWARK TECHNICAL SCHOOL AND NEWARK COLLEGE OF ENGINEERING

Technical and engineering schools.

For the purchase of higher education at the Newark Technical School and Newark College of Engineering	$173,984 00	
State's share of cost of proposed Laboratory Building Extension ..	126,680 00	
		$300,664 00

Payments under this account to be made pursuant to R. S. 18:10–31, and subsequent legislation.

E 6. INDUSTRIAL EDUCATION, MANUAL TRAINING AND VOCATIONAL SCHOOLS
INDUSTRIAL EDUCATION

Industrial education.

Unclassified:	
For payments to schools established for industrial education pursuant to R. S. 18:15–24	$69,000 00

E 7. STATE AID TO SCHOOL DISTRICTS

State aid to local school district $25,175,766 68

State aid.

The State aid shall be allocated as follows:

State Public School Account pursuant to chapter 63 of the laws of 1946 .....$14,065,766 68	

Payments to school districts for manual training pursuant to article 3 of chapter 15 of Title 18 of the Revised Statutes, not to exceed .	980,524 00
Payments to vocational schools to carry out the provisions of article 5 of chapter 15 of Title 18 of the Revised Statutes, not to exceed	525,000 00
Payments to reimburse school districts for one-half of excess cost of educating crippled children for the school year ending June 30, 1948, pursuant to sections 18:14–69, 18:10–49 and 18:10–31 of the Revised Statutes not to exceed	175,000 00
Remainder to be apportioned pursuant to Senate No. 103 if and when enacted into law.	

E 8. TEACHERS' PENSION AND ANNUITY FUND

Teachers' pension fund.

Unclassified:		
State's contribution to Teachers' Pension and Annuity Fund, pursuant to Article 3, chapter 13 of Title 18 of the R. S.		
Pension Accumulation Fund		$3,639,085 00
Pension Fund:		
Normal contribution		389,522 00
Deficiency contribution	$3,905,271 00	
Less: Amount deferred pursuant to provisions of recommended legislation	2,405,271 00	
Net Deficiency Contribution.		$1,500,000 00
For interest due Teachers' Pension and Annuity Fund pursuant to chapter 159, laws of 1941 as amended by chapter 112, laws of 1946		179,683 35
Interest 18:13–103		1,258,000 00
		$6,966,290 35

H 7. POLICE AND FIREMEN'S APPORTIONMENT FUND

Police and firemen's apportionment fund.

Apportionment Fund as provided in chapter 254, P. L. 1944	$1,000,000 00

R 3. STATE AID TO COUNTIES AND MUNICIPALITIES

State Aid.

Construction, reconstruction, maintenance, et cetera, of county roads ..	$8,000,000 00
Expenditures pursuant to section 27:14–1 of the Revised Statutes, on the basis of $55,000.00 per county..	1,155,000 00
Expenditures pursuant to chapter 62, laws of 1947, for construction, grading and maintenance of municipal roads	5,770,000 00
Additional State aid to counties, pursuant to Senate Bill No. 155	1,050,000 00
The total appropriation for State aid herein is for the calendar year 1949. This appropriation is due and payable on January 2, 1949.	
Total mandatory appropriations	$15,975,000 00

R 8. STATE HIGHWAY DEPARTMENT

County and Municipal Aid for Lighting

Highway lighting.

County aid	$44,000 00
Municipal aid	281,000 00
	$325,000 00

X 5. COUNTY INSANE HOSPITALS

County insane hospitals.

Unclassified:
For the support of patients in county insane hospitals, according to Revised Statutes, section 30:4–78:

Atlantic	$85,000 00	
Burlington	70,000 00	
Camden	170,000 00	
Cumberland	50,000 00	
Essex	710,000 00	
Hudson	420,000 00	
		$1,505,000 00

Said amounts to include payment of bills prior to current fiscal year.

X 6. COUNTY TUBERCULOSIS HOSPITALS

County tuberculosis hospitals.

Unclassified:
For the support of patients pursuant to subdivision C, article 4, chapter 9, of Title 30, of the Revised Statutes, in the following county hospitals:

Atlantic	$17,500 00
Bergen	55,000 00
Burlington	18,000 00
Camden	42,000 00
Cape May	3,000 00
Cumberland	5,900 00
Essex	105,000 00
Gloucester	7,000 00
Hudson	125,000 00
Hunterdon	2,500 00
Mercer	30,000 00
Middlesex	50,000 00

Monmouth	28,000 00	
Morris	12,000 00	
Ocean	3,500 00	
Passaic	70,000 00	
Salem	3,500 00	
Somerset	8,500 00	
Sussex	2,000 00	
Union	80,000 00	
Warren	3,500 00	
		$671,900 00

Said amounts include payment of bills prior to current fiscal year.

X 26. State Subsidy for Division of Old Age Assistance

Old age assistance.

For the purpose of making payments for Old Age Assistance pursuant to chapter 7 of Title 44 of the R. S. . . $4,500,000 00

The unexpended balances remaining in the appropriations for reimbursement to the counties for the State Subsidy for Old Age Assistance for the fiscal year ending June 30, 1948, including State's net share of reimbursement, together with the net balance remaining, after all full payment of sums due the Federal Government, of all funds recovered under 44:7–14 of the Revised Statutes during the fiscal year ending June 30, 1948, or so much thereof as may be necessary, be reappropriated; in addition thereto, all such funds recovered under 44:7–14 of the Revised Statutes during the fiscal

year ending June 30, 1949, or so much thereof as may be necessary, be reappropriated.

X 27. STATE SUBSIDY FOR MAINTENANCE OF CHILDREN UNDER THE CARE OF THE BOARD OF CHILD WELFARE

Subsidy for maintenance for children.

For the purpose of making payments for the State's share of cost of maintenance of children under the care of the Board of Child Welfare (Chapter 5 of Title 30 of the Revised Statutes) $3,000,000 00

The balance remaining in the appropriations for the State subsidy for maintenance of children under the care of the Board of Child Welfare for the fiscal year ending June 30, 1948, or so much thereof as may be necessary, is hereby reappropriated.

There is hereby appropriated to the Board of Child Welfare any sums of money received heretofore by it from the several counties as the county share of assistance to children, and the Board is authorized and empowered to credit said sums to the several counties prorated on the basis of the total cost of assistance in each county, said sums representing credits due said counties.

Total, State Aid to Counties, Municipalities and School Districts $62,194,527 63

STATE CAPITAL EXPENDITURES BUDGET

D 1. Department of Conservation

Public Shooting and Fishing Grounds Fund

(Reimbursable by Federal Aid)

Capital expenditures.

New Buildings and Land:		
Purchase of Land for Public Hunting		$10,000 00

D 15. Department of State Police

New Buildings:		
State Police Headquarters at West Trenton:		
Departmental Headquarters Building..	$75,000 00	
Annex Building, State Bureau of Identification	30,000 00	
Classroom and Dormitory Building	120,000 00	
		$225,000 00

E 4. The State University of New Jersey

General University

State university.

The unexpended balance as of June 30, 1948, of the appropriation providing for the first unit of the new Chemistry Building, is hereby reappropriated.

Agricultural Experiment Station

The unexpended balance as of June 30, 1948, of the appropriation providing for the Agricultural Science Building is hereby reappropriated.

R 8. HIGHWAY DEPARTMENT

Highway department.

New Construction:		
Construction of Institutional Roads and Approaches, including Snow Removal and Purchase of Snow Fence:		
State Police	$2,500 00	
Institutions and Agencies	125,000 00	
Public Instruction	35,600 00	
Department of Conservation:		
Division of Forestry-Forests	3,500 00	
Division of Forestry-Parks	75,675 00	
Quartermaster-General	150,000 00	
Highway Department-Fernwood Station..	85,000 00	
Taxation and Finance:		
Division of Purchase and Property ...	5,000 00	
State University:		
Agricultural Experiment Station	30,000 00	
General University.	185,000 00	
Palisades Interstate Park Commission..	84,500 00	
		$781,775 00

Construction of State Highway System:		
Purchase of rights-of-way, construction of roads and bridges.		16,280,000 00
In addition to the amounts hereinabove appropriated for construction there is appropriated to this department, such sums as may be received from the Federal Government for construction purposes.		
The amounts herein providing construction of the State Highway System and the purchase of rights- of-way shall be set forth in a construction program by route numbers by the State Highway Commissioner, and shall not expended or contracted for until such time as the Governor approves in writing.		
New Buildings and Lands:		
1 building at Fernwood	$50,000 00	
1 building at Dover	20,000 00	
		70,000 00
		$17,131,775 00
Total State Capital Expenditures Budget		$17,366,775 00
Grand Total		$149,750,450 37

Federal allotments.

2. Any additional allotments of funds for highway purposes which may be made by the Federal Government to the State of New Jersey, are hereby appropriated for the purposes for which such moneys are allocated, and the State Highway Commissioner is hereby authorized to carry out such

projects as may be designated by the Federal Government.

Moneys used as specified.

3. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated, and except such sums as may be required to refund amounts credited to the State treasury which do not represent State revenues, and except such sums which are by law devoted to specific purposes, namely, State school tax, United States appropriation to Agricultural College, taxes for the use of taxing districts in this State, Grade Crossing Elimination Fund, Federal Forest Fire Fund, Federal Forest Nursery Fund, Forest Land Fund, one per centum (1%) Workmen's Compensation Tax Fund, Receipts of High Point Park, not to exceed seven thousand five hundred dollars ($7,500.00), moneys received at the various Teachers' Colleges from the operation of demonstration schools; moneys directed to be paid pursuant to R. S. 54:17–4; moneys directed to be paid pursuant to R. S. 39:3–3, moneys directed by any law to be paid to the Teachers' Pension and Annuity Fund, 1837 Surplus Revenue Fund income, State Police Retirement Fund, receipts of the State Employees' Retirement System from counties and municipalities, pursuant to chapter 15, R. S. 43, Clerk in Chancery Enrollment Fund, moneys received pursuant to chapter 199 of the laws of 1945, unclaimed accounts of patients and prisoners in State institutions, Unemployment Compensation Funds and Employment Service Funds, Compensation awards, moneys received by the several institutions representing garage rentals which moneys shall be devoted exclusively by such institution to erection of new garages where needed, funds received from the Federal Government for vocational education, funds received by the sale of articles made in occupational therapy departments of the several institutions, said funds to be devoted to the purchase of additional material and other incidental expenses, Crippled Children's Commission, Palisades Interstate Park

Commission, Federal funds subsidizing the State; funds appropriated for institution construction; moneys received representing insurance to cover losses by fire and other casualties; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of previous years; moneys received by the Department of Conservation from the sale or lease of forest reserve lands pursuant to R. S. 13:8–9; moneys received by the Department of Conservation representing revenues from parks; moneys received by the Quartermaster-General under the provisions of article 3, chapter 2, of Title 38 of the R. S.; nor shall this act apply to moneys appropriated by joint resolution of the Legislature where such moneys have been set apart by the Commissioner of Taxation and Finance.

Transfer of appropriations.

4. In order that there be flexibility in the handling of appropriations, any department or other State agency receiving an appropriation by any act of the Legislature may apply to the Commissioner of Taxation and Finance for permission to transfer a part of any item granted to such department or agency to any other item in such appropriation. Such application shall only be made during the current year for which the appropriation was made, and if the Commissioner of Taxation and Finance shall consent thereto, he shall place the amount so transferred to the credit of the item so designated; *provided, however,* that no sum appropriated for any permanent improvement shall be used for maintenance or for any temporary purpose.

Proviso.

May make transfers.

5. The Commissioner of Taxation and Finance is hereby empowered, and it shall be his duty in the disbursement of funds appropriated for the maintenance and operation of any department or branch thereof, the duties or responsibilities of which are or may hereafter be transferred to any other department or branch, to transfer such appropriations to such department or branch as shall be charged with the responsibility of administering

the functions of such department or branch so transferred. The Commissioner of Taxation and Finance shall also have the authority to create such new accounts as may be necessary to carry out the intent of the Legislature. New accounts.

6. The Commissioner of Taxation and Finance shall make such correction of the title, text or account number of an appropriation, necessary to make such appropriation available for the purpose or purposes intended. Such correction shall be by written ruling, reciting in appropriate details the facts thereof, and the reasons therefor, attested by the signature of said Commissioner of Taxation and Finance and filed in the division of budget and accounting of said Department of Taxation and Finance as an official record thereof, and any action thereunder, including disbursements and the audit thereof, shall be legally binding and of full force and virtue. Corrections

7. The Commissioner of Taxation and Finance is hereby empowered, notwithstanding any other provision of the law, to transfer from the various appropriations for construction, reconstruction, additions to and betterments of State buildings and appurtenances thereto, herein contained, to the appropriation for the division of architecture and construction of the Department of Institutions and Agencies a sufficient sum to pay for the cost of all architectural work, superintendence and other expert services in connection with such work. Transfers.

8. The Commissioner of Taxation and Finance may, upon application therefor, allot from appropriations made to any official, department, commission or board a sum to establish a petty cash fund, for the payment of expenses under rules and regulations established by the Commissioner of Taxation and Finance. The allotments thus made by the Commissioner of Taxation and Finance shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making request therefor, and the money thus allotted shall be disbursed by such Petty cash fund.

custodian, who shall require from all persons obtaining money from said fund a receipt therefor. Such receipts shall by such custodian be forwarded monthly to the Commissioner of Taxation and Finance for audit, and said Commissioner of Taxation and Finance shall likewise make regulations governing disbursements from petty cash funds.

Act effective.

9. This act shall take effect on the first day of July, one thousand nine hundred and forty-eight.

Approved June 11, 1948.

CHAPTER 118

AN ACT to provide the manner in which the removal of an officer or employee, by the Governor, pursuant to Article V, Section IV, paragraph 5, of the Constitution may be judicially reviewed.

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

C. 52:14-17.2. May appeal.

1. Any officer or employee of this State, who may be removed by the Governor, pursuant to Article V, Section IV, paragraph 5, of the Constitution, may appeal from the order of removal to the Supreme Court in accordance with, and subject to, the provisions of this act.

C. 52:14-17.3. Filing notice of appeal.

2. Any such appeal shall be taken within twenty days from the date of the making of the removal order by filing a notice of appeal in the office of the Secretary of State.

C. 52:14-17.4. Notice of appeal.

3. The notice of appeal shall be signed by the appellant or his attorney. The Governor shall be designated by his name of office only, as respondent. A certified copy of the notice of appeal shall be transmitted by the Secretary of State to the Governor.

C. 52:14-17.5. Petition, contents.

4. Within ten days from the filing of the notice of appeal, the appellant shall file with the Clerk of the Supreme Court a petition of appeal which shall contain a statement of the office or position of employment from which the appellant was removed, the nature of the charges upon which the appellant was removed and the Governor's disposition thereof. The petition of appeal shall set forth the grounds for reversal or modification of the order of removal and shall conclude with a prayer for the judicial review sought by the appellant.

C. 52:14-17.6. Answer not required.

5. No answer to the petition of appeal shall be required of the respondent. The Governor may designate the Attorney-General or other counsel to represent the respondent in the proceeding.

C. 52:14-17.7. Hearing.

6. The court, by order, shall fix the time for the hearing of the appeal. The appellant shall furnish a state of the case which shall include copies of the charges, the record of the proceedings before the Governor, the transcript of the testimony, if the same was taken stenographically, the order of removal, the notice of appeal and the petition of appeal. By leave of the court, depositions may be taken for use upon the hearing of the appeal.

C. 52:14-17.8. Practice and procedure.

7. Except as otherwise provided in this act, the practice and procedure, as in the case of other appeals to the Supreme Court, shall be applicable as nearly as may be to appeals taken pursuant to this act.

C. 52:14-17.9. May allow additional time.

8. The court may allow additional time to an appellant to perfect his appeal and for cause shown may adjourn the hearing of the appeal from time to time, or it may dismiss the appeal for failure to diligently prosecute the same.

C. 52:14-17.10. Order.

9. The court may affirm the order of removal, or it may reverse or nullify the same and order the reinstatement of the appellant to the office or position of employment from which he was removed, as of the date of removal, or as of such date as the court may determine, upon the determination of a matter of law or when it clearly

appears that there was no evidence before the Governor reasonably to support the order of removal.

C. 52:14-17.11. Appeals.

10. Any final order or judgment of the Supreme Court, rendered under the provisions of this act, shall be appealable to the Court of Errors and Appeals in the same manner and subject to the same limitations as are other appeals from the Supreme Court to the Court of Errors and Appeals.

C. 52:14-17.12. Fees.

11. For the filing of a notice of appeal and transmitting a certified copy thereof to the Governor, the Secretary of State shall be entitled to a fee of ten dollars ($10.00) to be paid by the appellant. The Clerk of the Supreme Court and the Clerk of the Court of Errors and Appeals shall be entitled to the same fees as upon other appeals in their respective courts, except that no filing or other fees shall be demanded of the respondent. No costs shall be awarded against the respondent.

12. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 119

AN ACT providing for the retirement on pension of certain officials in cities of the fourth class in counties of the sixth class, and supplementing chapter twelve of Title 43 of the Revised Statutes.

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

C. 43:12-1.1. Retirement.

1. In all cities of the fourth class in counties of the sixth class any person holding an office or position in any such city, whether elected or appointed, who shall have served such city for a period of at least thirty years in office or position and who shall have reached the age of seventy years while in the

service of such city may be retired upon a pension equal to one-half of his annual salary at the time of his retirement.

C. 43:12-1.2. Certificate, contents.

2. Such person having the qualifications for retirement hereunder shall make and file with the city clerk a certificate stating that he is desirous of taking advantage of the provisions hereof, and upon filing such certificate as aforesaid, the governing body of the city may by resolution retire such person on pension pursuant to this act and such person shall thereafter be entitled to have and receive from the municipality a pension in such amount as herein provided, payable in semi-monthly installments.

C. 43:12-1.3. Payment.

3. The governing body of any such city shall make provision in its budget for the payment of the pension aforesaid.

4. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 120

AN ACT to provide that in any civil cause a verdict may be rendered by not less than five-sixths of the jury.

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

C. 2:27-233.1. Verdict by five-sixths of jury.

1. In any civil cause wherein a jury shall be impaneled, a verdict may be rendered by ten or more of the jury agreeing where the trial is had by a jury of twelve persons and by five or more of the jury agreeing where the trial is had by a jury of six persons. Any verdict so rendered shall have the same force and effect as though it had been rendered by the entire jury.

C. 2:27-233.2. Jury polled.

2. Where a verdict is rendered by a less number than the entire jury, the jury shall be polled. No jury shall be discharged for its inability to agree upon a verdict, unless the court is satisfied that agreement by five-sixths of the jury is not attainable.

C. 2:27-233.3. Act not to apply.

3. This act shall not apply to any cause commenced before the effective date of this act.

C. 2:27-233.4. Act effective.

4. This act shall take effect on September fifteenth, one thousand nine hundred and forty-eight.

Approved June 12, 1948.

CHAPTER 121

AN ACT concerning civil service, and amending sections 11:4–4, 11:22–2 and 11:22–4 and repealing sections 11:22–25, 11:22–26, 11:22–27 and 11:22–28 and supplementing chapters seven and twenty-two of Title 11 of the Revised Statutes.

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

Section amended.

1. Section 11:4–4 of the Revised Statutes is amended to read as follows:

Unclassified service.

11:4–4. The positions held by the following officers and employees shall not be within the classified service:

a. Officers elected by popular vote;

b. Department heads, members of boards and commissions and other officers appointed by the Governor with or without the consent of one or both branches of the Legislature;

c. Employees of the Governor, including domestic employees in the Governor's household and paid by the State;

d. Officers and employees of both branches of the Legislature;

e. Officers, noncommissioned officers, enlisted men, and other persons employed in the military or naval service of the State and under military or naval discipline and control;

f. Members of district boards of elections; employees in voting machine departments, chief deputy, clerk, secretary, clerical and other assistants or employees appointed by the superintendents of elections and commissioners of registration in counties having such superintendents of elections, and by the county boards of elections in all other counties;

g. Judges, jurors, masters in chancery, referees, arbiters, and persons employed by a court to conduct a judicial investigation or inquiry, or to exercise judicial functions, except deputy commissioners of compensation, referees, and adjusters employed by the department of labor, the workmen's compensation commission and the rehabilitation commission;

h. Assistant attorneys-general, legal assistants and special counsel to State departments by or with the authorization of the Attorney-General;

i. Members of advisory boards for State institutions who serve without pay;

j. Superintendents, teachers and instructors in the public schools, the agricultural experiment station, normal schools, State institutions, when certified teachers are employed under the supervision of and qualified by the State Department of Education, and other institutions maintained wholly or in part by the State;

k. Students in educational institutions employed less than half time;

l. The deputy or deputies to each department head in the State Government when the law provides for such deputy or deputies authorized to act generally for and in place of the department head during his absence or disability;

m. One clerk or secretary and one confidential employee or agent to each justice of the Supreme Court, the Chancellor, each Vice-Chancellor, judge,

principal executive officer and each State department, board or commission, when such Justice, Chancellor, Vice-Chancellor, judge, principal executive officer, department head, board or commission certifies to the commission that such clerk or secretary and such additional confidential employee or agent is essential to the work of the court, department, board or commission. Each certification and appointment hereunder shall be recorded in the minutes of the commission;

n. Persons engaged in public work for the State but employed by contractors when the performance of the contract is authorized by the Legislature or other competent authority;

o. Persons temporarily employed or designated by the Legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

p. Superintendents or directors of State institutions;

q. All superintendents, directors or other employees in the State Government, who of necessity must be licensed physicians, surgeons or dentists;

r. Persons engaged in public work undertaken by the State, jointly or in co-operation with other States, or counties or municipalities of other States or the Federal Government;

s. Agents, investigators or special officers in the office of the prosecutors of the pleas not in excess of twelve in counties having a population of more than three hundred thousand, six in counties having a population in excess of one hundred sixty thousand and not more than three hundred thousand, and two in other counties;

t. The engineering, professional and other employees and assistants of the South Jersey Port District and the South Jersey Port Commission;

u. Such other offices and positions not now included in the unclassified service by this section or by any other statute, as the Civil Service Commission shall, from time to time, determine, according to law, to be in the unclassified service.

2. The Civil Service Commission may determine, from time to time, whether positions in the State service, not assigned to the unclassified service of the civil service by law, shall be in the classified or the unclassified service of the civil service for purposes of appointment or promotion thereto and in so doing, the Civil Service Commission shall determine whether or not it is practicable to determine merit and fitness for employment or promotion in each such position on the basis of— C. 11:7-11. To determine classification, method.

First, competitive examination, or

Second, examination which is not competitive, or

Third, minimum qualification requirements therefor.

In any case in which it is so found to be practicable to determine merit and fitness for employment or promotion to any such position in any such manner, the same shall be classified in the classified service of the State service, and merit and fitness for appointment or promotion thereto shall be ascertained in accordance with said determination of the Civil Service Commission.

3. In any case in which it is so found not to be practicable to determine merit and fitness for appointment or promotion to any such position in any such manner, the same shall be classified in the unclassified service of the State service. C. 11:7-12. Position to be unclassified.

4. In any case in which any position, now in existence or hereafter created, has been or shall be classified in the classified service of the State service and the Civil Service Commission shall desire to re-examine the classification thereof, the Civil Service Commission shall, before determining that any such position shall be in the unclassified service of the State service, hold a public hearing to determine whether or not it is practicable to determine merit and fitness for appointment or promotion to such position by means of competitive or other examination or on the basis of minimum qualification requirements thereof and if it shall be determined that it is not practicable so to do, it shall record and publish its findings in which it C. 11:7-13. Hearing to determine classification, findings published.

shall state the basis upon which such determination is made and, thereafter, such position shall be in the unclassified service of the State service.

Section amended.

5. Section 11:22–2 of the Revised Statutes is amended to read as follows:

Not subject to provisions of subtitle.

11:22–2. The unclassified service shall not be subject to the provisions of this subtitle and shall include the following:

a. Officers elected by popular vote;

b. Members of district boards of elections; employees in voting machine departments, the chief deputy, clerk, secretary, clerical and other assistants or employees appointed by the superintendents of elections and commissioners of registration in counties having such superintendents of elections, and by the county boards of elections in all other counties;

c. Appointments of the mayor;

d. Heads of departments, the members of commissions and boards elected by the board of aldermen, common council or other governing body of any county, municipality or school district operating under this subtitle;

e. Law officers of a county, municipality or school district operating under this subtitle;

f. Superintendents of, teachers and instructors in the public schools and county superintendents and members and business managers of boards of education;

g. Police magistrates appointed by the mayor or other head officer of the municipality operating under this subtitle;

h. Officers and employees of county park commissioners appointed under the provisions of sections 40:37–96 to 40:37–174 of the Title Municipalities and Counties;

i. The superintendent of a county hospital for persons suffering from communicable diseases appointed under the provisions of sections 30:9–61 and 30:9–69 of the Revised Statutes; and

j. The deputy or first assistant of principal executive officers authorized by law to act generally for and in place of his principal;

k. The legal assistants of the law department of the counties, municipalities or school districts operating under this subtitle except as herein otherwise provided;

l. One secretary, clerk or executive director of each department, appointed board or commission authorized by law to appoint a secretary, clerk or executive director;

m. One private secretary or clerk or stenographer of each judge or principal executive officer;

n. All officials of county institutions who must of necessity be physicians; and

o. Such other offices and positions not now included in the unclassified service by this section or by any other statute, as the Civil Service Commission shall, from time to time, determine, according to law, to be in the unclassified service.

C. 11:22-50. To determine classification, method.

6. The Civil Service Commission may determine, from time to time, whether positions in the service of each political subidvision of the State, not assigned to the unclassified service of the Civil Service by law, shall be in the classified or the unclassified service of the Civil Service for purposes of appointment or promotion thereto and in so doing, the Civil Service Commission shall determine whether or not it is practicable to determine merit and fitness for employment or promotion in each such position on the basis of—

First, competitive examination, or

Second, examination which is not competitive, or

Third, minimum qualification requirements therefor.

In any case in which it is so found to be practicable to determine merit and fitness for employment or promotion to any such position in any such manner, the same shall be classified in the classified service of any political subdivision of the State, and merit and fitness for appointment or promotion thereto shall be ascertained in accordance with said determination of the Civil Service Commission.

C. 11:22-51. Position to be unclassified.

7. In any case in which it is so found not to be practicable to determine merit and fitness for appointment or promotion to any such position in any such manner, the same shall be classified in the unclassified service of the service of such political subdivision of the State.

C. 11:22-52. Hearing to determine classification, findings published.

8. In any case in which any position, now in existence or hereafter created, has been or shall be classified in the classified service of the service of any such political subdivision of the State and the Civil Service Commission shall desire to re-examine the classification thereof, the Civil Service Commission shall, before determining that any such position shall be in the unclassified service of the service of any such political subdivision of the State, hold a public hearing to determine whether or not it is practicable to determine merit and fitness for appointment or promotion to such position by means of competitive or other examination or on the basis of minimum qualification requirements thereof and if it shall be determined that it is not practicable so to do, it shall record and publish its findings in which it shall state the basis upon which such determination is made and, thereafter, such position shall be in the unclassified service of the service of such political subdivision of the State.

C. 11:7-14. Not to affect status.

9. The taking effect of this act shall not in any manner affect the civil service status of any person holding office or position in the classified or unclassified division of the civil service of the State or any county, municipality or school district on the date when this act takes effect.

Section amended.

10. Section 11:22–4 of the Revised Statutes is amended to read as follows:

Classes of classified service.

11:22–4. The offices, positions and employments in the classified service of a county, municipality or school district operating under this subtitle shall be arranged by the commission in three classes, to be designated as the competitive class, the noncompetitive class, and the labor class, which classification may be changed from time to time as the commission may deem proper.

All persons heretofore appointed or employed in any office or position in any part of the classified service of a county, municipality or school district which has been classified in the exempt class either under the provisions of this section or of any other statute or by action of the Civil Service Commission shall continue to hold their offices or positions, and have the same rights of tenure and appeal, as they have had heretofore as officers or employees in the exempt class, but on retirement, resignation or removal of any person holding any such office or position, appointment to fill the occurring vacancy shall be made as provided for appointments in the unclassified service, if such office or position is then included in the unclassified service under the provisions of this section or of any other statute but, if such office or position is not then included in the unclassified service under the provisions of this section or of any other statute, it shall be filled in the manner prescribed for filling vacancies in the classified service. To continue in exempt class.

11. Sections 11:22–25, 11:22–26, 11:22–27 and 11:22–28 of the Revised Statutes are repealed. Repealer.

12. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 122

AN ACT concerning the probate of wills, and supplementing chapter two of Title 3 of the Revised Statutes.

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

1. If any subscribing witness to a will shall reside outside of the county in which such will may be legally probated before the surrogate or deputy surrogate of such county the said surrogate or C. 3:2-25.5. Probating will, procedure.

deputy surrogate may deputize the surrogate or deputy surrogate of any other county in the State to take the necessary testimony or deposition of such subscribing witness. In any such case the surrogate or deputy surrogate so deputizing another surrogate or deputy surrogate, shall safely transmit the original will to such other surrogate or deputy surrogate and such transmittal may be made by registered mail. The surrogate or deputy surrogate before transmitting an original will shall make and retain a copy of such will and if convenient such copy shall be made by photostat or similar process. The taking of any such testimony or deposition shall have the same effect as though taken before the surrogate or deputy surrogate of the county in which the will is to be probated. The surrogate or deputy surrogate taking the testimony or deposition shall return the same together with the original will to the surrogate or deputy surrogate of the county in which the will is to be probated and such return shall be made in the same manner as in the case of the transmittal of the original will.

C. 3:2-25.6. Fees.

2. The surrogate or deputy surrogate for making the copy, transmitting the original will and deputizing the other surrogate or deputy surrogate shall be entitled to a fee of five dollars ($5.00), and the surrogate or deputy surrogate taking the testimony or deposition and making the return shall be entitled to a fee of three dollars ($3.00).

C. 3:2-25.7. Not to apply.

3. The provisions of this act shall not apply to proceedings in the orphans' court for or concerning the probate of a will.

4. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 123

AN ACT concerning hunting and fishing licenses, and amending section 23:3–22 of the Revised Statutes.

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

1. Section 23:3–22 of the Revised Statutes is amended to read as follows: Section amended.

23:3–22. If a person shall, after conviction of any violation of the fish and game laws be again convicted of another violation of the fish and game laws, the court or magistrate before whom the second conviction was had shall, in addition to imposing the penalties provided for the violation, revoke, upon presentation of a certified copy of the former conviction, any fishing license or hunting license issued to the person convicted a second time, and a license issued to a person within a period of two years from the date of his second conviction shall be void. License revoked for second conviction.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 124

AN ACT authorizing the State Highway Commissioner to permit the use, for new construction, reconstruction, betterment, or improvement of municipal roads and streets, of moneys appropriated for municipal road and street maintenance prior to March first, one thousand nine hundred and forty-seven, and repealing "An act authorizing municipalities in certain counties to use moneys appropriated for road and street maintenance for general road and street improvements in such municipalities, subject to the approval of the State Highway Commissioner," approved November eighteenth, one thousand nine hundred and thirty-nine (P. L. 1939, c. 380).

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

C. 27:15-19. May use funds for new construction.

1. Where moneys were, prior to the first day of March, one thousand nine hundred and forty-seven, appropriated by law for the maintenance of city, town, township, borough and village roads and streets, and any part of such moneys remains reserved, unused, and unobligated, and local conditions indicate that it would be more economical and advantageous to use these funds for new construction, reconstruction, betterment or improvement of said roads and streets, the State Highway Commissioner, upon application of the municipality, may permit the use of such remaining funds for the aforesaid purposes.

C. 27:15-20. Repealer.

2. "An act authorizing municipalities in certain counties to use moneys appropriated for road and street maintenance for general road and street improvements in such municipalities, subject to the approval of the State Highway Commissioner,"

approved November eighteenth, one thousand nine hundred and thirty-nine, is repealed.

3. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 125

AN ACT to amend the uniform narcotic drug law, and amending section 24:18–2 of the Revised Statutes.

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

1. Section 24:18–2 of the Revised Statutes is amended to read as follows: Section amended.

24:18–2. The following words and phrases as used in this chapter shall have the following meanings unless the context otherwise requires: Terms defined.

a. "Narcotic drugs" means coca leaves, amidone, opium, marihuana, isonipecaine and every substance not chemically distinguishable from them. Narcotic drugs;

(1) The term "marihuana" means all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fibre produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fibre, oil, or cake or the sterilized seed of such plant which is incapable of germination. Marihuana;

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Opium; (2) "Opium" includes morphine, codeine and heroin and any compound, manufacture, salt, derivative, mixture, or preparation of opium.

Coca leaves; (3) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substance from which cocaine or ecgonine may be synthesized or made.

Isonipecaine; (4) "Isonipecaine" means the substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof by whatever trade name identified.

Amidone; (5) "Amidone" means the substance identified chemically as 4, 4-Diphenyl-6-Dimethyl-amino-Heptanone-3, or any salt or form thereof by whatever trade name identified.

Dentist; b. "Dentist" means any person authorized by law to practice dentistry in this State.

Dispense; c. "Dispense" includes distribute, leave with, give away, dispose of or deliver.

Federal narcotic law; d. "Federal narcotic law" means the laws of the United States relating to opium, coca leaves and other narcotic drugs.

Hospital; e. "Hospital" means an institution for the care and treatment of the sick and injured, approved by the State Department of Institutions and Agencies as proper to be intrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist or veterinarian.

Laboratory; f. "Laboratory" means a laboratory to be intrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific, experimental and medical purposes and for purposes of instruction approved by the State Department of Health.

Manufacturer; g. "Manufacturer" means a person who by compounding, mixing, cultivating, growing or other process produces or prepares narcotic drugs, but

does not include a pharmacist who compounds narcotic drugs to be sold or dispensed on prescription.

Official written order; h. "Official written order" means an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by Federal law, and if no such order form is provided, then on an official form provided for that purpose by the State Department of Health.

Person; i. "Person" includes any corporation, association, copartnership or one or more individuals.

Pharmacist; j. "Pharmacist" means a registered pharmacist of this State.

Pharmacy owner; k. "Pharmacy owner" means the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a registered pharmacist; but nothing in this chapter contained shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this State.

Physician; l. "Physician" means any person authorized by law to practice medicine in this State and any other person authorized by law to treat sick and injured human beings in this State and to use narcotic drugs in connection with such treatment.

Registry number; m. "Registry number" means the number assigned to each person registered under the Federal narcotic laws.

Sale; n. "Sale" includes barter, exchange or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

Veterinarian; o. "Veterinarian" means any person authorized by law to practice veterinary medicine in this State.

Wholesaler. p. "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced or prepared, or official written order, but not on prescription.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 126

AN ACT concerning the registration of vital statistics, and amending section 26:8–25 of the Revised Statutes.

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

Section amended.

1. Section 26:8–25 of the Revised Statutes is hereby amended to read as follows:

Local registrar, duties.

26:8–25. The local registrar, under the supervision and direction of the State Registrar, shall:

a. Strictly and thoroughly enforce the law relative to the disposal of dead bodies and the registration of vital statistics in his registration district;

b. Supply blank forms of cerificates to such pertificates to such persons as require them;

c. Supply to every physician, midwife, and undertaker a copy of the law relative to the registration of vital statistics and the disposal of dead bodies, together with such rules and regulations as may be prepared by the State Registrar relative to their enforcement;

d. Number consecutively the certificates of birth and death, in two separate series, beginning with the number one for the first birth and the first death in each calender year, and sign his name as registrar in attestation of the date of filing in his office;

e. Examine each certificate of birth or death when presented for record in order to ascertain whether or not it has been made in accordance with law and the instructions of the State Registrar; and if such certificate is incomplete and unsatisfactory, he shall have the same corrected;

f. At the expense of the municipality make a complete and accurate copy of each birth and each death certificate registered by him on a form or in a manner prescribed by the State Registrar, to be

preserved permanently in his office as the local record;

g. Send to the father or mother of every child an official notice that the birth of such child has been recorded. The notice shall be supplied by the local board of health in such form as the State Registrar may prescribe;

h. On the tenth day of each month transmit to the State Registrar all original birth and death certificates received by him for the preceding month. If no births or deaths occurred in any month, he shall, on or before the tenth day of the following month, report that fact to the State Registrar on a card provided for such purpose;

i. Within thirty days after the close of each calendar year, make a return to the State Registrar of all physicians, midwives or undertakers who have been registered in his district the whole or any part of the preceding calendar year;

j. Make an immediate report to the State Registrar of any violation of this chapter or chapter six of this Title (section 26:6–1 et seq.), coming to his knowledge; and

k. In the case of any birth in his registration district to parents who are residents of another municipality or of the death in his registration district of any person who at the time of such death was a resident of another municipality, notify the registrar of the other municipality, within five days of such birth or death, on forms prescribed by the State Registrar.

2. This act shall take effect July first, one thousand nine hundred and forty-eight. Act effective.

Approved June 12, 1948.

CHAPTER 127

AN ACT concerning marriages, and amending section 37:1–15 of the Revised Statutes.

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

Section amended.

1. Section 37:1–15 of the Revised Statutes is amended to read as follows:

Solemnizing without license, penalty.

37:1–15. Any person, not authorized by section 37:1–13 of the Revised Statutes to solemnize marriages, who solemnizes a marriage or any person or religious society, institution or organization, authorized to solemnize marriages, who solemnizes a marriage without the presentation of a license therefor, obtained in accordance with the provisions of article two of this chapter (§37:1–2 et seq.), shall be guilty of a misdemeanor, and punished by a fine not exceeding five hundred dollars ($500.00), or imprisonment not exceeding six months, or both.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 128

AN ACT to ratify, confirm, validate and make legal and effectual certain acknowledgments of deeds of any dissolved corporation or of any corporation whose charter has been forfeited or expired.

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

Certain acknowledgments of corporate deeds validated.

1. That the acknowledgment and record of any and all deeds of conveyance of land and tenements and real estate situate within this State heretofore made, executed and delivered by the trustees in dissolution of any dissolved corporation or of any corporation whose charter has been forfeited or has expired, but which deeds have been acknowledged by the trustees in their individual names and as their voluntary act and deed for the uses and purposes therein expressed and were not acknowledged in their names as trustees of the corporation and as the voluntary act and deed of such corporation, be and the same are hereby declared good, valid and effectual as if the same had been duly acknowledged; *provided,* said deed or deeds shall have been recorded in the clerk's or the registrar's office of the county wherein such lands are situated for one year last past.

Proviso.

Record as evidence.

2. The record of every such deed shall be admissible in evidence as fully and completely for all purposes as if the deed had been fully and duly acknowledged.

3. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 129

AN ACT to amend "An act concerning the Division of Local Government in the State Department of Taxation and Finance, and amending sections 40:3–3, 40:3–9, 40:3–17, 40:3–20, 40:3–23, 40:3–24, 40:4–4, 40:4–8, 40:4–9, 40:4–12, 40:4–13, 40:4–14, 40:4–15, 40:5–8, 40:5–9, 40:5–12, 40:5–13 and 40:48–12 of the Revised Statutes," approved May seventh, one thousand nine hundred and forty-seven (P. L. 1947, c. 117).

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

Section amended.

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

Section amended.

3. Section 40:3–17 of the Revised Statutes is amended to read as follows:

Sinking fund requirements, calculating.

40:3–17. The sinking fund commission of a municipality, county or school district (where a sinking fund commission exists only for such school district) shall calculate the annual requirements of the sinking fund for all term bonds for the ensuing fiscal year, in accordance with the provisions of section 40:3–16 of this Title, and on or before November first next before the final date fixed for the adoption of the budget for the fiscal year of the municipality or county, and on or before December first next before the annual school meeting for school districts as to bonds issued by such districts, shall submit such calculation of the sinking fund requirements for the fiscal year for which the budget shall apply, to the governing body of the municipality or county or the board of education of the school district, as the case may be, and to the Director of the Division of Local Government in the State Department of Taxation and Finance

Auditing and correcting.

The said director shall correct and audit such calculations, and on or before December first next before the date fixed for the adoption of the budget as to requirements for municipal or county bonds, and on or before February first next before the meeting at which school appropriations are voted for such school districts as to requirements for bonds of school districts, shall issue a certificate of the sinking fund requirements for such year to the sinking fund commission, and shall transmit a copy of such certificate to the governing body of the municipality, county or the board of education of the school district, as the case may be, and the amount as certified by the said director shall be the official determination of the sinking fund requirements for such fiscal year, which shall be included in the annual budget and tax ordinance of the municipality, or the annual budget or tax resolution of the county, and the appropriations of school districts, and shall be assessed, levied and collected as required by law.

Payment and receipt.

The required amount as certified shall be turned over to the sinking fund commission for the municipality, county or school district, as the case may be, on or before December thirty-first of the year for which such budget shall apply. The sinking fund commission shall, on or before January fifth following, transmit to the said director a certificate as to the receipt or nonreceipt by it of the sinking fund requirements previously certified, but the failure on the part of any sinking fund commission or the said director to issue a certificate of the amount of sinking fund requirements for any year shall in no wise relieve the governing body of any municipality or county, or the board of education of any school district, of their obligation to make provisions for the proper sinking fund requirements for the year in their appropriations for municipal, county or school purposes, as the case may be.

Not relieved of duty to determine requirements.

Should such appropriations not be included in the budget, as adopted, they shall, nevertheless, be in-

cluded in the tax ordinance or resolution, as the case may be, but in no case shall the district clerk and the county board of taxation be relieved from their duty to determine that such requirements have been provided for in the case of bonds issued by school districts.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 130

AN ACT making an appropriation to the Legislature.

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

Appropriation.

1. The sum of twenty-five thousand dollars ($25,000.00) or so much thereof as may be necessary is appropriated to the Legislature to provide for compensation of employees, for news and reporting services and for miscellaneous and incidental expenses including legislative manuals.

2. This act shall take effect immediately.

Approved June 11, 1948.

CHAPTER 131

AN ACT authorizing boards of education to compensate any transportation contractor for necessary expenditures made to comply with the provisions of any law enacted, or rules and regulations promulgated, after his contract was entered into.

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

C. 18:14-12.5. May compensate for necessary expenditures.

1. Notwithstanding the terms of any contract or renewal thereof entered into pursuant to sections 18:14–8 to 18:14–12, inclusive, of the Revised Statutes, any board of education, in its discretion, with the approval of the county superintendent of schools, may compensate any transportation contractor, in whole or in part, for any necessary expenditure made to comply with the provisions of any law enacted, or any rules and regulations promulgated pursuant to any law, after said contract was entered into.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 132

AN ACT to amend "An act concerning motor vehicles and traffic regulations, and supplementing chapter four of Title 39 of the Revised Statutes," approved May thirteenth, one thousand nine hundred and forty-two (P. L. 1942, c. 192).

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

Section amended.

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

C. 39:4-128.1. Required to stop.

1. The driver of a vehicle approaching or overtaking a bus which is being used solely for the transportation of children to or from school and which has stopped for the purpose of receiving or discharging any school child, shall stop such vehicle not less than ten feet from such school bus and keep such vehicle stationary until such child has entered said bus or has alighted and reached the side of such highway; *provided,* such bus is designated as a school bus by one sign on the front and one sign on the rear with each letter on such signs at least four inches in height.

Proviso.

To remain stationary.

The driver of a bus which is being used solely for the transportation of children to or from school shall not start his bus until every child who may have alighted therefrom shall have reached a place of safety.

Fine.

Any person who shall violate any provision of this act shall be fined not less than ten dollars ($10.00) for the first offense, and not less than twenty-five dollars ($25.00) for each subsequent offense, which shall be enforced and recovered pursuant to the provisions of chapter five of Title 39 of the Revised Statutes.

May revoke license.

The Commissioner of Motor Vehicles may also revoke the license to drive a motor vehicle of any person who shall have been guilty of such willful

violation of any of the provisions of this act as shall, in the discretion of the commissioner, justify such revocation but the commissioner shall, at all times, have power to validate such a license which has been revoked, or to grant a new license to any person whose license to drive a motor vehicle shall have been revoked, pursuant to this act.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 133

AN ACT concerning public school busses, and supplementing chapter fourteen of Title 18 of the Revised Statutes.

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

C. 18:14-12.1. Warning lamps required.

1. Every bus when being used to transport children to and from school pursuant to sections 18:14–8 to 18:14–12, inclusive, of the Revised Statutes shall be equipped with electric identification and warning lamps which, when such bus has stopped for the purpose of receiving or discharging any school child, will exhibit a flashing red light plainly visible at such a distance as will enable the driver of a vehicle approaching or overtaking the bus to see the red light in sufficient time to bring the same to a stop within ten feet of the bus. Such lamps shall meet the requirements prescribed by the State Board of Education, which requirements shall not be inconsistent with the provisions of Title 39 of the Revised Statutes or any rule or regulation made pursuant thereto.

Construing.

Nothing contained herein shall be construed to apply to any motorbus when carrying passengers for hire over any street or road and accepting and discharging indiscriminately such persons as may

offer themselves for transportation either at the termini or points along the route on which it is being operated.

C. 18:14-12.2. Signs or legends on school bus.

2. There shall be displayed on every bus referred to in section one of this act signs or legends which will, insofar as practicable, inform the driver of any vehicle concerning the duty imposed upon him by law with respect to passing such bus, while it is loading or unloading. Such signs or legends shall be in such color, form and design as will meet the requirements prescribed by the State Board of Education, which requirements shall not be inconsistent with the provisions of Title 39 of the Revised Statutes or any rule or regulation made pursuant thereto.

C. 18:14-12.3. Information on back of certificate of approval.

3. The Commissioner of Motor Vehicles shall, at such times as in his discretion he shall determine, cause to be displayed upon the back of each certificate of approval designed for pasting upon the windshield of any motor vehicle, pursuant to chapter eight of Title 39 of the Revised Statutes, such information, as he may deem practicable and advisable, concerning the duty imposed by law upon the driver of any vehicle with respect to passing any bus referred to in section one of this act while it is loading or unloading.

C. 18:14-12.4. Act effective.

4. This act shall take effect September first, one thousand nine hundred and forty-eight.

Approved June 12, 1948.

CHAPTER 134

AN ACT to authorize proceedings and acts by or on behalf of corporations organized under, or for purposes permitted by, or subject to the provisions of, Title 14 of the Revised Statutes, for the execution of plans of reorganization or arrangements under the National Bankruptcy Act and for the execution of plans for simplification or integration under the Public Utility Holding Company Act of 1935, and to amend sections 14:14–44, 14:14–45 and 14:14–46 of the Revised Statutes.

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

1. Section 14:14–44 of the Revised Statutes is amended to read as follows: Section amended.

14:14–44. Any corporation organized under this Title, or organized under other general or special law for purposes permitted by the provisions of this Title, or subject to the provisions of this Title, a plan of reorganization or an arrangement of which pursuant to the provisions of the Act of Congress of July 1, 1898, entitled "An act to establish a uniform system of bankruptcy throughout the United States," as amended and supplemented (herein referred to as the national bankruptcy act), has been or shall be accepted by creditors and stockholders affected by the plan of reorganization and whose acceptance thereof is requisite to confirmation, and has been or shall be confirmed by the decree or order of a court of competent jurisdiction, and any such corporation which is a registered holding company or a subsidiary thereof, a plan for the simplification or integration of which, or of the holding company system of which such holding company is a part, has been or shall be ap- Reorganization, execution, means, powers, authority.

proved by the Securities and Exchange Commission pursuant to the provisions of Section 11 of Title I of the Act of Congress of August 26, 1935, entitled "An act to provide for control and regulation of public utility holding companies, and for other purposes" (herein referred to as the public utility holding company act of one thousand nine hundred and thirty-five), (such plans of reorganization, arrangement, plans of simplification, and plans of integration being collectively referred to in sections 14:14–44 to 14:14–48, inclusive, of this Title as plans of reorganization, and the proceedings for the approval or confirmation thereof being therein collectively referred to as reorganization proceedings), may provide adequate means for the execution of the plan of reorganization and shall have full power and authority to put into effect and carry out the plan of reorganization and the decrees and orders of the Securities and Exchange Commission, court or judge, if any, relative thereto and may take any proceeding and do any act provided in the plan of reorganization or directed by such decrees and orders, without further action by its directors or stockholders. Such means may be provided, such power and authority may be exercised, and such proceedings and acts may be taken, as may be directed by such decrees or orders, by the trustee or trustees of such corporation, appointed in the reorganization proceedings, or a majority thereof, or if none be appointed and acting, by the directors or a majority of them, or by an officer or officers of the corporation, or by a master or other representative appointed by the Securities and Exchange Commission, court or judge, with like effect as if provided, exercised and taken by unanimous action of the directors and stockholders of the corporation.

Section amended.

2. Section 14:44–45 of the Revised Statutes is amended to read as follows:

Powers of reorganized corporation.

14:14–45. Such corporation may, in the manner above provided, but without limiting the generality or effect of the foregoing, alter, amend or repeal

its by-laws; constitute or reconstitute and classify or reclassify its board of directors, and name, constitute or appoint directors and officers in place of or in addition to all or some of the directors or officers then in office; amend its certificate of incorporation, and make any change in its capital or capital stock, or any other amendment, change, or alteration, or provision, authorized by sections 14.11–1 to 14:11–5 of this Title; dissolve or be dissolved; merge or consolidate as permitted by section 14:12–1 of this Title, in which case, however, no stockholder shall have any statutory right of appraisal of his stock; change the location of its principal office and remove or appoint an agent to receive service of process; authorize and fix the terms, manner and conditions of, the issuance of bonds, debentures or other obligations convertible into stock of any class, or bearing warrants or other evidences of optional rights to purchase or subscribe for stock of any class; lease its property and franchises to any corporation, if permitted by law; sell, exchange or otherwise dispose of all or substantially all of its property, assets and franchises, in which case, however, no stockholder shall have any statutory right of appraisal of his stock; provide for and adopt any plan authorized by article one of chapter nine of this Title (§14:9–1 et seq.), in which case, however, no stockholder shall have any statutory right of appraisal of his stock; or come under and become subject to the provisions of this Title.

Section amended.

3. Section 14:14–46 of the Revised Statutes is amended to read as follows:

Certificate, agreement, execution, contents, filing.

14:14–46. A certificate, executed as hereinafter provided, of any amendment, change or alteration, or of dissolution, or any agreement of merger or consolidation, made by such corporation pursuant to the foregoing provisions, shall be filed in the office of the Secretary of State, and shall thereupon become effective in accordance with its terms and the provisions hereof. Such certificate, agreement of merger or other instrument shall be made, ex-

ecuted and acknowledged, as may be directed by such decrees or orders, by the trustee or trustees appointed in the reorganization proceedings, or a majority thereof, or, if none be appointed and acting, by officers of the corporation, or by a master or other representative appointed by the Securities and Exchange Commission, court or judge, and shall certify (1) that provision for the making of such certificate, agreement or instrument is contained in the plan of reorganization or in a decree or order of the Securities and Exchange Commission, court or judge relative thereto; (2) that, in the case of a plan of reorganization under the national bankruptcy act, such plan of reorganization has been accepted by creditors and stockholders affected thereby and whose acceptance is requisite to confirmation, as provided in the national bankruptcy act; and (3) that the plan of reorganization has been confirmed, as provided in the national bankruptcy act or approved as provided in the public utility holding company act of one thousand nine hundred and thirty-five.

3. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 135

AN ACT concerning disorderly persons, and amending section 2:202–3 of the Revised Statutes.

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

Section amended.

1. Section 2:202–3 of the Revised Statutes is amended to read as follows:

Disorderly persons.

2:202–3. All runaway servants or apprentices, and all vagrants, vagabonds, common drunkards, common thieves, burglars or pickpockets, common nightwalkers, common prostitutes, common pro-

curers, and common drug addicts shall be adjudged disorderly persons. The term "common drug addicts" as used in this section means persons who habitually use narcotic drugs, as defined in section 24:18–2 of the Revised Statutes, and who obtain such drugs from a person other than one duly authorized by law to treat sick and injured human beings and to use such drugs in connection with such treatment.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 136

AN ACT to amend "An act relating to the establishment of sewerage districts in first- and second-class counties, the creation of sanitary sewer district authorities by the establishing of such districts, prescribing the powers and duties of any such authority and of other public bodies in connection with the construction of sewers and sewage disposal facilities in any such district, and providing the ways and means for paying the costs of construction and operation thereof," approved April twenty-third, one thousand nine hundred and forty-six (P. L. 1946, c. 123).

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

1. Section fifty-four of the act of which this act is amendatory is amended to read as follows: Section amended.

54. An authority shall have power and is hereby authorized, from time to time, to issue its negotiable bonds and, in anticipation thereof, its notes, to provide for the cost of the construction of its district sewer system as defined by subdivision (e) C. 40:36A-54. May issue bonds.

of section thirty and for the purposes herein provided. Such bonds or notes shall be authorized by resolution of such authority adopted only after public hearing thereon by such authority held not less than ten days after notice of such hearing advertised in a newspaper published at the county seat of the county and shall be sold by such authority in the manner or mode of procedure prescribed for the sale of bonds or notes, respectively, of a county by article one of chapter one of the Title, Municipalities and Counties, of the Revised Statutes (R. S. 40:1–1 et seq.). Such bonds may be issued in one or more series, and shall bear such date or dates, mature at such time or times in accordance with this section not exceeding forty years from their date, bear interest at such rate or rates not exceeding six per centum (6%) per annum payable at such time or times, be in such denominations and in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable at such place or places and be subject to such terms of redemption with or without premium, as may be determined in said resolution of such authority. The maturities of the bonds of each such series shall be so arranged that the total amount payable in any year on account of principal and interest thereof shall not exceed by more than one-half the total amount payable on account of such principal and interest in any prior year other than the first four years next ensuing after their issuance. Notes issued hereunder may be renewed, but all such notes, including renewals thereof, shall mature and be paid not more than five years from the date of the original notes. The bond issues authorized and issued by an authority may provide for the total cost of its district sewer system to be constructed as defined by subdivision (e) of section thirty, or an estimate thereof, including any deficits, salaries, working capital, reserves, repayment of moneys advanced for administrative expenses, and temporary borrowing, up to the beginning of the first

Issuing details.

fiscal year of the authority as set forth in section forty-four. After the beginning of the first fiscal year, all administrative expenses, operating and maintenance expenses shall be paid out of revenue received by an authority under contracts for sewage disposal and services as herein provided. Should an authority authorize or issue any bonds for the purposes herein provided and after using the proceeds of said bonds for the purposes provided in the resolution authorizing said bond issue, there remain an unexpended balance of the proceeds of said bond issue, then such unexpended balance shall be used to retire the last due bonds. After the beginning of the first fiscal year as provided in section forty-four of this act, no bond issue shall be authorized or issued to pay for the maintenance, operating or other current expenses of an authority. The validity and regularity of the proceedings taken by an authority pursuant to this section for the issuance of such bonds or notes and the obligation of the authority to pay such bonds or notes and interest thereon, and to perform the covenants contained in such bonds or notes or such proceedings, shall not be dependent on or affected by the validity or regularity of any other proceedings taken, contracts entered into, acts performed, or things done by such authority, or by any municipality, private sewer company or industry. No resolution authorizing the issuance of any bonds pursuant to this section shall be finally passed if it appears that the aggregate of all bonds of such authority then outstanding, including those authorized by such resolution exceeds ten per centum (10%) of the average assessed valuation of real property (including improvements) in the municipalities which have signed contracts with such authority pursuant to section fifty hereof as shown on the annual debt statements last filed in or by such municipalities pursuant to sections 40:1–75 et seq. of the Revised Statutes.

Validity of action.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 137

AN ACT to amend the title of "An act concerning secretaries of boards of public safety in cities, and supplementiug chapter seventy of Title 40 of the Revised Statutes," approved June twenty-third, one thousand nine hundred and forty-seven (P. L. 1947, c. 332), so that the same shall read "An act concerning secretaries of boards of public safety in cities, and supplementing Title 40 of the Revised Statutes."

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

Title amended.

1. The title of "An act concerning secretaries of boards of public safety in cities, and supplementing chapter seventy of Title 40 of the Revised Statutes," approved June twenty-third, one thousand nine hundred and forty-seven, is amended to read

New title.

"An act concerning secretaries of boards of public safety in cities, and supplementing Title 40 of the Revised Statutes."

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 138

AN ACT to amend the title of "An act concerning relief of certain persons who served in the active military or naval forces of the United States, and supplementing chapter eighteen of Title 38 of the Revised Statutes," approved June eleventh, one thousand nine hundred and forty-seven (P. L. 1947, c. 263), so that the same shall read "An act concerning relief of certain persons who served in the active military or naval forces of the United States, and supplementing Title 38 of the Revised Statutes."

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

1. The title of "An act concerning relief of certain persons who served in the active military or naval forces of the United States, and supplementing chapter eighteen of Title 38 of the Revised Statutes," approved June eleventh, one thousand nine hundred and forty-seven, is amended to read "An act concerning relief of certain persons who served in the active military or naval forces of the United States, and supplementing Title 38 of the Revised Statutes." Title amended. New title.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 139

AN ACT to amend the title of "An act relating to residuary devises or bequests by will, in case of failure by the death of one or more of the beneficiaries thereof, or any other cause, and supplementing article two of Title 3 of the Revised Statutes," approved July third, one thousand nine hundred and forty-seven (P. L. 1947, c. 380), so that the same shall read "An act relating to residuary devises or bequests by will, in case of failure by the death of one or more of the beneficiaries thereof, or any other cause, and supplementing chapter two of Title 3 of the Revised Statutes."

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

Title amended.

1. The title of "An act relating to residuary devises or bequests by will, in case of failure by the death of one or more of the beneficiaries thereof, or any other cause, and supplementing article two of Title 3 of the Revised Statutes," approved July third, one thousand nine hundred and forty-seven,

New title.

is amended to read "An act relating to residuary devises or bequests by will, in case of failure by the death of one or more of the beneficiaries thereof, or any other cause, and supplementing chapter two of Title 3 of the Revised Statutes."

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 140

AN ACT to amend the title of "An act requiring taxpayers to pay an expense fee as a condition precedent to filing petitions of appeal with the county board of taxation in counties of the first class, and supplementing Title 54 of the Revised Statutes," approved May first, one thousand nine hundred and forty-seven (P. L. 1947, c. 93), so that the same shall read "An act requiring taxpayers to pay an expense fee as a condition precedent to filing petitions of appeal with the county board of taxation, and supplementing Title 54 of the Revised Statutes."

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

Title amended.

1. The title of "An act requiring taxpayers to pay an expense fee as a condition precedent to filing petitions of appeal with the county board of taxation in counties of the first class, and supplementing Title 54 of the Revised Statutes," approved May first, one thousand nine hundred and forty-seven, is amended to read "An act requiring taxpayers to pay an expense fee as a condition precedent to filing petitions of appeal with the county board of taxation, and supplementing Title 54 of the Revised Statutes."

New title.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 141

AN ACT to provide for the acceptance on behalf of the State and the administration for the State of grants, conveyances, devises, bequests, or donations, to be used for the purposes of any division or bureau established in the State Department of Education or of any teachers' college, school or institution under the control of the Commissioner of Education and the State Board of Education, and supplementing article two of chapter three of Title 18 of the Revised Statutes.

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

C. 18:3-21. May accept grant, devise or donation.

1. Subject to approval by the Governor and the State Board of Education, the Commissioner of Education may accept on behalf of the State and administer for the State any grant, conveyance, devise, bequest, or donation to be applied, principal or income, or both, for the purposes specified in such grant, conveyance, devise, bequest, or donation to the maintenance and use of any service in, or activity of, any division or bureau established in the State Department of Education, or of any teachers' college, school or institution of learning under the control of the Commissioner of Education and the State Board of Education; except that any such grant, conveyance, devise, bequest, or donation for the purposes of "The Division against Discrimination" shall be approved by the Governor and the council of said division and not by the State Board of Education.

C. 18:3-22. Notice and hearing.

2. Prior to the acceptance of any grant, conveyance, devise, bequest, or donation mentioned in section one of this act, due notice and hearing, if requested, shall be granted by the Commissioner of

Education and the State Board of Education to any municipality or municipalities which may be affected thereby.

3. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 142

AN ACT authorizing the Attorney-General to designate a Deputy Attorney-General or Assistant Deputy Attorney-General of the Department of Law to be Acting Attorney-General and prescribing his term of office and his powers and duties.

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

C. 52:17A-3.1. To designate acting attorney-general.

1. The Attorney-General shall, within six months after the effective date of this act or after he shall take office, as the case may be, designate one of the Deputy Attorneys-General or Assistant Deputy Attorneys-General of the Department of Law to be Acting Attorney-General by written designation filed with the Secretary of State, which designation may be revoked and a new designation made in writing similarly filed.

C. 52:17A-3.2. Term.

2. The Deputy Attorney-General or Assistant Deputy Attorney-General, so designated, who shall be in office as Acting Attorney-General, whenever a vacancy shall occur in the office of Attorney-General, shall continue in such office until the successor of the Attorney-General who designated him shall be appointed and shall qualify and shall designate an Acting Attorney-General.

C. 52:17A-3.3. Powers and duties.

3. The Acting Attorney-General shall, during the absence or inability to act, through sickness or other cause, of the Attorney-General, or in case of a vacancy in the office of the Attorney-General,

have the same powers and perform all the duties which are conferred and imposed by law upon the Attorney-General until the Attorney-General shall return to duty or a new Attorney-General is appointed and shall qualify.

4. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 143

AN ACT authorizing the sale and conveyance of certain lands belonging to the State of New Jersey in the township of Ewing and county of Mercer, to West Trenton Volunteer Fire Company.

Preamble. WHEREAS, The West Trenton Volunteer Fire Company is desirous of erecting a building suitable for housing its fire-fighting equipment on certain lands owned by the State of New Jersey, located in the township of Ewing and county of Mercer and presently occupied by the New Jersey State Hospital at Trenton; and

Preamble. WHEREAS, The board of managers of the said hospital and the State Board of Control of Institutions and Agencies has by appropriate resolution approved the proposal; and

Preamble. WHEREAS, The erection of the building by the said fire company will be of benefit to the State of New Jersey in that it will make available additional facilities for fire-fighting purposes; now, therefore,

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

Authorized to make conveyance. 1. The State House Commission, acting for, on behalf and in the name of the State of New Jersey,

is hereby authorized and empowered to sell and convey to the West Trenton Volunteer Fire Company, for the consideration of twenty-five dollars ($25.00) certain lands situate, lying and being in the township of Ewing, county of Mercer and State of New Jersey, bounded and described as follows:

Location. All that certain tract or parcel of land, situate, lying and being in the township of Ewing, in the county of Mercer and the State of New Jersey, being more particularly bounded and described as

Description. follows: Beginning at a concrete monument in the westerly line of the Bear Tavern road, distant 653.5 feet more or less, in a northwesterly direction from the point of intersection of the westerly line of the Bear Tavern road with the northerly line of Ewing avenue, said point being the southeasterly corner of a tract of farmland owned by the State of New Jersey of which the herein described tract is a part and running: thence (1) along the southerly boundary of said farm southwesterly approximately at right angles to the Bear Tavern road 200 feet to a point; thence (2) northwesterly parallel with the said road 200 feet to a point; thence (3) northeasterly parallel with the first course 200 feet to a point in the westerly line of the said Bear Tavern road; thence (4) southeasterly along said road 200 feet to the point of beginning. Containing one acre more or less. This conveyance shall

Conditions. be made upon the express condition that in the event that the grantee shall at any time in the future discontinue the use of the premises for the purpose of the erection and maintenance of a fire house then title thereto shall revert to the State of New Jersey and said conveyance shall further be made upon such other terms, conditions and provisions as shall be determined by the State House Commission not inconsistent with the provisions hereof.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 144

AN ACT respecting fishing with nets for food fish, and amending section 23:3–49 of the Revised Statutes.

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

Section amended.

1. Section 23:3–49 of the Revised Statutes is amended to read as follows:

Violation a misdemeanor, penalty.

23:3–49. A person violating any of the provisions of sections 23:3–46 to 23:3–48 of this Title shall be guilty of a misdemeanor and pay a penalty of two hundred dollars ($200.00) for the first offense and five hundred dollars ($500.00) for the second offense and each subsequent offense, and shall, in addition to the penalties prescribed, forfeit the catch of fish unlawfully caught, taken or killed.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 145

AN ACT relating to the administration of the oaths of office and allegiance to sheriffs, and amending section 41:2–11 of the Revised Statutes.

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

Section amended.

1. Section 41:2–11 of the Revised Statutes is amended to read as follows:

Oath of allegiance, administering.

41:2–11. The clerk for the time being of the court of common pleas of each county or any commissioned officer of the United States Army, Navy or Marine Corps shall administer the oaths of office and allegiance to every person chosen or appointed

judge of the said court, or elected justice of the peace or coroner in and for the said county; *provided,* that when said oaths of office and allegiance have been administered by a commissioned officer there shall be a recital that he is such commissioned officer including a recital of his rank and official designation as such and that the person taking such oath is in the military or naval service of the United States. Proviso.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 146

AN ACT to amend "An act relating to the licensing, regulation and supervision of insurance agents, insurance brokers and insurance solicitors, supplementing chapters twenty-two, thirty-two and thirty-six of Title 17 of the Revised Statutes, and repealing sections 17:22–1, 17:22–2, 12:22–3, 17:22–4, 17:22–5, 17:23–3, 17:32–6 and 17:32–11 of the Revised Statutes and section one of 'An act concerning the licensing of agents for insurance companies in certain cases, supplementing chapter twenty-two of Title 17, and amending section 17:33–1 of the Revised Statutes,' approved May sixteenth, one thousand nine hundred and forty-one (P. L. 1941, c. 118)," approved April twentieth, one thousand nine hundred and forty-four (P. L. 1944, c. 175).

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

1. Section twenty-four of the act of which this act is amendatory is amended to read as follows: Section amended.

C. 17:22-6.24. Certificate of authority required.

24. No agent of any insurance company authorized to transact in this State the business of life in-

surance, or life, accident and health insurance shall make or procure to be made, or act or aid in any manner in the negotiation of any such insurance for such a company in this State until he procures from the commissioner a certificate of authority so to do, which shall state in substance that the company is authorized to do business under the laws of this State, and that the person named therein is the constituted agent of the company for the transaction of the business. Upon receipt of a certificate by the company of its appointment of a suitable person to act as its agent in this State, the commissioner shall, if the facts warrant it, grant the certificate, which shall continue in force until May first next after its issue, and by renewal thereof before May first of each year until revoked by the commissioner for noncompliance with the laws or until the appointment of the agent is revoked by written notice from the company to that effect, filed with the commissioner.

Agent to qualify by examination.

No certificate of authority shall be issued by the commissioner under the provisions of this section to a first-time appointee as such agent until he has qualified by personal examination, to the satisfaction of the commissioner, as to his trustworthiness and competency to act as such agent. The fee for such examination shall be five dollars ($5.00); but no such examination fee shall be required if such appointee shall, concurrently with the examination taken hereunder, also take an examination for an agent's, broker's or solicitor's license under section nine of this act and shall pay the examination fee required therefor. The commissioner may waive the examination otherwise required by this section of any first-time appointee who (a) holds an unexpired broker's license issued in accordance with the provisions of this act, or (b) is a nonresident and the holder of a license or certificate of authority to act as such an agent in the State wherein he resides, or in which he maintains his principal office for the conduct of his insurance business if that be other than the State in which

Fee.

May waive examination.

he resides, or (c) is a citizen of this State and has served in the armed forces of the United States in any war and has been honorably discharged or released under conditions other than dishonorable and was the holder at any time of an agent's certificate of authority or a broker's license, in this State, which authorized such veteran to transact the business of life insurance. No examination shall be required as prerequisite to the issuance of a certificate of authority to any ticket selling agent of a railroad company, steamship company, carrier by air, or public bus carrier, who shall act thereunder as agent of any company subject to this section only in reference to the issuance of accident insurance tickets.

Persons who may act without certificate.

Regular salaried officers or employees of any company subject to this section who do not receive any part of the commission paid on business which they may solicit, or agents of any such company for collecting premiums and servicing policies on a debit who do not solicit or accept applications for the kinds of insurance to which this section applies, may act on behalf of the company without a certificate of authority hereunder.

Act effective.

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

Approved June 12, 1948.

CHAPTER 147

AN ACT to amend "An act concerning education for certain veterans and making an appropriation therefor," approved April eleventh, one thousand nine hundred and forty-six (P. L. 1946, c. 64).

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

Section amended.

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

C. 18:14A-17. Certification of sums used.

17. Each school district participating in this program may, with the approval of the commissioner, use any funds, temporarily available, for the carrying out of the purposes of subsection "d" of section two of this act.

The commissioner shall certify from time to time to the State Commissioner of Taxation and Finance, on or before September first, one thousand nine hundred and forty-eight, the total amount of the sum so used to July first, one thousand nine hundred and forty-eight, which amount shall be paid out of the sums appropriated to reimburse school districts, for the fiscal year one thousand nine hundred and forty-seven—one thousand nine hundred and forty-eight, under the provisions of chapter of the laws of one thousand nine hundred and forty-eight, and the commissioner shall include in his budget requests for appropriations, for the fiscal year one thousand nine hundred and forty-nine—one thousand nine hundred and fifty, an estimate of the total amount of the sums required for the carrying out of the purposes of subsection "d" of section two of this act during the fiscal year one thousand nine hundred and forty-eight—one thousand nine hundred and forty-nine, not to exceed the aggregate sum of one hundred fifty thousand dollars ($150,-

000.00), to the end that said amount may be appropriated by the Legislature, as a deficiency appropriation, out of the general funds of the State treasury for the fiscal year one thousand nine hundred and forty-nine—one thousand nine hundred and fifty, which amounts shall be apportioned and distributed by the commissioner among the school districts in reimbursement for the funds so used and shall be paid according to the warrant of the Commissioner of Taxation and Finance drawn upon the State Treasurer in favor of the respective custodians of school moneys of the school districts as certified to the Commissioner of Taxation and Finance by the Commissioner of Education.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 148

AN ACT to amend "An act to conserve certain natural resources of the State and to protect the public health; to provide for the licensing of well drillers; to fix fees therefor and to provide penalties for violations thereof," approved July first, one thousand nine hundred and forty-seven (P. L. 1947, c. 377).

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

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

9. Any operation on the drilling, boring, coring, driving, digging or construction of wells shall be under the continuous and immediate supervision of a licensed well driller, and the number of his li- C. 58:4A-13. To be under supervision of licensed well driller.

Construing.

cense shall be displayed on the equipment used by such driller. Nothing in this act shall be construed as applying to the drilling of blast holes in quarries or mines or to cored holes three and one-half inches or less in diameter which are drilled for exploration or investigation.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 149

AN ACT concerning the issuance of bonds and other obligations and the incurring of indebtedness by counties, cities, boroughs, towns, townships, villages and other municipalities other than school districts, and amending section 40:1–63 of the Revised Statutes.

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

Section amended.

1. Section 40:1–63 of the Revised Statutes is amended to read as follows:

Procedure and limitations.

40:1–63. All refunding bonds shall be authorized in the case of a county by a county bond resolution, and in the case of a municipality by a municipal bond ordinance, finally passed in the method or mode of procedure prescribed by this article. No supplemental debt statement need be made or filed prior to the introduction or final passage of any county bond resolution or municipal bond ordinance authorizing refunding bonds. The powers granted by sections 40:1–61 to 40:1–74 of this Title shall not be affected by any limitations of indebtedness or by the requirements of any other law, except as expressly provided in said sections 40:1–61 to 40:1–74. The powers granted by sections 40:1–61 to 40:1–74 of this Title shall not be

affected by the invalidity of or any irregularity in any proceedings for incurring the indebtedness or issuing the outstanding obligations to be paid, funded or refunded by refunding bonds.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 150

AN ACT to authorize boards of education to pay assessments on account of special benefits conferred by local improvements in certain cases, and supplementing chapter seven of Title 18 of the Revised Statutes.

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

1. The board of education of any school district may, in its discretion, pay assessments made against any of its real estate on account of special benefits conferred by any local improvement made by the municipality in which the district is located. C. 18:7-76.1. May pay assessments.

The money with which to pay the assessments may be raised by the issuance of bonds or any other means authorized by law for raising of money for school purposes. Method of raising money.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 151

AN ACT concerning licenses for hunting and fishing, and amending section 23:3–10 of the Revised Statutes.

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

Section amended.

1. Section 23:3–10 of the Revised Statutes is amended to read as follows:

To remit fees collected.

23:3–10. On or before the twentieth day of each month the Division of Fish and Game shall send to the State Treasurer all fees received by it for licenses reported issued by clerks, agents and wardens during the preceding month. The division shall retain the original reports of the agents, clerks, and wardens, also the spoiled license blanks and corresponding buttons until such time as the State Auditor shall have made an audit of the account, and, thereafter, may destroy such reports and spoiled license blanks and corresponding buttons.

May destroy reports, etc. after audit.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 152

AN ACT to amend "An act to license and regulate the business of private detectives and private detective agencies, and providing penalties for violations of its provisions," approved November eighteenth, one thousand nine hundred and thirty-nine (P. L. 1939, c. 369).

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

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

5. The superintendent, when satisfied from the examination of any application and such further inquiry and investigations as he shall deem proper as to the good character, competency and integrity of the applicant and the persons named in the application, shall issue and deliver to the applicant a license to conduct such business, and to own, conduct or maintain one or more bureaus, agencies, subagencies, offices or branch offices for the conduct of such business at the location stated in said application, together with as many copies of said license as there are to be offices, bureaus, agencies, subagencies, offices or branch offices, upon the payment by the applicant to the superintendent of a license fee which in the case of an individual shall be two hundred dollars ($200.00), and in the case of a firm, association or corporation shall be three hundred dollars ($300.00), and upon the applicant executing and delivering to the superintendent a bond with a surety company authorized to be surety in the State of New Jersey, as surety, and approved as to form, manner of execution and sufficiency by the superintendent of the State Police, running to the State of New Jersey and which shall be for the benefit of any person injured by willful, malicious or wrongful act of the applicant C. 45:19-12. License granted. Fees. Bond.

(with a sufficient surety bond), which in the case of an individual shall be three thousand dollars ($3,000.00), and in the case of a firm, association or corporation five thousand dollars ($5,000.00), which said bond shall be conditioned for the faithful and honest conduct of such business by the applicant.

Term of license.

The license so granted by the superintendent shall be valid for a period of five years but shall be revocable by the superintendent after hearing for cause.

Revocation.

In case of revocation or surrender of any license, no refund shall be made of any license fee paid under the provisions hereof.

Form of license.

The license shall be in a form to be prescribed by the superintendent and shall set forth the full name of the applicant, the location of the principal office or place of business, and the location of each bureau, agency, subagency, office or branch office for which the license is issued, date on which it is issued, the date on which it will expire, and the name or names of the persons named in the application, and their respective addresses. In the event of any change in the membership of the firm or in the officers or directors of any association or corporation or any change in the address of any office or location of such business the superintendent shall be notified in writing of such change within five days thereafter, and failure to give such notification shall be sufficient cause for revocation of such license.

Qualifications.

No license shall be issued to a person under the age of twenty-five years, nor to any person, firm, association or corporation unless such person or at least one member of the firm and one officer or director of the association or corporation has had at least five years' experience as an investigator or as a police officer with an organized police department of the State or a county or municipality thereof, or with an investigative agency of the United States of America or any State, county or municipality thereof.

Information confidential.

The superintendent and all members of the State Police shall hold as confidential all information

obtained as a result of any investigation of any applicant or officer, assistant, or employee of any holder of any license issued under the provisions of this act, and the same shall not be divulged except by an order so to do by a court of record of this State.

Section amended.

2. Section eight of the act of which this act is amendatory is amended to read as follows:

C. 45:19-15. Assistants, accountability, penalty.

8. The holder of any license issued under the provisions of this act may employ to assist him in his work and in the conduct of his business as many persons as he may deem necessary, and he shall at all times during such employment be accountable for the good conduct in the business of each and every person so employed. No such employee need be the holder of a license issued under this act, but his employer shall be responsible for his actions and conduct in connection with such employer's business. Should the holder of a license falsely state or represent that any person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person falsely stating or representing that he is or has been a detective employed by a private detective business licensed under this act shall be guilty of a misdemeanor. Any person who may be or has been employed by the holder of a license under this act shall not divulge to anyone other than his employer, or in such manner and to such person as his employer shall direct, any information acquired by him during such employment in respect to any work to which he shall have been assigned by such employer, except as such disclosure may be required by the provisions of this act or in connection with any investigation of a licensee by the superintendent. Any person violating any of the provisions of this section, and any employee of a licensed private detective business who shall willfully make a false report or statement to his employer in respect to any matter or thing connected

with his employment shall be guilty of a misdemeanor.

Report by prosecutor of the pleas.

The prosecutor of the pleas of the county in which any conviction for a violation of any provision of this act shall, within ten days thereafter, make and file with the superintendent a report showing the date of such conviction, the name of the person convicted and the nature of the charge.

Section amended.

3. Section nine of the act of which this act is amendatory is amended to read as follows:

C. 45:19-16. Bars employing certain persons.

No holder of any unexpired license issued pursuant to this act shall knowingly employ in connection with his or its business in any capacity whatsoever, any person who has been convicted of a high misdemeanor or any of the following misdemeanors, or offenses, and who has not subsequent to such conviction received executive pardon therefor removing any civil disabilities incurred thereby, to wit: (a) illegally using, carrying or possessing a pistol or other dangerous weapon; (b) making or possessing burglar's instruments; (c) buying or receiving stolen property; (d) unlawful entry of a building; (e) aiding escape from prison; (f) unlawfully possessing or distributing habit-forming narcotic drugs; (g) any person whose private detective or investigator's license was revoked or application for such license was denied by the superintendent or by the authorities of any other State or territory because of conviction of any of the crimes or offenses specified in this section. Should the holder of an unexpired license falsely state or represent that a person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license.

Employees statement, contents.

No person shall be employed by any holder of a license until he shall have executed and furnished to such license holder a verified statement, to be known as "employee's statement," setting forth:

(a) His full name, age, residence address, and place of and date of birth.

(b) The country of which he is a citizen.

(c) The business or occupation engaged in for the five years immediately preceding the date of the filing of the statement, setting forth the place or places where such business or occupation was engaged in, and the name or names of employers, if any.

(d) That he has not been convicted of a high misdemeanor or of any offense involving moral turpitude or of any of the misdemeanors or offenses described in this section.

(e) Such further information as the superintendent may by rule require to show the good character, competency, and integrity of the person executing the statement.

Fingerprinted.

Immediately upon the verification of an employee's statement, the holder of a license by whom such person has been or is to be employed shall cause three sets of fingerprints of the two hands of such person to be recorded in such manner as the superintendent may by rule prescribe. The holder of a license shall immediately stamp in indelible ink the employee's statement and each set of fingerprints with the name, year and license number of such holder and a number, which number shall be determined by the number of such statements furnished to such holder and shall be in numerical sequence.

The holder of a license shall affix one set of such fingerprints to the employee's statement in such manner that the prints can be examined without disclosing the contents of the employee's statement and shall retain such statement and prints so long as he shall be licensed under this act.

The holder of a license shall file the other two sets of fingerprints with the superintendent by forwarding the same by registered mail to the office of the superintendent, Trenton, New Jersey, within forty-eight hours of such employment.

Fingerprints to be compared.

Within five days after the filing of such fingerprints the superintendent shall cause such fingerprints to be compared with fingerprints filed with

the State bureau of identification and, if he finds any record affecting such prints, he shall immediately notify the holder of such license and shall also refer the matter to the prosecutor of the pleas of the county in which the employee resides. The superintendent may also from time to time cause such fingerprints to be checked against the fingerprints filed with the State bureau of identification or of other official fingerprint files within or without this State, and if he finds that such person has been convicted of a high misdemeanor or any other offense specified in this section he shall immediately notify the holder of such license and shall also refer the matter to the prosecutor of the pleas of the county in which the employee resides. The superintendent shall at all times be given access to and may from time to time examine the fingerprints retained by the holder of a license as provided in this section.

Misdemeanor. If any holder of a license shall file with the superintendent the fingerprints of a person other than the person so employed, he shall be guilty of a misdemeanor.

4. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 153

AN ACT relative to recording of certain discharges and releases from military or naval service in the office of county clerks and registers of deeds, and amending section 38:25–5 of the Revised Statutes.

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

1. Section 38:25–5 of the Revised Statutes is amended to read as follows: Section amended.

38:25–5. Each county clerk, or the register of deeds in counties having the same, shall record, without cost, when delivered to him for that purpose, in large and bound books of good paper to be provided for that purpose, and carefully preserved and indexed, and to be called and backed "honorable discharges of veterans," the honorable discharge or the certificate in lieu of an honorable discharge, and the record of service or notice of separation showing the record of service, as issued by the proper governmental agency of the Federal Government, of any soldier, sailor, marine or nurse who has or may hereafter serve in the army, navy, marine or air corps of the United States. To record, without cost, honorable discharge of veterans.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 154

AN ACT to regulate the taking of crabs from the tidal waters of this State, amending section 23:5–35 of the Revised Statutes, and supplementing article seven of chapter five of Title 23 of the Revised Statutes.

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

Section amended.

1. Section 23:5–35 of the Revised Statutes is amended to read as follows:

Taking female crabs, penalty.

23:5–35. No person shall take from any of the tidal waters of this State, or have in possession, any female crustacean, commonly known as crab, with eggs or spawn attached thereto, or from which the egg pouch or bunion has been removed, under a penalty of twenty dollars ($20.00) for each crab taken or had in possession.

C. 23:5-35.1. Minimum sizes that may be taken, penalty.

2. No person shall take from any of the tidal waters of this State, or have in possession, any hard blue crab measuring less than five inches across the shell from tip to tip of spike, or any peeler or shedder measuring less than three inches across the back from tip to tip of spike, or soft crab measuring less than three and one-half inches across the back from tip to tip of spike, under a penalty of twenty dollars ($20.00) for each crab taken or had in possession.

3. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 155

AN ACT regulating real estate brokers and salesmen, and amending section 45:15–17 and supplementing article one of chapter fifteen of Title 45 of the Revised Statutes.

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

C. 45:15-16.1. Brokers to submit particulars before engaging in sale, investigation.

1. Any broker who proposes to engage in sales of a promotional nature in this State of property located outside of this State, must submit to the commission before doing so, full particulars regarding such property and the proposed terms of sale, and said broker and his salesmen must comply with such rules, regulations, restrictions and conditions pertaining thereto as the commission in its discretion may impose. The commission shall investigate all such matters, and all expenses incurred by the commission in investigating such property and the proposed sale thereof in this State, shall be borne by the broker. No broker or salesman shall in any manner refer to the New Jersey Real Estate Commission, or to any officer or employee thereof, in selling, offering for sale, or advertising, or otherwise promoting the sale, mortgage or lease of any such property, nor make any representation whatsoever that such property has been inspected or approved or otherwise passed upon by said commission or by any State official, department or employee.

Section amended.

2. Section 45:15–17 of the Revised Statutes is amended to read as follows:

Grounds for revocation of license.

45:15–17. The commission may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any real estate broker or real estate salesman, or any person who assumes to act in either such capacity within this State; and the commission may

suspend for a period less than the unexpired portion of the license period, or may revoke any license issued under the provisions of this article, where the licensee, in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

a. Making any false promises or any substantial misrepresentation; or

b. Acting for more than one party in a transaction without the knowledge of all parties thereto; or

c. Pursuing a flagrant and continued course of misrepresentation or making of false promises through agents, salesmen, advertisements or otherwise; or

d. Failure to account for or to pay over any moneys belonging to others, coming into the possession of the licensee; or

e. Any conduct which demonstrates unworthiness, incompetency, bad faith or dishonesty; or

f. Failure to provide his client with a fully executed copy of any sole or exclusive sales listing contract at the time of execution thereof, and failure to specify therein a definite terminal date which terminal date shall not be subject to any qualifying terms or conditions; or

g. Using any plan, scheme or method for the sale or promotion of the sale of real estate which involves a lottery, a contest, a game, a prize or a drawing.

Construing.

This article shall not be construed to relieve any person from civil liability or criminal prosecution under the laws of this State.

3. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 156

AN ACT to amend the title of "An act concerning the Municipal Finance Commission, amending sections 52:27–1, 52:27–4, 52:27–5 and 52:27–60 of the Revised Statutes, and repealing 'An act vesting in the Local Government Board of the State Department of Local Government all the powers and duties exercised and performed by the Municipal Finance Commission,' approved November twenty-seventh, one thousand nine hundred and thirty-nine (P. L. 1939, c. 385)," approved May seventh, one thousand nine hundred and forty-seven (P. L. 1947, c. 119), so that the same shall read "An act concerning the Municipal Finance Commission, amending sections 52:27–1, 52:27–4, 52:27–5 and 52:27–61 of the Revised Statutes, and repealing 'An act vesting in the Local Government Board of the State Department of Local Government all the powers and duties exercised and performed by the Municipal Finance Commission,' approved November twenty-seventh, one thousand nine hundred and thirty-nine (P. L. 1939, c. 385)," and to amend the body of said act.

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

Title amended

1. The title of "An act concerning the Municipal Finance Commission, amending sections 52:27–1, 52:27–4, 52:27–5 and 52:27–60 of the Revised Statutes, and repealing 'An act vesting in the Local Government Board of the State Department of Local Government all the powers and duties exercised and performed by the Municipal Finance Commission,' approved November twenty-seventh,

one thousand nine hundred and thirty-nine (P. L. 1939, c. 385)," approved May seventh, one thousand nine hundred and forty-seven, is amended to read "An act concerning the Municipal Finance Commission, amending sections 52:27–1, 52:27–4, 52:27–5 and 52:27–61 of the Revised Statutes, and repealing 'An act vesting in the Local Government Board of the State Department of Local Government all the powers and duties exercised and performed by the Municipal Finance Commission,' approved November twenty-seventh, one thousand nine hundred and thirty-nine (P. L. 1939, c. 385)."

New title.

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

Section amended.

4. Section 52:27–61 of the Revised Statutes is amended to read as follows:

Authorized to function.

52:27–61. Whenever any direction of the commission authorized under this article has not been fully performed or carried out by the board of education or other officials of the school district affected, the commission shall have power to perform directly, or cause to be performed by its agents, in the name of the school district, any act so directed by the commission under the provisions of this article, including the power to execute, sell, issue and deliver any notes or bonds directed by the commission to be issued by the school district for the funding or refunding of its indebtedness in the manner and mode of procedure provided by this chapter for the issuance of notes or bonds by a municipality.

3. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 157

AN ACT relating to insurance and regulating stock ownership, interlocking directors and common management of insurance companies of this State.

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

C. 17:17A-1. May acquire interest, proviso.

1. Any domestic insurer may retain, invest in or acquire the whole or any part of the capital stock of any other insurer or insurers, or have a common management with any other insurer or insurers; *provided,* such retention, investment, acquisition or common management is not inconsistent with any other provisions of subtitle three of Title 17 of the Revised Statutes of New Jersey; *and provided further,* that by reason of such retention, investment or acquisition of such capital stock, or common management, the business of such insurers with the public shall not be conducted in a manner which substantially lessens competition generally in the business of insurance or creates a monopoly therein.

Proviso.

C. 17:17A-2. Interlocking directorates.

2. Any person otherwise qualified may be a director of two or more insurers having a common management but no such interlocking directorate shall be used as a means of substantially lessening competition generally in the business or of creating a monopoly therein.

C. 17:17A-3. Cease and desist orders.

3. Whenever the Commissioner of Banking and Insurance has reason to believe that there is a violation of this act, he shall serve upon the insurer or insurers and the director or directors, as the case may be, a notice of a hearing before the Commissioner of Banking and Insurance to be held not less than thirty days after the service of such notice, and requiring such insurer or insurers and such director or directors, as the case may be, to

show cause why an order should not be made by the Commissioner of Banking and Insurance directing such insurer or insurers and such director or directors, as the case may be, to cease and desist from such violation.

If, upon such hearing, the Commissioner of Banking and Insurance finds that there has been a violation of this act he shall issue and cause to be served upon such insurer or insurers and such director or directors, as the case may be, an order reciting the facts found by him, and setting forth the respects in which there has been a violation of this act, and directing such insurer or insurers and such director or directors, as the case may be, to cease and desist from such violation.

Review.

Any such cease and desist order of the Commissioner of Banking and Insurance shall be subject to judicial review by writ of certiorari.

C. 17:17A-4. Construing.

4. Nothing contained in this section shall be deemed to alter or abridge any rights or remedies which may otherwise be available to any person under law of this State.

5. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 158

AN ACT concerning salaries of county investigators in counties of the first class, and amending section 2:181–8 of the Revised Statutes.

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

Section amended.

1. Section 2:181–8 of the Revised Statutes is amended to read as follows:

Salaries.

2:181–8. County investigators in the counties mentioned in section 2:181–1 of this Title, ap-

pointed under authority of section 2:181–6 of this Title, shall receive annual salaries, of not less than twenty-five hundred dollars ($2,500.00), to be fixed by the prosecutor, which shall be paid semimonthly by the county treasurer upon the certification of the prosecutor, but the amount thereof, if more than the minimum herein prescribed, shall be subject to the approval of the board of chosen freeholders of such counties.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 159

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

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

C. 40:2-52.1. May make corrections and adjustments in appropriations.

1. The director of the Division of Local Government in the Department of Taxation and Finance may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any item of appropriation appearing in the budget of such county or municipality as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of such county or municipality, and to this end may limit, or approve transfers or adjustments of, such item of appropriation, but no item of appropriation required for debt service, contingent expenses, deferred charges, statutory expenditures, judgments or reserves shall be so reduced or limited.

C. 40:2-52.2. May correct items of revenue.

2. The director may make appropriate correction of any item of revenue appearing in any budget of any county or municipality notwithstanding the fact that the budget has been or shall have been previously adopted, if the provisions of any statute heretofore or hereafter enacted shall require such correction or shall make such correction advisable or desirable, and, if such correction shall require that the local purpose levy of the municipality shall be adjusted, the director shall order the correction or adjustment of the local tax levy accordingly, unless the tax rate for the year shall have been struck, and shall certify such adjustment to the county board of taxation.

C. 40:2-52.3. May approve of special items.

3. The director may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget and may approve the insertion of an appropriation item of equal amount for the purpose of carrying out the purposes of the statute making such item of revenue available for expenditure by the county or municipality.

C. 40:2-52.4. Special aid notes.

4. If it becomes necessary for a county or municipality to borrow money in anticipation of any item of revenue made available pursuant to the provisions of this act, the county or municipality may borrow money and issue its negotiable notes to meet such purpose, which notes shall be authorized by resolution adopted by the board of chosen freeholders of the county or by the governing body of the municipality, shall be designated as "Special (here insert purpose) Aid Notes," shall mature not later than three months from their date and may be renewed, from time to time, until the end of the third month after the purpose for which the appropriation was made shall have been completed or until the end of thirty days after the receipt in full by such county or municipality of all moneys anticipated from grants-in-aid or other sources for such purpose, whichever shall be later. In the event

that any such notes shall remain unpaid at the close of the first full fiscal year after the purpose shall have been completed, an item of appropriation for the payment thereof shall be included in the budget of the then next succeeding fiscal year. All moneys received from grants-in-aid or other sources for such purpose shall be applied in payment of said notes and the provisions of sections 40:2–40 and 40:2–41 and sections 40:2–43 to 40:2–46, inclusive, of the Revised Statutes shall apply to such notes as fully as though such notes were mentioned therein.

C. 40:2-52.5. Construing

5. This act shall be liberally construed and the local government board, and the director of the Division of Local Government, in the State Department of Taxation and Finance, may make such rules and regulations as may be necessary to carry out the provisions of this act.

6. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 160

AN ACT concerning sheriff's deeds, and amending section 2:26–145 of the Revised Statutes.

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

Section amended.

1. Section 2:26–145 of the Revised Statutes is amended to read as follows:

Authorized to execute deed

2:26–145. If any real estate, levied upon by virtue of any valid writ of execution by any sheriff, shall have been or shall be sold by him under such levy during the term of his office, but shall not have been conveyed by deed by such sheriff during the term of his office, or if conveyed, the deed conveying the same shall have been lost before the record thereof, and the purchaser thereof shall have

entered into and remained in possession of such real estate pursuant to such sale and purchase, such sheriff shall have full power and authority, after the expiration of his term of office, to make, execute and deliver to the purchaser from him of any such real estate, a good and sufficient deed in law, and if for any cause such sheriff is unable to make, execute and deliver his deed, the sheriff then in office is authorized and empowered to make, execute and deliver a good and sufficient deed in law to effectuate such conveyance, either of which deeds shall have the same force and effect as if such sheriff had made, executed and delivered the same during his term of office.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 161

AN ACT fixing age limits for the appointment of members of police departments in municipalities of this State, and amending section 40:47–4 of the Revised Statutes.

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

Section amended.

1. Section 40:47–4 of the Revised Statutes is amended to read as follows:

Fixes age requirements.

40:47–4. No person shall be appointed a member of the paid fire or police department or force of any municipality who is less than twenty-one or more than thirty years of age, but upon the creation of paid fire or police department in any municipality, nothing herein contained shall be construed to prohibit the continuance in office or employment of any person who is permanently employed by the municipality in a part-paid fire or police department at a fixed annual salary and whose sole occupation is that of fireman or policeman.

The provisions of this section are subject to the provisions of chapter ninety-eight of the laws of one thousand nine hundred and forty-four. Provisions to apply.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 162

AN ACT concerning education, and amending sections 18:7–73 and 18:7–76 of the Revised Statutes.

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

1. Section 18:7–73 of the Revised Statutes is amended to read as follows: Section amended.

18:7–73. With the previous authority of a vote of the legal voters of the district, a board may purchase and improve school grounds; erect, lease, enlarge, improve, repair or furnish school buildings and borrow money therefor with or without mortgage. Without such previous authority: (a) a board of education may, in case of emergency, rent, on a year-to-year basis, buildings to use for school purposes; and (b) take an option, not to exceed one year in duration at a cost not to exceed one hundred dollars ($100.00), on the purchase of any land which the board could lawfully purchase after securing the consent of the legal voters as required by this section. Such option may be exercised by a board only after authority to purchase the property covered by such option has been given by a vote of the legal voters of the district. Purchase, sale and lease of lands.

A board of education may sell or dispose of any of its real estate, or rights or interest therein, which cease to be suitable or convenient for the use for which they were acquired or which are no longer needed for school purposes, in the manner Sale of land unsuitable for use.

set forth in sections 18:5–25 to 18:5–29, both inclusive, of this Title.

Section amended.

2. Section 18:7–76 of the Revised Statutes is amended to read as follows:

May insure buildings, etc.

18:7–76. The board may insure school buildings, furniture, and other school property, and receive and hold in trust for the district any and all real or personal property for the benefit of the schools thereof.

3. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 163

AN ACT concerning officers and employees of municipalities in this State, and amending section 40:46–34 of the Revised Statutes.

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

Section amended.

1. Section 40:46–34 of the Revised Statutes is amended to read as follows:

Entitled to recover salary.

40:46–34. Whenever a municipal officer or employee, including any policeman or fireman, has been or shall be illegally dismissed or suspended from his office or employment, and such dismissal or suspension has been or shall be judicially declared illegal, he shall be entitled to recover the salary of his office or employment for the period covered by the illegal dismissal or suspension; *provided,* that a written application therefor shall be filed with the clerk of the municipality within thirty days after such judicial determination, unless such determination was made prior to the effective date of this act, in which case such application shall be filed within thirty days after the effective date of this act.

Proviso.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 164

AN ACT validating proceedings and decrees in causes for the foreclosure of tax sale certificates by municipalities in certain cases.

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

Validates proceedings and decrees.

1. No proceedings in and no final decree in any cause for the foreclosure of a tax sale certificate heretofore had or entered wherein any municipality is the complainant shall be invalidated or impaired by reason of the fact that the complainant has made the husband of a female defendant a party defendant by designating such husband by the surname of such female defendant, prefixed by "Mr." and followed by the words "her husband," instead of designating such husband as a party defendant in the manner specifically provided by law; *provided,* that an affidavit of the complainant or its solicitor, annexed to the bill of complaint and filed therewith sets forth substantially that notwithstanding diligent and careful inquiry therefor, as in the case of absent defendants, the affiant has been unable to ascertain whether such female defendant is married and it is thought necessary or proper to make the husband, if any, of such female defendant a party defendant; and in such case every such proceeding and final decree shall be as valid, binding and conclusive in all respects as it would have been had such husband, if any, been made a party in the manner specifically provided by law.

Proviso.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 165

AN ACT concerning certain clerical employees of civil district courts, and supplementing Title 11 of the Revised Statutes.

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

C. 11:22-44.1. To certify names of certain employees.

1. The judge of any district court of any city, which has adopted the provisions of Title 11, Civil Service, of the Revised Statutes, may certify to the Civil Service Commission the names of all clerical employees of said court who have been continuously so employed for a period of ten years prior to January first, one thousand nine hundred and forty-eight, and who are not in the classified service of the civil service of the municipality.

C. 11:22-44.2. War service to count.

2. Time served in the United States armed forces during World War II, by any such employee, resulting in an honorable discharge therefrom, shall be considered as time in employment and not as an interruption of continuous service.

C. 11:22-44.3. Classification.

3. When the judge of any such district court shall have certified the names of the aforesaid employees, the Civil Service Commission shall classify the employees so certified in the competitive class of civil service without examination and such employees shall thereafter be subject to all the provisions of Title 11 of the Revised Statutes with respect to tenure, classification and compensation.

4. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 166

AN ACT relative to the burial of deceased veterans, and amending section 38:17–2 of the Revised Statutes.

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

1. Section 38:17–2 of the Revised Statutes is amended to read as follows: Section amended.

38:17–2. The board of chosen freeholders in each of the counties shall appoint a suitable person who shall be a resident of the county, as supervisor of veterans' interment; *provided,* that in making such appointment an honorably discharged soldier, sailor or marine who served in the Army, Navy or Marine Corps of the United States during any war in which the United States has been engaged shall be appointed. The supervisor of veterans' interment shall be paid such annual salary as may be fixed by the board of chosen freeholders of each county. The salary shall be paid in semimonthly installments by the county treasurer. Where a superintendent of soldiers burials in any county has served as such for a period of five or more years prior to the first day of September, one thousand nine hundred and forty-seven, such superintendent of soldiers' burials shall be deemed to be a suitable person and may be appointed by the board of chosen freeholders as a supervisor of veterans' interment without any competitive examination.

Supervisor of veterans' interment, proviso.

Salary.

May appoint without competitive examination.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 167

AN ACT adding a new route to the State highway system and designating the same as a freeway, and repealing "An act concerning the State Highway Department and adding an additional route to the State highway system," approved February twenty-first, one thousand nine hundred and forty-five (P. L. 1945, c. 20).

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

Additional route.

1. The State Highway Commissioner shall, as soon as practicable in accordance with the procedure set forth in article one of chapter seven of Title 27 of the Revised Statutes, add to the present State highway system the following described route:

Description.

Route No. ... Beginning on Route 49 in the vicinity of Dennisville, Cape May County, and from thence northerly, passing in the vicinity of Woodbine, to a connection with Route 47 in the vicinity of Marshallville.

Numbered.

2. When this route is taken into the State highway system as provided in section one of this act, the State Highway Commissioner shall proceed to give the said route an appropriate number as provided by law.

Freeway.

3. The route so established is hereby designated as a freeway as defined in chapter eighty-three of the laws of one thousand nine hundred and forty-five.

Repealer.

4. "An act concerning the State Highway Department and adding an additional route to the State highway system," approved February twenty-first, one thousand nine hundred and forty-five, is repealed.

5. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 168

AN ACT permitting the borough of Madison, in the county of Morris, to provide for the payment of a pension of one hundred dollars ($100.00) per month to Frank Waters, during his lifetime.

WHEREAS, Frank Waters, a resident of the borough of Madison, in the county of Morris and State of New Jersey, has served the borough of Madison in an outstanding manner for nearly forty years in the following capacities: as member of the borough council from one thousand nine hundred and nine to one thousand nine hundred and eleven, from one thousand nine hundred and sixteen to one thousand nine hundred and twenty-five, and from January first, one thousand nine hundred and twenty-seven, until June, one thousand nine hundred and twenty-nine, when he resigned to become superintendent of the water and light department of said borough, a position which he now occupies; and Repealer.

WHEREAS, As superintendent of the water and light department of the borough of Madison, Frank Waters has always rendered to the public and to the borough government excellent, efficient and faithful service; and Preamble.

WHEREAS, The said Frank Waters has occupied the positions mentioned and rendered the services incidental thereto as aforesaid in spite of the fact that since early childhood he has been totally blind; and Preamble.

WHEREAS, By reason of the fact that he is now seventy-three years of age, he is eligible for retirement under the employees' retirement plan in effect in the borough of Madison, which retirement will be attended by a great diminution of his present income; therefore Preamble.

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

Authorized to pay pension.

1. The borough of Madison, in the county of Morris and State of New Jersey, is authorized to grant and pay to Frank Waters, for the remainder of his natural life, a pension, to be effective upon the passage of this act and his retirement as an employee of the borough of Madison, in the sum of one hundred dollars ($100.00) per month, which pension shall be paid in monthly installments.

Payment.

2. If the said pension is granted, the said borough of Madison shall provide in its annual budget, after the passage of this act, for the payment to the said Frank Waters of the aforementioned pension; and from the date of the passage of this act until the adoption of its next annual budget, the borough shall pay such pension from any fund or funds available therefor.

3. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 169

AN ACT to change the license year of motor fuel distributors, special licensees A, special licensees B, wholesale dealers, retail dealers and motor fuel transporters; to clarify the bond requirements of special licensees A, and amending sections 54:39–9, 54:39–17, 54:39–18, 54:39–20, 54:39–32, 54:39–41 and 54:39–64 of the Revised Statutes.

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

Section amended.

1. Section 54:39–9 of the Revised Statutes is amended to read as follows:

Commissioner, defined.

54:39–9. "Commissioner" or "State Tax Commissioner" means the director of the division of

taxation in the State Department of Taxation and Finance.

Section amended.

2. Section 54:39–17 of the Revised Statutes is amended to read as follows:

License required.

54:39–17. Every distributor, before continuing in or commencing to transact the business of a distributor, shall procure a license from the State Tax Commissioner, permitting him to engage in said business within this State. The license shall be issued by the commissioner without charge. Application shall be made to the commissioner for such license before the issuance thereof and such application shall be in writing in the form prescribed by the commissioner, and shall be sworn to by the applicant before anyone authorized to take acknowledgments. In the event that any application for a license shall be filed by any person whose license shall at any time theretofore have been revoked by the commissioner, or if the commissioner is satisfied that such application is filed by some person as a subterfuge for the real person in interest whose license shall theretofore have been revoked by the commissioner, the commissioner, after hearing, shall have the right to refuse to issue such person a license certificate.

Grounds for refusal to issue.

Section amended.

3. Section 54:39–18 of the Revised Statutes is amended to read as follows:

Bond required.

54:39–18. Before granting a license authorizing any person to engage in business as a distributor, or as an importer required by section 54:39–64 of the Revised Statutes to obtain a special license A, the commissioner shall require such person to file with him, in such form as he shall prescribe, a bond duly executed by such person as principal, and by a corporation approved by the commissioner and duly authorized to engage in business as a surety company by the Commissioner of Banking and Insurance of this State, as surety, payable to the State of New Jersey, conditioned upon faithful performance of all the requirements of this chapter and expressly providing for the payment of all

taxes, penalties, and other obligations of such person arising out of this chapter.

Section amended.

4. Section 54:39–20 of the Revised Statutes is amended to read as follows:

Term and conditions of bond.

54:39–20. The bonds shall be for a fiscal year, or unexpired portion thereof, commencing on the first day of April and ending on the succeeding thirty-first day of March. No action on any bond shall be begun after two years from the expiration thereof. Any surety on a bond, as provided herein, shall be released and discharged from any and all liability to the State accruing on such bond after the expiration of sixty days from the date upon which such surety shall have lodged with the commissioner a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The commissioner shall promptly, upon receiving any such request, notify the principal who furnished the bond; and unless the principal shall, on or before the expiration of the sixty-day period, file a new bond, the commissioner shall forthwith cancel the principal's license.

Notice to principal.

Section amended.

5. Section 54:39–32 of the Revised Statutes is amended to read as follows:

Licenses, terms and expirations.

54:39–32. Every license and permit required by the provisions of this chapter shall be issued for a fiscal year, or unexpired portion thereof, commencing on the first day of April and ending on the succeeding thirty-first day of March and shall be void thereafter, and said license or permit may be revoked by the commissioner in accordance with the provisions of article two of this chapter (§ 54:39–10 et seq.).

License extended.

All licenses and permits issued and outstanding on the effective date of this act and all licenses and permits issued prior to March thirty-first, one thousand nine hundred and forty-nine, shall be extended to and shall expire on March thirty-first, one thou-

sand nine hundred and forty-nine, without the payment of any additional fee for such extension.

To furnish bond.

For the period from January first, one thousand nine hundred and forty- nine, to March thirty-first, one thousand nine hundred and forty-nine, every distributor and every person holding a special license A required under section 54:39–64 of the Revised Statutes shall furnish bond coverage as required by section 54:39–18 of the Revised Statutes.

Section amended.

6. Section 54:39–41 of the Revised Statutes is amended to read as follows:

Conveyances for hauling fuel, registration, license, card.

54:39–41. Every person operating any conveyance for the purpose of hauling, transporting or delivering fuel shall, before entering upon the public highways or waterways of this State with such conveyance, apply for the registration thereof to the commissioner on such form as shall be provided by the commissioner, and the commissioner shall issue separate license cards for each such conveyance intended to be operated over the highways or waterways of this State, which card shall show the license number assigned, and the name and address of the owner of the conveyance and such other information as the commissioner shall prescribe. Such card shall be displayed on the conveyance at all times during its operation on the public highways or waterways of this State. The commissioner shall supply a license plate to the licensee for each conveyance so operated, containing the number assigned to the conveyance, and the words "New Jersey motor fuel transport license," or any abbreviation thereof authorized by the commissioner. Such license plate shall be attached to each such conveyance so that it is readily visible at all times and in such a manner as the commissioner may regulate. An annual license fee of two dollars ($2.00) shall be paid for the licensing of each such conveyance. Nothing contained in this section shall in any manner relieve or discharge the owner or operator of such conveyance from complying with any or all provisions of other laws.

Fee.

Section amended.

7. Section 54:39–64 of the Revised Statutes is amended to read as follows:

Special license A bond, report.

54:39–64. (a) Any person importing fuels, as herein defined, into this State, for the purpose of consuming the same, or for the purpose of blending the same with other fuels upon which the tax provided for in this chapter has been prepaid, or is properly owing to the State, shall be required to obtain a special permit (special license A) from the commissioner and shall furnish bond as provided in this chapter. Such person shall be required to file a report with the commissioner, disclosing the amount of fuel so imported, and such additional information as the commissioner may require for the proper administration of this chapter, within five days from the receipt of such fuels. Upon application to the commissioner, the period within which such reports shall be filed may be extended to a period of sixty days, if it shall be deemed advisable by the commissioner. A tax of three cents ($0.03) per gallon on the total number of gallons so imported, together with any unpaid tax on such other fuels, shall be paid to the commissioner and accompany the report.

Tax per gallon.

Prima facie proof of taxability.

Every person importing fuel into this State shall be presumed to have consumed or to have blended such fuel, and proof of such importation shall be prima facie evidence that such fuel is taxable, as provided herein.

Special license B.

(b) Any person purchasing motor fuel on which there has been no charge made to him of the motor fuel tax thereon, if the same be thereafter used or sold for use in the operation of a motor vehicle upon the highways, shall be required to obtain a special license B from the State Tax Commissioner. Such person shall, on or before the last business day of each month, render a report to the commissioner, stating the number of gallons of fuel purchased, used or sold for use in this State by him during the preceding calendar month and such additional information as the commissioner may require. A tax of three cents ($0.03) per gallon

on the total number of gallons so used or sold for use shall be paid to the commissioner and accompany such report.

(c) This section, including subdivisions (a) and (b) shall not apply to distributors duly licensed in accordance with the provisions of this chapter. Any person violating this section shall be guilty of a misdemeanor. Not to apply.

8. This act shall take effect on July first, one thousand nine hundred and forty-eight. Act effective.

Approved June 12, 1948.

CHAPTER 170

AN ACT concerning motor vehicles, providing for and relating to "No Passing" zones on highways, amending section 39:4–86 of the Revised Statutes, and supplementing chapter four of Title 39 of the Revised Statutes.

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

1. With respect to highways under their respective jurisdictions the State Highway Commissioner, by regulations subject to the approval of the Commissioner of Motor Vehicles, and the municipal governing bodies and county boards of chosen freeholders, by ordinance or resolution subject to the approval of the commissioner of motor vehicles, shall have authority to establish and maintain as "No Passing" zones portions of such highways where overtaking and passing, or driving to the left of the roadway, is deemed especially hazardous. C. 39:4-86.1. May establish "no passing" zones.

"No Passing" zones so established shall be designated by pavement markings as set forth in section two, or by appropriate signs and such How designated and marked.

pavement markings, which shall indicate the beginning and end of such zones.

C. 39:4-86.2. How no passing zone is to be marked.

2. A "No Passing" zone established pursuant to section one shall be marked by a combination of two parallel white lines as follows:

(a) A solid line placed as the right-hand element of a combination of a dash line and a parallel solid line along the center of lane line of the highway; or

(b) Two solid parallel lines placed along the center or lane lines of the highway.

(c) Lines, under paragraphs (a) and (b), shall not be less than four inches nor more than six inches wide and shall be separated from the adjacent parallel line in the combination by a space of not less than two inches nor more than four inches.

Section amended.

3. Section 39:4–86 of the Revised Statutes is amended to read as follows:

Passing.

39:4–86. The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be made in safety.

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of five hundred feet.

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction at a steam or electric railroad grade crossing unless permitted so to do by a traffic or police officer.

Except when otherwise directed by a duly constituted traffic or police officer or when the lane in which he is operating is obstructed and impassable, the driver of a vehicle shall not cross an appropriately marked "No Passing" line in a "No Passing" zone established pursuant to a duly

promulgated regulation of the State Highway Commissioner.

C. 39:4-86.3. Copies of regulations to have force of originals.

4. In proceedings for passing in violation of this act, copies of any regulations of the State Highway Commissioner, when authenticated under his seal, shall be evidence in like manner and with equal effect as the originals.

5. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 171

AN ACT concerning beauty culture, and amending section 45:4A–23 of the Revised Statutes.

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

Section amended.

1. Section 45:4A–23 of the Revised Statutes is amended to read as follows:

Expiration dates of licenses.

45:4A–23. All certificates or licenses or renewals shall expire on the thirtieth day of June next succeeding, except certificates or licenses for operators and manicurists which shall expire on the last day of September next succeeding, unless renewed for the next year. Certificates or licenses may be renewed by application made prior to the thirtieth day of June or the last day of September, as the case may be, of each year and the payment of the renewal fee provided in this chapter. In case of loss or destruction of the original certificate of registration or license, a duplicate certificate may be issued upon payment of one dollar ($1.00).

Fee for duplicate license.

Licenses extended.

All operators' and manicurists' licenses, which otherwise would expire on June thirtieth, one thousand nine hundred and forty-eight, shall be extended to, and shall expire on, the last day of September, one thousand nine hundred and forty-eight, without the payment of any additional fee.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 172

AN ACT to validate certain deeds or other conveyances of real property to or by the trustees of building and loan associations in dissolution.

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

Deeds or conveyances validated.

1. Any deed or other conveyance of real property by or to the trustees in dissolution of any building and loan association in dissolution, heretofore made and executed, shall be good and effectual, notwithstanding that the same was made and executed to the trustees in dissolution or by the trustees in dissolution of such building and loan association and was not made to the building and loan association or by the building and loan association in its corporate name; *provided,* the same is valid in all other respects.

Proviso.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 173

AN ACT to validate proceedings brought to foreclose a mortgage or mortgages of a building and loan association in dissolution, in the names of the trustees in dissolution, rather than in the name of the association.

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

Proceedings to foreclose validated.

1. Any proceedings heretofore brought to foreclose a mortgage or mortgages of a building and loan association in dissolution shall be valid not-

withstanding the proceedings were instituted in the names of the trustees in dissolution of said association, rather than in the corporate name of the association; *provided,* the said proceedings are valid in all other respects. Proviso.

2. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 174

AN ACT concerning fishing, and amending sections 23:3–42 and 23:3–47 of the Revised Statutes.

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

1. Section 23:3–42 of the Revised Statutes is amended to read as follows: Section amended.

23:3–42. No pound except pounds established before April twenty-eighth, one thousand nine hundred and thirty-one, shall be set, erected, operated or maintained in the Atlantic ocean within one and one-half miles of any other pound, the measurement to be parallel with the coast line, and no such pound shall have a mesh smaller than two inches. A person who erects, sets, operates or maintains a fishpound net, the mesh of which measures less than two inches, shall forfeit the license issued hereunder, and the nets found to be in violation hereof shall be forfeited and destroyed in a proceeding instituted for that purpose by the board in the common pleas court of the county wherein the net is located. Requirements as to pounds set in Atlantic ocean.

A person operating any such fishpound net shall, at the time of emptying the net, return to the waters wherein the net is located any codfish less than ten inches in length, any striped bass regardless of size, bluefish or weakfish less than nine inches in length, sea bass or kingfish less than Regulates sizes of fish that may be taken.

eight inches in length, blackfish, mackerel or porgie less than seven inches in length, and flounder or butterfish less than six inches in length, where such small fish exceed in number five per centum (5%) of the total catch.

Not to apply.

This section shall not apply to pounds in Sandy Hook or Raritan bay.

Section amended.

2. Section 23:3–47 of the Revised Statutes is amended to read as follows:

Application for license, fee, term.

23:3–47. A person who intends to take fish with shirred or purse seines, otter or beam trawls in the waters of the Atlantic ocean within the jurisdiction of this State shall make application to the board for a license for that purpose for each vessel proposed to be engaged in the fishing.

The board, upon the receipt of the application and the payment to it of the sum of fifty dollars ($50.00) for each vessel proposed to be engaged in the fishing, shall issue to the applicant a license for the vessel to take with shirred or purse seine, otter or beam trawl, fish of any kind, excepting striped bass, in the waters of the Atlantic ocean within the jurisdiction of this State at a distance of not less than two miles from the coast line. The license shall expire on December thirty-first in the year in which it is issued.

3. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 175

AN ACT to amend "An act making uniform regulations on net fishing in certain waters within the jurisdiction of this State, and providing for the licensing of same, and repealing sections 23:9–59 to 23:9–93, inclusive, 23:9–99, 23:9–101 to 23:9–107, inclusive, and 23:9–113 of the Revised Statutes," approved June fourteenth, one thousand nine hundred and forty-one (P. L. 1941, c. 211) as the same was amended by chapter two hundred ninety-four of the laws of one thousand nine hundred and forty-two.

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

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

1. No person shall fish with, set, fix, fasten, draw, or drift any net of any description whatsoever, from or in the inland tidal waters, bays, coves, rivers, or creeks, or in the Atlantic ocean within three nautical miles of the coast line, unless he shall first have procured a license as hereinafter provided so to do; *provided, however,* that this act shall not apply to persons licensed under sections 23:3–41, 23:3–47, 23:3–50 and 23:9–115 of the Revised Statutes. C. 23:5-24.1. License for net fishing. Proviso.

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

2. A person intending to take fish with a net in the waters aforesaid shall, except as hereinafter provided, apply to the Board of Fish and Game Commissioners for a license therefor, and the board upon receipt of the application and the fee hereinafter prescribed may in its discretion issue licenses for the taking of fish with nets as follows: C. 23:5-24.2. Issuing licenses, schedule of fees.

(a) Haul seines, not less than three inches stretched mesh while being fished, and not to exceed seventy fathoms in length, whether singly or attached, for all species excepting striped bass, March first to June fifteenth. Fee ten dollars ($10.00).

(b) Fykes, with leaders, shall not exceed thirty fathoms in length, and no part of net or leaders to be less than two and one-half inches stretched mesh while being fished, for all species excepting striped bass. October first to June fifteenth. Fee three dollars ($3.00).

(c) Special fyke for flounder only, the length of the net not to exceed thirty fathoms and the mesh of which shall not be less than four inches stretched mesh. October first to June fifteenth. Fee one dollar ($1.00).

(d) Miniature fykes or pots for the taking of catfish, suckers and eels, the same not to exceed sixteen inches in diameter. March fifteenth to December fifteenth. Fee twenty-five cents ($0.25).

(e) Drifting gill nets (run around or stab nets), the smallest mesh of which shall be three inches while being fished, and the length of which net shall not exceed two hundred fathoms for all species excepting striped bass. March fifteenth to December fifteenth. Fee five dollars ($5.00). These nets shall be used in the Atlantic ocean only.

(f) Gill nets, staked at one or both ends, the smallest mesh of which shall be three inches stretched mesh and shall not exceed thirty fathoms in length. March first to June fifteenth, for all species excepting striped bass. Fee one dollar ($1.00).

(g) Shad nets, either staked or anchored, the smallest mesh of which shall be five inches while being fished, and shall not exceed fifty fathoms in length, for all species excepting striped bass. March fifteenth to June fifteenth. Fee one dollar ($1.00).

(h) Bait seines, over fifty feet long and not exceeding one hundred fifty feet. Fee one dollar ($1.00).

(i) Bait seines, not more than fifty feet long, may be used without application for or granting of a license.

3. This act shall take effect immediately.

Approved June 12, 1948.

CHAPTER 176

AN ACT concerning education and providing minimum salaries for teachers in school districts, and amending section 18:13–13 of the Revised Statutes.

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

1. Section 18:13–13 of the Revised Statutes is amended to read as follows: Section amended.

18:13–13. The minimum salary of a teacher in any school district in any county of this State shall be two thousand dollars ($2,000.00) per academic year, and a proportionate amount for less than an academic year. Teachers' minimum salary.

An "academic year," for the purpose of this act, means the period between the time the school opens in the district after the general summer vacation and the next succeeding summer vacation. Academic year.

The provisions of this act shall not apply to teachers employed as substitutes on a day-to-day basis. Not to apply.

2. This act shall take effect September first, one thousand nine hundred and forty-eight. Act effective.

Approved June 12, 1946.

CHAPTER 177

AN ACT to amend the commission form of government law, and amending section 40:75–3 of the Revised Statutes.

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

Section amended.

1. Section 40:75–3 of the Revised Statutes is amended to read as follows:

Nomination by petition, nature and sufficiency.

40:75–3. The names of the candidates for commissioners shall be filed with the municipal clerk in the manner and form and under the conditions set forth in this section and sections 40:75–4 and 40:75–5 of this Title; said filing to be at least twenty days prior to an election for the first members of the commission and at least forty days prior to any other municipal election. The petition of nomination shall consist of individual certificates equal in number to at least one-half of one per centum (½ of 1%) of the entire vote cast at the last preceding general election, but in no event less than twenty-five.

Each certificate shall be a separate paper and shall contain the name of but one signer and the name of but one candidate. No signer shall, at the time of filing the certificate, have signed more certificates for candidates for that office than there are places to be filled. If an elector has signed two or more conflicting certificates all such certificates shall be rejected.

Act effective.

2. This act shall take effect July first, one thousand nine hundred and forty-eight.

Approved June 12, 1948.

CHAPTER 178

AN ACT concerning insurance on autobusses, and amending section 48:4–36 of the Revised Statutes.

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

1. Section 48:4–36 of the Revised Statutes is amended to read as follows: Section amended.

48:4–36. Any person engaged in the operation of motor vehicles shall at all times have financial coverage. If such financial coverage shall be by insurance policy, such insurance policy or policies or true copies thereof, shall be filed with the board of public utility commissioners. Said board may reject any policy if and when it determines after hearing upon notice in writing to the insurance company that the company or companies writing or underwriting said policies of insurance is or are not financially responsible to respond in damages. Upon any hearing as provided herein, the burden of proving its financial responsibility shall rest upon said insurance company or companies. Financial coverage required.

Said insurance policies shall be conditioned for the payment of a minimum sum of not less than hereinafter set forth, hereinafter called "minimum liability," on any one judgment, and a maximum sum of not less than hereinafter set forth, hereinafter set forth, hereinafter called "maximum liability," on all judgments recovered against any such person, upon claims arising out of the same transaction or transactions connected with the same subject of action, to be apportioned ratably among the judgment creditors according to the amount of their respective judgments, for damages because of bodily injury, including death, at any time resulting therefrom, or injury caused in Conditions.

the operation, maintenance, use, or the defective construction of such motor vehicles, as follows:

a. For damages because of bodily injury, including death, at any time resulting therefrom, for each motor vehicle having a seating capacity of not more than twelve passengers, an insurance policy with a minimum liability of five thousand dollars ($5,000.00) and a maximum liability of twenty-five thousand dollars ($25,000.00).

b. For each motor vehicle having a seating capacity of not less than thirteen nor more than twenty passengers, an insurance policy with a minimum liability of five thousand dollars ($5,000.00) and a maximum liability of fifty thousand dollars ($50,000.00).

c. For each motor vehicle having a seating capacity of not less than twenty-one nor more than thirty passengers, an insurance policy with a minimum liability of five thousand dollars ($5,000.00) and a maximum liability of one hundred thousand dollars ($100,000.00).

d. For each motor vehicle having a seating capacity of more than thirty passengers, an insurance policy with a minimum liability of five thousand dollars ($5,000.00) and a maximum liability of one hundred fifty thousand dollars ($150,000.00).

2. This act shall take effect immediately.

Approved June 17, 1948.

CHAPTER 179

AN ACT concerning legal investments in certain securities.

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

C. 32:11B-9. Authorized as legal investments.

1. The following may, in addition to other investments allowed by law, properly and legally invest any funds, including capital, belonging to them or within their control in bonds or other obligations issued by the State of Delaware for the purpose of financing the cost of constructing a crossing over or under the Delaware river between the State of New Jersey and the State of Delaware, as a memorial to the citizens of the States of Delaware and New Jersey who gave their lives in the armed forces of the United States in World War II; that is to say:

(a) Insurance companies, insurance associations, and all other persons carrying on an insurance business.

(b) Executors, administrators, guardians, committees, conservators, liquidators, rehabilitators, receivers, trustees, and all other persons occupying similar fiduciary positions.

(c) Banks, trust companies, bankers and savings banks.

(d) Savings and loan, and building and loan associations, investment companies, and other financial institutions.

(e) Credit unions, cemetery associations, mutual benevolent and benefit associations.

(f) Firemen's, police, and teachers' association pension and relief funds.

(g) Other pension, retirement, compensation, and sinking fund systems.

(h) The State and its counties, and municipalities and their subdivisions and agencies.

(i) All public officers, officials, boards, commissions, bodies and agencies of the State and its counties, and municipalities and their subdivisions and agencies.

(j) Any other individual, firm, group, corporation, association, institution, and fund of any nature whatsoever.

C. 32:11B-10. Not to apply.

2. The provisions of this act shall not apply to any trust fund where the deed of trust, or will, or any court having jurisdiction of the same, specially directs that said trust fund shall be invested in other securities.

3. This act shall take effect immediately.

Approved June 17, 1948.

CHAPTER 180

AN ACT to provide for chambers for certain judicial officers.

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

Authorized to rent chambers.

1. Any justice of the Supreme Court and any Circuit Court judge who has been appointed as a justice of the new Supreme Court, pursuant to the provisions of paragraph one of section four of Article XI of the Constitution may, if he deems it necessary, for the performance of his duties as such judicial officer, rent convenient and appropriate chambers for his use as a study and library and for his other official needs subject to the approval of the amount of the rent for said chambers by the present Chief Justice of the Supreme Court.

Lease, approval.

2. If a lease is required for any such chambers, it may be entered into by the judicial officer with the written approval of the Director of the Division of Purchase and Property in the Department

of Taxation and Finance or by the said Director and the rental of said chambers shall be certified by the Director of the Division of Purchase and Property and paid by the State Treasurer in equal monthly payments.

3. This act shall take effect immediately and its provisions shall be deemed to be operative as of February first, one thousand nine hundred and forty-eight and shall become inoperative upon the enactment of any statute of a general and permanent nature, providing for chambers for justices of the new Supreme Court. Act effective.

Approved June 18, 1948.

CHAPTER 181

AN ACT to repeal "An act to vest in the Agricultural Extension Service of the State Agricultural Experiment Station responsibility for farm labor reeruiting and placement in New Jersey, and making an appropriation therefor," approved April seventh, one thousand nine hundred and forty-three (P. L. 1943, c. 106).

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

1. "An act to vest in the Agricultural Extension Service of the State Agricultural Experiment Station responsibility for farm labor recruiting and placement in New Jersey, and making an appropriation therefor," approved April seventh, one thousand nine hundred and forty-three, is repealed. Ch. 106, P. L. 1943, repealed.

2. This act shall take effect immediately.

Approved June 30, 1948.

CHAPTER 182

AN ACT concerning the Unemployment Compensation Commission, and supplementing chapter twenty-one of Title 43 of the Revised Statutes.

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

C. 43:21-12.8. Reconversion unemployment benefits.

1. The Unemployment Compensation Commission is authorized to enter into arrangements or agreements with the Federal Security Administrator or with any administrator, agent, agency, board or body designated and established in and by Section 306 of the Act of Congress entitled "An act to amend the Social Security Act and the Internal Revenue Code, and for other purposes," being designated as Public Law 719, 79th Congress, approved August 10, 1946, providing for the payment of reconversion unemployment benefits for seamen, whereby the personnel, records and facilities of the commission shall be employed, under the direction and control of the commission, for implementing and carrying into effect said Section 306 of such Federal law, and whereby the New Jersey wage credits of any claimant during his base year may be supplemented by the wage credits accruing during the same base year to such claimant under the said Federal Act for the purpose of making a single payment of benefits to such claimant with respect to any compensable week upon the basis of the wage credits so combined; *provided, however,* that all costs and expenses incurred, as well as all funds to make payments of such reconversion unemployment benefits for seamen, shall be provided by Federal grant and not devolve upon the State of New Jersey; *and further provided,* that any arrangement or agreement so entered into shall provide that where New Jersey wage credits are insufficient in themselves to

Proviso.

Proviso.

support benefit payments to any claimant under the New Jersey Unemployment Compensation Law, and are taped out with Federal credits, no benefits paid against the New Jersey wage credits so used will be paid out of the New Jersey benefit fund or be charged against the account of any New Jersey employer; *and further provided,* that subsection (f) of section 43:21–5 of the Revised Statutes shall be inapplicable with respect to such benefits so paid. Proviso.

All acts and action heretofore taken by the Unemployment Compensation Commission or any of its representatives in co-operating with the Federal authorities in the payment of such benefits are approved, ratified and confirmed. Payments approved.

2. This act shall take effect immediately.

Approved June 30, 1948.

CHAPTER 183

AN ACT concerning elections, and amending section 19:45–7 of the Revised Statutes.

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

1. Section 19:45–7 of the Revised Statutes is amended to read as follows: Section amended.

19:45–7. The compensation of the members of the several county boards shall be as follows: in counties having a population exceeding five hundred thousand, not less than two thousand six hundred dollars ($2,600.00) per annum, nor more than three thousand nine hundred dollars ($3,900.00) per annum; in counties having a population of not more than five hundred thousand or less than one hundred seventy-five thousand, not less than two thousand dollars ($2,000.00) per annum, nor more Boards of elections, salaries.

than three thousand dollars ($3,000.00) per annum; in counties having a population of not more than one hundred seventy-five thousand or less than one hundred fifty thousand, not less than one thousand eight hundred dollars ($1,800.00) per annum, nor more than two thousand seven hundred dollars ($2,700.00) per annum; in counties having a population of not more than one hundred fifty thousand or less than one hundred fifteen thousand not less than one thousand two hundred dollars ($1,200.00) per annum, nor more than one thousand eight hundred dollars ($1,800.00) per annum; in counties having a population of not more than one hundred fifteen thousand or less than ninety thousand not less than one thousand dollars ($1,000.00) per annum, nor more than one thousand five hundred dollars ($1,500.00) per annum; in counties having a population of not more than ninety thousand or less than forty-eight thousand not less than nine hundred dollars ($900.00) per annum, nor more than one thousand three hundred and fifty dollars ($1,350.00) per annum; in counties having a population of not more than forty-eight thousand not less than six hundred dollars ($600.00) per annum, nor more than nine hundred dollars ($900.00) per annum; *provided, however,* that any increases herein granted shall be effected only upon the approval of the board of chosen freeholders in the county affected. The members of the county board in counties other than counties of the first class who shall be elected as chairman and secretary thereof and who shall perform the duties of chairman and secretary thereof shall each receive an additional compensation of one-half of the compensation of the individual members of the board.

Proviso.

The compensation of the clerk of the county board of elections in counties of the first class shall be not less than thirty-five hundred dollars ($3,500.00) per annum, nor more than sixty-five hundred dollars ($6,500.00) per annum; and the compensation of the assistant clerks shall be not

less than three thousand dollars ($3,000.00) per annum, nor more than five thousand dollars ($5,000.00) per annum; *provided, however,* that any increases herein granted shall be effected only upon the approval by the board of chosen freeholders in the county affected. The compensation of the clerk-stenographer shall be fixed by the county board, to be paid by the county treasurer, semimonthly as other county employees are paid; *provided, however,* that in counties of the first class, wherever assistant clerks and the clerk-stenographer have not, at the time of the adoption of this act, been appointed from the competitive class of civil service, the foregoing provisions concerning their salaries shall not apply but their salaries shall be, now or hereafter, in such sums as shall be recommended from time to time by the county board of elections and approved by the county board of freeholders of the county. This section shall apply to such clerks and assistant clerks whether heretofore or hereafter appointed and the years of service shall be computed from the time of their respective appointments to such positions.

Proviso.

Proviso.

The commissioner of registration in a county of the first class shall receive twenty-five hundred dollars ($2,500.00) per annum, for services performed as such commissioner of registration, and the commissioner of registration in a county of the second class having a superintendent of elections shall receive one thousand dollars ($1,000.00) per annum for services performed as such commissioner of registration, and for such services performed by a commissioner of registration in a county not having a superintendent of elections additional compensation shall be paid to such commissioner in an amount equal to fifty per centum (50%) of his salary as member and secretary of the county board. In counties of the second class where a member of the county board serves as commissioner of registration, he shall receive no additional compensation for the performance of

his duties as such commissioner unless he shall devote his full time to the performance of his duties as a member of the county board, secretary thereof, and commissioner of registration. "Full time" as here used means such time as is daily required of employees in the office of the county board.

Approved June 30, 1948.

CHAPTER 184

AN ACT concerning unemployment compensation, amending section 43:21–10 of the Revised Statutes, and repealing "An act concerning the Unemployment Compensation Commission of New Jersey, and amending section 43:21–10 of the Revised Statutes," approved April twentieth, one thousand nine hundred and forty-five (P. L. 1945, c. 203).

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

Section amended.

1. Section 43:21–10 of the Revised Statutes is amended to read as follows:

Unemployment compensation commission, appointment, salary.

43:21–10. (a) Organization. There is hereby created a commission to be known as the Unemployment Compensation Commission of New Jersey. It shall consist of seven members who shall be appointed by the Governor, with confirmation by the Senate, not more than four of whom shall be of the same political affiliation. Each member shall be reimbursed for his traveling and other expenses actually and necessarily incurred by him in the performance of his duties, and, in addition, shall receive a per diem allowance of twenty-five dollars ($25.00) for each day, or part thereof,

spent in the rendition of service to or for the commission under this act; *provided, however,* that no member shall in any case receive per diem compensation as such member in an amount in excess of three thousand five hundred dollars ($3,500.00) for any one fiscal year. The payment heretofore of any such per diem allowance to any member of the commission for services performed under this chapter during the period from April twentieth, one thousand nine hundred and forty-five, to October seventh, one thousand nine hundred and forty-seven, is hereby approved, ratified and confirmed; and the payment hereafter of any such per diem allowance to any member of the commission for services performed under this chapter, since September first, one thousand nine hundred and forty-seven, and for which no such per diem allowance was paid, is hereby authorized. No person may be appointed who is an officer or committee member of any political party organization. First appointees to the commission shall serve as designated by the Governor at the time of appointment, as follows: one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years. At the expiration of initial terms, appointments shall be made for a term of seven years in each case. Any vacancies created by death, resignation or removal shall be filled by appointment for the unexpired portion of the term so vacated.

Proviso.

Terms.

Vacancies.

The Governor may, at any time after a fair public hearing, remove any member of the commission for gross inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office.

Removal.

(b) Executive director. The commission shall appoint an executive director who shall be the chief executive and approval officer of the commission and its official agent for all purposes, and who shall hold office at its pleasure. He shall give his full time to the duties of his office, shall be paid a suitable salary to be fixed by the commission and shall

Executive director.

have general charge and supervision of the work of all departments of the commission as well as any subdivisions thereof.

Powers and duties.

It shall be the duty of the executive director to administer this chapter with the advice of the commission; and to that end, the executive director shall have the following duties and powers:

(1) To formulate necessary rules and regulations, subject to approval by the commission.

(2) To appoint and fix the compensation of members of the staff, subject to approval by the commission and subject to the provisions of subsection (d) of section eleven of this chapter.

(3) To make such expenditures as are necessary in the discharge of his functions hereunder as provided for in the budget to be approved annually by the commission, to make requisitions for any funds provided by the Federal Government for administration of this chapter, and he is hereby authorized to draw vouchers on the administration fund for the purpose of administering this chapter.

(4) To draw vouchers upon the unemployment compensation fund and the appropriate accounts therein for the payment of benefits.

(5) To delegate to other persons any of the powers conferred upon him by this chapter, so far as is reasonably necessary.

New Jersey State employment division.

(c) Divisions. The executive director shall establish such administrative divisions as may be necessary to carry out the purposes of this chapter, subject to approval of the commission. Among such divisions shall be New Jersey State Employment Service Division, established pursuant to section 43:21–12 of this Title. The New Jersey State Employment Service shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commission may find such separation to be impracticable.

(d) Board of review. The executive director shall appoint, subject to the provisions of Title 11, Civil Service, from civil service eligible lists, subject to approval of the commission, a board of review, consisting of three members whose duties shall be to act as a final appeals board in cases of benefit disputes, including appeals from determinations with respect to demands by the deputy for refunds of benefits under section 43:21–16 (d) of this chapter and to whom shall be delegated the duty of supervising the work of local appeal tribunals to be organized as provided for elsewhere in this chapter. No member of the board of review shall participate in any case in which he is an interested party. Board of review.

(e) Powers and duties. The commission shall have the following specific powers and duties: Commission, powers and duties.

(1) To designate its chairman.

(2) To study the operation of this chapter and from time to time prepare recommendations to the Governor and Legislature with respect to any improvements which might be desirable.

(3) To make rules and regulations governing its own procedure.

(4) To advise the executive director and other members of the commission staff with particular respect to policies and procedures.

(f) Quorum. Any four commissioners shall constitute a quorum. No vacancies shall impair the right of the remaining commissioners to exercise all of the powers of the commissioner. Quorum.

2. "An act concerning the Unemployment Compensation Commission of New Jersey, and amending section 43:21–10 of the Revised Statutes," approved April twentieth, one thousand nine hundred and forty-five, is repealed. Ch. 203, P. L. 1945, repealed.

3. This act shall take effect immediately.

Approved June 30, 1948.

CHAPTER 185

AN ACT concerning public printing, and amending section 52:36–3 of the Revised Statutes.

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

Section amended.

1. Section 52:36–3 of the Revised Statutes is amended to read as follows:

Printing to be done within State, exceptions.

52:36–3. All work performed in fulfillment of any contract made under the provisions of this chapter shall be done within the limits of this State except for topographic, other types of maps printed from engraved lithographic stones, zinc plates and copper plates and such printing known as "continuous forms" and "carbon inserted snap-out" forms.

2. This act shall take effect immediately.

Approved June 30, 1948.

CHAPTER 186

AN ACT appropriating the unexpended balances of an appropriation made to the Adjutant-General's Department for expenses and salaries of the World War II Veterans' Records Division.

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

1. The following sum is hereby appropriated out of State funds:

G 1. ADJUTANT-GENERAL'S DEPARTMENT

Appropriation.

The unexpended balance, as of July first, one thousand nine hundred and forty-eight, of thirty

thousand dollars ($30,000.00) appropriated for expenses and salaries of the World War II Veterans' Records Division.

2. This act shall take effect July first, one thousand nine hundred and forty-eight.

Approved June 30, 1948.

CHAPTER 187

AN ACT to amend "A supplement to an act entitled 'An act concerning the government of cities of the second class and authorizing the creation of a municipal board of public works and a municipal water board in any such city, and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such boards and providing for the maintenance of such board,' approved April fifteenth, one thousand nine hundred and thirty-one (P. L. 1931, c. 134)."

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

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

2. In every such city there shall be elected by the legal voters of such city at the next general election of this State next succeeding such adoption, three suitable persons, residents of such city, to be members of the board of public works therein, one for a term of one year, one for a term of two years and one for a term of three years, their respective terms to begin on the first day of January next following such election, and at each such general election thereafter, one of the members of such Board of public works, election, terms.

New Jersey State Library

board shall be elected for a term of three years to succeed the member of the board whose term expires, and the members of such board shall hold office until their successors are elected and qualify.

Section amended.

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

Vacancies.

3. Any vacancy in the membership of such board of public works shall be forthwith reported by the clerk thereof to the mayor, clerk and the board of aldermen, common council or other governing body of such city, and such board of aldermen, common council or other governing body of such city shall have the power to elect a person to fill such vacancy in said board of public works until the next general election, and the election and qualification of another to fill such vacancy.

Any vacancy occurring in the membership of said board of public works shall be filled at the next general election, and the persons so elected at such general election shall hold office for the unexpired term of the person in whose place he is elected.

Section amended.

3. Section six of the act of which this act is amendatory is amended to read as follows:

Referendum.

6. The provisions of this supplementary act shall not be operative in any city until the same shall have been adopted by vote of the legal voters thereof, as hereinafter provided. The question of the adoption of this act shall be submitted to vote in any such city as shall heretofore have adopted the act to which this act is a supplement, at the next general election, and in all such cities in which there shall hereafter be submitted to the legal voters the question of the adoption of the act to which this act is a supplement, at the same election at which said last mentioned act shall be submitted, of which submission the same notice shall be given as is required by law to be given of such general election, and the legal voters of such city may at such election decide upon the adoption or rejection of this act in the following manner:

There shall be printed on each official ballot below the names of the candidates under the heading "Public questions to be voted upon" the following: Question.

"To vote upon the public question printed below, if in favor thereof, mark a cross (×) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (×) or plus (+) in the square at the left of the word NO."

	YES	Shall the act entitled "A supplement to an act entitled 'An act concerning the government of cities of the second class and authorizing the creation of a municipal board of public works and a municipal water board in any such city, and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such boards, and providing for the maintenance of such boards,'" approved one thousand nine hundred and thirty-one be approved?
	NO	

The said ballots so cast for or against this act shall be counted and the result thereof returned by the election officers, and a canvass of such votes had, in the same manner and at the same time as in the case of ballots for city candidates voted for at such election, and the adoption or rejection of this act so determined shall be declared and certified in the same manner as the result of said election for city officers; and if there shall be a majority of all votes entitled by law to be counted as such, in favor of the adoption of this act, and not otherwise, this act shall immediately become operative in such city. Canvass.

Approved June 30, 1948.

CHAPTER 188

AN ACT to prevent unfair competition and unfair trade practices in the sale of cigarettes; to prohibit sales of cigarettes below cost; to protect and stabilize the collection of taxes on the sale of cigarettes and revenues from the licensing of persons engaged in the sale of cigarettes; to confer powers and impose duties on the Department of Taxation and Finance and on persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing remedies and imposing penalties for violations thereof.

Preamble. WHEREAS, Unfair, dishonest, deceptive, destructive and fraudulent business practices existing in transactions involving the sale of, offer to sell, or inducement to sell, cigarettes in the retail and wholesale trades in this State have been and are demoralizing and disorganizing said trades; and

Preamble. WHEREAS, The advertising, offering for sale, or sale of cigarettes below cost in the retail or wholesale trade with the intent of injuring competitors or destroying or substantially lessening competition, is an unfair and deceptive business practice; and

Preamble. WHEREAS, Such practices adversely affect the collection of taxes from the sale of cigarettes and license fees imposed on distributors, wholesalers, retailers and others engaged in the sale of cigarettes; and

Preamble. WHEREAS, It is hereby declared to be the policy of this State to promote the public welfare by prohibiting such sales, and it is the purpose of this act to carry out that policy in the public interest; therefore,

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

C. 56:7-1. Short title.

1. Short title. This act shall be known and may be cited as the "Unfair Cigarette Sales Act."

C. 56:7-2. Terms defined:

2. Definitions. The following words, terms and phrases, when used in this act, shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

Person;

a. "Person" shall mean and include any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation or other political subdivision of this State, trust, receiver, trustee, fiduciary and conservator.

Cigarettes;

b. "Cigarettes" shall mean and include any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco.

Sale;

c. "Sale" shall mean any transfer for a consideration exchange, barter, gift, offer for sale and distribution in any manner or by any means whatsoever.

Wholesaler;

d. "Wholesaler" shall mean and include any person who purchases cigarettes direct from the manufacturer, or from any other person who purchases from a manufacturer, and sells at least seventy-five per centum (75%) of all such cigarettes purchased by him to others for resale.

Retailer;

e. "Retailer" shall mean and include any person who operates a store, stand, booth or concession for the purpose of making sales of cigarettes at retail and any person selling cigarettes through vending machines.

Sell at retail;

f. "Sell at retail," "sale at retail" and "retail sales" shall mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

Sell at wholesale;

g. "Sell at wholesale," "sale at wholesale" and "wholesale sales" shall mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the wholesaler's business, to the retailer for the purpose of resale.

Basic cost of cigarettes.

h. "Basic cost of cigarettes" shall mean the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower, less all trade discounts and customary discounts for cash, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this State now in effect or hereafter enacted, if not already included by the manufacturer in his list price.

C. 56:7-3. Unlawful sales, penalty.

3. Sales at less than cost; penalty. a. It shall be unlawful for any retailer or wholesaler, with intent to injure competitors or destroy or substantially lessen competition, to advertise, offer to sell, or sell, at retail or wholesale, cigarettes at less than cost to such retailer or wholesaler, as the case may be. Any retailer or wholesaler who violates the provisions of this section shall be guilty of a misdemeanor and be punishable by fine of not more than five hundred dollars ($500.00).

Deemed prima facie evidence.

b. Evidence of advertisement, offering to sell, or sale of cigarettes by any retailer or wholesaler at less than cost to him, shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

C. 56:7-4. Cost to retailer.

4. Cost to the retailer; meaning. a. The term "cost to the retailer" shall mean the "basic cost of cigarettes" to the retailer plus the "cost of doing business by the retailer," as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including salaries of executives and officers), rent, depreciation, selling

costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising; *provided*, that any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer," pursuant to this subsection, add the "cost of doing business by the wholesaler," as defined in section five of this act, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer." Proviso.

b. In the absence of proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be eight per centum (8%) of the "basic cost of cigarettes" to the retailer. Cost of doing business, retailer percentage.

c. In the absence of proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer," who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be eight per centum (8%) of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler." Percentage allowed on basic cost.

5. Cost to wholesaler; meaning. a. The term "cost to the wholesaler" shall mean the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler," as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising. C. 56:7-5. Cost to wholesaler.

b. In the absence of proof of a lesser or higher cost of doing business by the wholesaler making the Cost of doing business, wholesaler, percentage.

sale, the "cost of doing business by the wholesaler" shall be presumed to be three and one-half per centum (3½%) of the "basic cost of cigarettes" to the wholesaler, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of proof of a lesser or higher cost, shall be deemed to be three-fourths of one per centum (¾of 1%) of the "basic cost of cigarettes" to the wholesaler.

C. 56:7-6. Combination sales, regulates.

6. Combination sales. In all advertisements, offers for sale or sales involving two or more items, at least one of which items is cigarettes, at a combined price, and in all advertisements, offers for sale, or sales, involving the giving of any gift or concession of any kind whatsoever (whether it be coupons or otherwise), the retailer's or wholesaler's combined selling price shall not be below the "cost to the retailer" or the "cost to the wholesaler," respectively, of the total of all articles, products, commodities, gifts and concessions included in such transactions.

C. 56:7-7. Sales, wholesaler to wholesaler, treatment.

7. Sales by a wholesaler to a wholesaler. When one wholesaler sells cigarettes to any other wholesaler, the former shall not be required to include in his selling price to the latter, "cost to the wholesaler," as provided by section five of this act, but the latter wholesaler, upon resale to a retailer, shall be subject to the provisions of said section.

C. 56:7-8. Exceptions.

8. Sales exceptions. The provisions of this act shall not apply to sales at retail or sales at wholesale made (a) in an isolated transaction and not in the usual course of business; (b) where cigarettes are advertised, offered for sale, or sold in bona fide clearance sales for the purpose of discontinuing trade in such cigarettes and said advertising, offer to sell, or sale shall state the reason thereof and the quantity of such cigarettes advertised, offered for sale, or to be sold; (c) where cigarettes are advertised, offered for sale, or sold as imperfect or damaged, and said advertising, offer to sell, or sale shall state the reason therefor and the quantity of such cigarettes advertised, offered

for sale, or to be sold; (d) where cigarettes are sold upon the final liquidation of a business; or (e) where cigarettes are advertised, offered for sale, or sold by any fiduciary or other officer acting under the order or direction of any court.

C. 56:7-9. Advertising certain sales.

9. Advertising of certain sales; good faith. a. Any retailer may advertise, offer to sell, or sell cigarettes at a price made in good faith to meet the price of a competitor who is selling the same article at cost to him as a retailer. Any wholesaler may advertise, offer to sell, or sell cigarettes at a price made in good faith to meet the price of a competitor who is rendering the same type of service and is selling the same article at cost to him as a wholesaler. The price of cigarettes advertised, offered for sale, or sold under the exceptions specified in section eight shall not be considered the price of a competitor and shall not be used as a basis for establishing prices below cost, nor shall the price established at a bankrupt sale be considered the price of a competitor within the purview of this section.

Price of competitor.

b. In the absence of proof of the "price of a competitor," under this section, the "lowest cost to the retailer," or the "lowest cost to the wholesaler," as the case may be, determined by any "cost survey," made pursuant to section thirteen of this act, may be deemed the "price of a competitor," within the meaning of this section.

C. 56:7-10. Sales contracts void.

10. Sales contracts void. Any contract, expressed or implied, made by any person in violation of any of the provisions of this act, is declared to be an illegal and void contract and no recovery thereon shall be had.

C. 56:7-11. Determining cost, evidence.

11. Admissible evidence. a. In determining "cost to the retailer" and "cost to the wholesaler" the court shall receive and consider as bearing on the bona fides of such cost, evidence tending to show that any person complained against under any of the provisions of this act purchased cigarettes, with respect to the sale of which complaint is made, at a fictitious price, or upon terms, or in such a

manner, or under such invoices, as to conceal the true cost, discounts or terms of purchase, and shall also receive and consider as bearing on the bona fides of such cost, evidence of the normal, customary and prevailing terms and discounts in connection with other sales of a similar nature in the trade area or State.

Merchandise for advertising.

b. Merchandise given gratis or payment made to a retailer or wholesaler for display, or advertising, or promotion purposes, or otherwise, shall not be considered in determining the cost of cigarettes to the retailer or wholesaler.

C. 56:7-12. Sales outside ordinary channels, effect.

12. Sales outside ordinary channels of business; effect. In establishing the cost of cigarettes to the retailer or wholesaler, the invoice cost of said cigarettes purchased at a forced, bankrupt, or closeout sale, or other sale outside of the ordinary channels of trade, may not be used as a basis for justifying a price lower than one based upon the replacement cost of the cigarettes to the retailer or wholesaler, within thirty days prior to the date of sale, in the quantity last purchased, through the ordinary channels of trade.

C. 56:7-13. Cost survey.

13. Cost survey; admissibility. Where a cost survey, pursuant to recognized statistical and cost accounting practices, has been made for the trading area in which the offense is committed, to establish the lowest "cost to the retailer" and the lowest "cost to the wholesaler," said cost survey shall be deemed competent evidence to be used in proving the cost to the person complained against within the provisions of this act.

C. 56:7-14. Remedies.

14. Remedies. a. The Director of the Division of Taxation of the State Department of Taxation and Finance, or any person injured by any violation, or who shall suffer injury from any threatened violation of this act, may maintain an action in any court of equitable jurisdiction to prevent, restrain, or enjoin such violation or threatened violation. If in such action a violation or threatened violation of this act shall be established, the court shall enjoin and restrain, or otherwise prohibit, such violation

or threatened violation, and, in addition thereto, the court shall assess in favor of the plaintiff and against the defendant the costs of suit including reasonable attorney's fees. In such action it shall not be necessary that actual damages to the plaintiff be alleged or proved, but where alleged and proved, the plaintiff in said action, in addition to such injunctive relief and costs of suit, including reasonable attorney's fees, shall be entitled to recover from the defendant the actual damages sustained by him.

May maintain action for damages.

b. In the event that no injunctive relief is sought or required, any person injured by a violation of this act may maintain an action for damages and costs of suit in any court of general jurisdiction.

C. 56:7-15. Powers and duties.

15. Division of taxation, State Department of Taxation and Finance; powers and duties. The Director of the Division of Taxation of the State Department of Taxation and Finance may adopt rules and regulations for the enforcement of this act and he is empowered to and may undertake a "cost survey" as provided for in section thirteen of this act. Said director may, upon notice and after hearing, suspend or revoke any license issued under the provisions of the "cigarette tax act," and the rules and regulations of the director promulgated thereunder, for failure of the licensee to comply with any provision of this unfair cigarette sales act or any rule or regulation adopted thereunder.

All of the powers vested in said director by the provisions of the "cigarette tax act," aforesaid, shall be available to him in the enforcement of this unfair cigarette sales act.

Appeals.

Any person aggrieved by any decision, order or finding of the director, suspending or revoking any such license, may appeal therefrom to the Division of Tax Appeals of the State Department of Taxation and Finance, by filing a petition of appeal with said division in the manner and form and within the time and subject to such terms and conditions as said division shall by rules prescribe.

The judgment or order of said division respecting any matter arising under the provisions of this act may be reviewed by the Supreme Court, on certiorari, in the same manner as other judgments and orders of said division are reviewed.

C. 56:7-16. Provisions severable.

16. Partial unconstitutionality. The provisions of this act shall be deemed to be severable and if for any reason any provision shall be determined to be unconstitutional or invalid, such determination shall not be held to affect any other provision hereof. And no such determination shall be deemed to invalidate or render ineffectual any of the provisions of the "cigarette tax act."

C. 56:7-17. Act effective.

17. This act shall take effect on the first day of July, one thousand nine hundred and forty-eight.

Approved June 30, 1948.

CHAPTER 189

AN ACT to regulate the labeling, sale, and offering for sale of agricultural and vegetable seed and seed mixtures in the State of New Jersey; to impose penalties for violations, and repealing sections 4:8–1 to 4:8–17, inclusive, of the Revised Statutes.

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

C. 4:8-17.1. Terms defined:

1. As used in this act unless the context clearly requires otherwise:

Person;

(a) The term "person" includes a partnership, corporation, company, society or association.

Director;

(b) The "director" means the Director of the New Jersey Agricultural Experiment Station.

State seed analyst;

(c) The "State seed analyst" means the seed analyst of the New Jersey Agricultural Experiment Station.

(d) The term "agricultural seeds" used in this act shall include the seeds of red clover (Trifolium pratense); alsike clover (Trifolium hybridum); white clover (Trifolium repens); ladino clover (Trifolium repens var. latum); crimson clover (Trifolium incarnatum); alfalfa (Medicago sativa); white sweet clover (Melilotus alba); yellow sweet clover (Melilotus officinalis); hairy vetch (Vicia villosa); lespedeza spp.; common vetch (Vicia sativa) and other vetch spp.; soybeans (Soja max); cowpeas (Vigna sinensis); timothy (Phleum pratense); redtop (Agrostis alba); orchard grass (Dactylis glomerata); Kentucky bluegrass (Poa pratensis); Canada bluegrass (Poa compressa); perennial ryegrass (Lolium perenne); Italian ryegrass (Lolium multiflorum); smooth brome grass (Bromus inermis); meadow fescue (Festuca elatior); and all other cultivated grasses; field corn; wheat; barley; oats; rye; millets (Setaria species); buckwheat; rape (Brassica napus); and when the term "agricultural seeds" or "agricultural seed" is used in this act it shall be construed to mean such seed when sold, offered, or exposed for sale, or held in possession with intent to sell within this State for the purpose of seeding. Agricultural seeds;

(e) The term "vegetable seed" as used in this act includes the seeds of those crops which are grown in gardens or on truck farms and are generally known and sold under the name of vegetables in the State. Vegetable seed;

(f) The term "kind" means one or more related species or subspecies which singly or collectively is or are known by one common name, for example, clover, vetch, cabbage, et cetera. Kind;

(g) The term "variety" means a subdivision which by character of growth or otherwise can be differentiated from other sorts of the same kind, for example, Wong barley, domestic ryegrass, chantenay carrot, et cetera. Variety;

(h) The term "mixture" used in this act means seeds consisting of more than one kind or variety of grasses or clovers or both, when present to the Mixture;

extent of five per centum (5%) or more of the total weight of the mixture.

Weed seeds; (i) The term "weed seeds" includes the seeds or bulblets of all plants generally recognized as weeds within this State, and shall include noxious weed seeds.

Noxious weed seeds; (j) Noxious weed seeds shall be divided into two classes in this act, i. e., "primary noxious weed seeds" and "secondary noxious weed seeds."

Primary noxious weed seeds; (k) "Primary noxious weed seeds" are the seeds of perennial weeds such as not only produce seed, but also spread by underground roots or stems and which when established are highly destructive and are not controlled in this State by cultural practices commonly used, and for the purpose of this act, are the seeds of: bindweed (Convolvulus arvensis); Hedge bindweed (Convolvulus sepium); quackgrass (Agropyron repens); Canada thistle (Cirsium arvense); horse nettle (Solanum carolinense).

Secondary noxious weed seeds; (l) "Secondary noxious weed seeds" are the seeds of such weeds as are very objectional in fields, lawns, and gardens in this State and are difficult to control by the cultural practices commonly used and for the purpose of this act are: dodder (Cuscuta spp.); corn cockle (Agrostemma githago); wild garlic (Allium vineale); wild onion (Allium canadense); cheat (Bromus secalinus); Bermuda grass (Cynodon dactylon).

Inert matter; (m) The term "inert matter" shall include within its meaning all materials which are not of plant origin, all portions of plants not including seed or seeds, and all fragments of seeds which do not include an embryo.

Origin; (n) The term "origin" means the foreign country, State of the United States, province, possession of the United States, or designated portion thereof, where the seed is grown.

Label; (o) The term "label" includes all labels written, printed, or otherwise, in any form whatsoever accompanying any lot of seed whether in bulk or container.

(p) The term "advertisement" means all representations other than those on the label in any form relating to any seed within the scope of this act. Advertisement;

(q) The term "hybrid" means all the first generation seed of a cross involving two, three, or four inbred lines in one of the following combinations: Hybrid.

(1) Single cross—a cross between two inbred lines.

(2) Double cross—a cross between two unrelated single crosses.

(3) Three-way cross—a cross between a single cross and an inbred line.

(4) "Inbred line" is a relatively stable and pure breeding strain resulting from not less than five successive generations of controlled self-pollination.

2. Each container of agricultural or vegetable seed or mixtures of seed which is sold, offered for sale, or exposed for sale within the State shall bear thereon or have attached thereto or in a conspicuous place on the exterior of the container a written or printed label in the English language in legible type or script specifying: C. 4:8-17.2. Labels specifications.

(a) For agricultural seeds—

When held or exposed for sale in lots of ten pounds or more:

(1) The commonly accepted name of such agricultural seed; and if the name of the specific variety or strain of such seed is used it must be the true name of such special variety or strain; and if the seed is designated as a hybrid, the name or number by which the hybrid is designated.

(2) Lot number or other lot identification.

(3) Origin, if known, of alfalfa or red clover. If the origin is unknown that fact shall also be stated.

(4) The percentage by weight of purity or freedom of such seeds from foreign matter and other seeds distinguishable by their appearance.

(5) The percentage of germination of such agricultural seed as named together with the percentage of hard seed if present.

(6) The calendar month and year when the germination test was made.

(7) The name and approximte number of each kind of primary and secondary noxious weed seed when present singly or collectively.

a. Per ounce in Agrostis spp. Poa spp., timothy, fescues, alsike, white clover, and other agricultural seeds of similar size and weight, or mixtures within this group.

b. Per pound in Sudan grass, wheat, oats, barley, rye, and other agricultural seeds of similar size and weight, or mixtures within this group.

(8) Percentage by weight of agricultural seeds (which may be designated as "crop seeds") other than those required to be named on the label.

(9) Percentage by weight of inert matter.

(10) Name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within the State.

(b) For mixtures of seeds:

(1) That the agricultural seed contained therein is a mixture.

(2) The lot number or other lot identification.

(3) The commonly accepted names and approximate percentage by weight of such species of grasses or clovers, or both, as are distinguishable by their appearance; *provided,* they are present in such mixture in quantities equalling or exceeding five per centum (5%) of the total weight of the mixture.

(4) The percentage by weight of foreign seeds contained in the mixture; *provided,* the term "foreign seeds" does not include within its meaning the seeds which constitute a component part of the mixture, i.e., five per centum (5%) or more of the total weight of the mixture.

(5) The percentage by weight of inert matter.

(6) The name and approximate number of each kind of primary and secondary noxious weeds as stated in section two (a), paragraph seven, of this act.

(7) The percentage of germination of each ingredient.

(8) The calendar month and year when the germination test was made.

(9) The name and address of the person who labeled the seed and who sells, offers, or exposes the seed for sale within the State.

(c) For vegetable seed:

When held or exposed for sale in lots of one pound or more:

(1) The name and variety of the vegetable seed.

(2) Lot number or other lot identification.

(3) Percentage of germination exclusive of hard seeds.

(4) Percentage of hard seed if present.

(5) The calendar month and year the test was completed.

(6) Name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within this State.

C. 4:8-17.3. Sales, conditions.

3. (a) It shall be unlawful for any person to sell, offer for sale, or expose for sale any agricultural or vegetable seed or compounded seed mixture within this State:

(1) Unless the test to determine the percentage of germination required by section two shall have been completed within a twelve-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

(2) Not labeled in accordance with the provisions of this act or having a false or misleading labeling.

(3) Pertaining to which there has been a false or misleading advertisement.

(4) Containing primary or secondary noxious weed seeds subject to tolerances and methods of determination prescribed in the rules and regulations under this act.

(5) Which are or which contain "screenings" or "tailings."

(b) It shall be unlawful for any person within this State:

(1) To detach, alter, deface, or destroy any label provided in this act or rules or regulations made and promulgated thereunder, or to alter or substitute seed in a manner that may defeat the purposes of this act.

(2) To disseminate any false or misleading advertisement concerning agricultural or vegetable seeds, or compounded mixtures of seeds, in any manner or by any means.

(3) To hinder or obstruct in any way any authorized person in the performance of his duties under this act.

(4) To fail to comply with a "stop-sale" order.

C. 4:8-17.4. Provisions not to apply.

4. (a) The provisions of sections two and three do not apply:

(1) To seed or grain not intended for seeding purposes.

(2) To seed in storage or consigned to a seed cleaning or processing establishment for cleaning or processing; *provided,* that any labeling or other representations which may be made with respect to such unclean seed shall be subject to this act.

(3) To a farmer who sells to a farmer homegrown seed on his own premises; *provided,* that said grower shall be responsible under this act for any representations he shall make in the sale of such seeds, and except that if such seeds shall be advertised for sale and be delivered through a common carrier, the grower as a seller shall be deemed a vendor and shall be subject to all the provisions of this act. Proviso.

C. 4:8-17.5. Records kept for two years.

5. (a) All persons transporting or delivering seed in intrastate transportation shall keep for a period of two years a complete record of name, origin, purity, and germination of each lot of seed offered, and the State seed analyst or his duly authorized agents shall have the right to inspect such records for the purpose of the effective enforcement of this act.

(b) All invoices covering shipments of seed shall show a lot number identifying each different lot covered by the invoice.

C. 4:8-17-6. Seed analyst, appointment.

6. (a) The Director of the New Jersey Agricultural Experiment Station shall appoint a State seed analyst and such other agents as may be deemed necessary to carry out the provisions of this act. The said State seed analyst shall adopt an official seal and any court before which any suit or action may be pending shall take judicial notice of such seal, and further, in the trial of any suit wherein is called in question the quality of any lot

of seeds, where the defendant does not appear or fails to contest the claim of the State, a certificate signed by the State seed analyst and attested with his seal shall be prima facie proof that the seed was of the quality shown by his analysis.

Enforcement, duties.

(b) The duty of enforcing this act and carrying out its provisions shall be vested in the State seed analyst. It shall be the duty of such officer, who may act through his authorized agent:

(1) To sample, inspect, make analysis of and test agricultural, vegetable and compounded mixtures of seeds, transported, sold, offered or exposed for sale within this State for seeding purposes, at such time and place, and to such extent as he may deem necessary to determine whether such seeds are in compliance with the provisions of this act, and in case of violation to notify promptly the person who transported, sold, offered, or exposed the seed for sale, or who otherwise violated this act.

(2) To prescribe and after public hearing, following due public notice, to adopt rules and regulations governing the methods of sampling, standards, inspection, analysis, testing and examination of agricultural, vegetable, and mixtures of seeds, and the tolerances to be followed in the administration of this act, which shall be in general accord with the officially prescribed practice in interstate commerce, and such other rules and regulations as may be necessary to the efficient enforcement of this act.

(c) And for the purpose of carrying out the provisions of this act the State seed analyst individually or through his agents is authorized:

(1) To enter upon any public or private premises during regular business hours in order to have access to seeds subject to this act and rules and regulations thereunder.

(2) To issue and enforce a written or printed stop-sale order to the owner or custodian of any lot of agricultural or vegetable seeds or compounded mixtures of seed which the State seed analyst finds is in violation of any of the provisions of this act, which order shall prohibit further sale of such seed until such officer has evidence that the law has been complied with; *provided,* that no "stop-sale" order shall be issued or attached to any lot of seed without first giving the custodian of such seed an opportunity to comply with the law; *and provided further,* that in respect to the seeds which have been denied sale as provided in this paragraph, the owner or custodian of such seed shall have the right to appeal from such order to a court of competent jurisdiction in the locality in which the seeds are found, praying for judgment as to the justification of said order and for the discharge of such seed from the order, prohibiting the sale in accordance with the findings of the court; *and provided further,* that the provisions of this paragraph shall not be construed as limiting the right of the State seed analyst to proceed as authorized by other sections of this act.

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(3) At his discretion to require the vendor of the seed of hybrids offered for sale in New Jersey to furnish him with the pedigree of the hybrid, the name and address of the breeder who developed each inbred line used in making the cross of any hybrid offered by him for sale in this State, the name and address of the grower or growers who produced such seed, and the name and address of the grower or growers who produced the single crosses used; and to stop the sale of such a hybrid until the required information has been furnished.

(4) To establish and maintain or make provision for adequate seed testing facilities, to employ qualified persons, and to incur such ex-

penses as shall be necessary to comply with these provisions.

(5) To make and provide purity and germination tests for seeds of farmers, dealers, and residents of the State upon request in so far as facilities may permit; to prescribe rules and regulations governing such testing.

(6) To co-operate with the United States Department of Agriculture in seed law enforcement.

C. 4:8-17.7. Seizure and condemnation.

7. Any lot of agricultural or vegetable seed or compounded mixture of seeds not in compliance with the provisions of this act shall be subject to seizure on complaint of the State seed analyst to a court of competent jurisdiction in the county or city where the seed is located. In the event the court finds the seed to be in violation of the provisions of this act and orders the condemnation thereof, such seed shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this State; *provided,* that in no instance shall such disposition of seed be ordered by the court without first having given the claimant an opportunity to apply to the court for the release of the seed or permission to process or relabel it to bring it into compliance with the provisions of this act.

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C. 4:8-17.8. Violation a misdemeanor.

8. Every violation of the provisions of this act shall be deemed a misdemeanor punishable by action of the proper jurisdictional court.

When the State seed analyst shall find that any person has violated any of the provisions of this act he or his duly authorized agent or agents may institute proceedings in a court of competent jurisdiction in the county or city in which the violation occurred, to have such person convicted therefor; or the State seed analyst may file with the Attorney-General, with the view of prosecution, such evidence as may be deemed necessary; *provided, however,* that no prosecution under this act shall be instituted without first having given the

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defendant an opportunity to appear before the law enforcement officer or his deputy to introduce evidence either in person, or by agent, or by attorney at a private hearing. If, after such hearing or without such hearing in case the defendant or his agent or attorney fails or refuses to appear, the State seed analyst is of the opinion that the evidence warrants prosecution, he shall proceed as herein provided.

It shall be the duty of the proper jurisdictional court to institute proceedings at once against any person charged with the violation of this act. The State seed analyst may call upon the Attorney-General for assistance in the enforcement of the provisions of this act.

After judgment by the court in any case arising under this act, the State seed analyst shall publish any information in any manner he may deem best.

C. 4:8-17.9. To make appropriation.

9. (a) Appropriation for the maintenance of a seed testing laboratory and staff shall be made by the New Jersey State Legislature in accordance with regular procedure.

Examination and analysis of seed.

(b) Any citizen of the State of New Jersey may in accordance with regulations prescribed by the New Jersey Agricultural Experiment Station and by prepaying transportation charges, send a sample or sample of seeds for examination and analysis, a limited number to be done free of charge, beyond which prescribed fees for such service may be charged.

Rules and regulations.

(c) The Director of the New Jersey Experiment Station and the State seed analyst may adopt such rules and regulations not specified within the act as they shall consider necessary to secure the proper and just enforcement of the provisions of this act.

C. 4:8-17.10. Sections repealed.

10. Sections 4:8–1 to 4:8–17, inclusive, of the Revised Statutes are repealed.

C. 4:8-17.11. Act effective.

11. This act shall take effect July first, one thousand nine hundred and forty-eight.

C. 4:8-17.12. Short title.

12. This act shall be cited as the New Jersey State Seed Law.

Approved June 30, 1948.

CHAPTER 190

AN ACT concerning the fees for the services of the surrogates and clerks of the orphans' courts, and amending section 22:2–37 of the Revised Statutes.

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

1. Section 22:2–37 of the Revised Statutes is amended to read as follows:

Schedule of surrogate's fees.

22:2–37. Fees for services of the surrogate and clerk of the orphans' court enumerated below shall be as follows:

PROBATE OF WILLS AND COPIES

Probate of a will of not more than two pages, fifteen dollars ($15.00).

The above fee includes all services in preparation and execution of petition, deposition of one witness, qualification of executor, surrogate's certificate, decree for probate, letters testamentary, binding, recording, comparing, docketing, report to comptroller, report and transmission to Secretary of State.

Probate of will without letters, twelve dollars ($12.00).

The above fee includes same services as are enumerated in the preceding paragraph except letters, surrogate's certificate and qualification of executor.

Probate of each codicil, not exceeding one page, five dollars ($5.00).

To reopen probate proceedings for qualification of executor or taking proof of extra witness, five dollars ($5.00).

Recording and comparing each additional page of will or codicil, one dollar ($1.00).

One witness in the above procedures, no charge.

Each additional witness, one dollar ($1.00).

Filing, entering, issuing and recording proceedings in commission for deposition of foreign witness to a will or codicil, six dollars ($6.00).

Plain extra copy of will, one dollar ($1.00) for each page.

Certified extra copy of will, one dollar ($1.00) for each page, plus one dollar ($1.00).

Certified copy of will with proofs for New Jersey county, not exceeding two pages including will and codicil, six dollars ($6.00).

For pages in excess of two, one dollar ($1.00) for each page.

Wills filed but not probated (where there are no assets), for each page, one dollar ($1.00).

Exemplifying will for another State, not exceeding two pages including will and codicil, plus cost of certificate of Secretary of State when requisite, seven dollars ($7.00).

For pages in excess of two, one dollar ($1.00) for each page.

Recording, indexing, filing and reporting to comptroller an exemplified copy of will from another State, one dollar ($1.00) for each page.

Recording, docketing, indexing and filing a certified copy of will with proofs from New Jersey, one dollar ($1.00) for each page.

Recording certified transcripts of wills admitted to probate or letters granted by the ordinary, one dollar ($1.00) for each page.

LETTERS OF TRUSTEESHIP

Qualification of trustee and letters of trusteeship, including one certificate, five dollars ($5.00).

LETTERS OF ADMINISTRATION

General administration or administration to creditor, including preparation and execution of petition, bond, surety affidavits, necessary recording, indexing, filing, report to comptroller and Secretary of State and original letters, twelve dollars ($12.00).

Administration ad prosequendum, six dollars ($6.00).

Exemplifying administration, six dollars ($6.00).

Certified copy of administration, four dollars ($4.00).

Affidavits of administration where estates are less than one hundred dollars ($100.00), one dollar ($1.00).

Affidavits of estates of minors (where value of personal estate does not exceed five hundred dollars ($500.00) and value of real estate does not exceed one hundred dollars ($100.00)) when less than one hundred dollars ($100.00), one dollar ($1.00), and one dollar ($1.00) for each one hundred dollars ($100.00) or part thereof in excess of one hundred dollars ($100.00).

LETTERS OF GUARDIANSHIP

Granting letters of guardianship, eight dollars ($8.00).

Acceptance of guardianship, one dollar ($1.00).

INVENTORIES

For all services in appointment of appraisers, two dollars ($2.00).

Filing, entering and recording inventory and appraisement, not exceeding one page, five dollars ($5.00).

For each additional page, one dollar ($1.00).

ACCOUNTING

Filing, auditing, stating, reporting and recording accounts of executors, administrators, guardians, trustees and assignees, including drawing decree, petition and one page of accounting, but exclusive of advertising costs:

In estates up to and including $2,000, twenty dollars ($20.00).

In estates from $2,000 to and including $10,000, forty dollars ($40.00).

In estates from $10,000 to and including $30,000, fifty dollars ($50.00).

In estates from $30,000 to and including $50,000, sixty-five dollars ($65.00).

In estates from $50,000 to and including $500,000, one-tenth of one per centum (1/10 of 1%) plus such additional fees as the court may allow.

Where estates exceed $500,000 the orphans' court shall fix and determine the additional fees to be allowed on such excess.

For each page of accounting, in excess of one, one dollar ($1.00).

In computing the amount of an estate for the purpose of fixing the fees of a surrogate for auditing and reporting the account, the balance transferred from the prior account shall be excluded.

For preparing notice of settlement of accounts and copies of the same, posting such notices, preparing proofs of posting and taking affidavits thereto, forwarding notice to newspaper, with directions as to publication, obtaining proofs of publication, keeping a record of notices and newspapers to which they are sent and of the moneys received to defray the cost of posting and advertising and transmitting advertising charge to newspaper, five dollars ($5.00).

No fees herein allowed shall be charged against the recipient of any pension, bounty or allowance, for services of the surrogate and orphans' court in respect thereof, pursuant to sections 3:30–1 to 3:30–7 of the Title, Administration of Estates—Decedents and Others.

MISCELLANEOUS PROCEEDINGS

Renunciation by one person, filing, entering and recording, one dollar ($1.00). Each additional person, twenty-five cents ($0.25).

Caveat, filing, two dollars ($2.00).

Proceedings relative to presumption of death, filing, entering and recording (exclusive of letters), with additional fee for advertising, twenty-five dollars ($25.00).

Sale of land to pay debts or in fulfillment of a contract made by decedent (exclusive of advertising), thirty dollars ($30.00).

Distribution, filing and entering petition, affidavit of next of kin, recording and filing decree, five dollars ($5.00).

Adoption, filing, entering and recording proceedings (all papers), fifteen dollars ($15.00).

Drawing petition on application for order to limit time to creditors posting notices, entering the rule and decree and making the rule absolute, twelve dollars ($12.00), plus advertising.

Preparing notices to creditors to present their claims and copies of the same, posting such notices, sending notice to newspapers with directions as to publication, preparing proofs of posting notices, taking affidavits thereto, obtaining proofs of publication, keeping a record of notices and newspapers to which they are sent for publication, and of the moneys received to defray the cost of posting and advertising and transmitting advertising charges to newspapers, five dollars ($5.00).

Combined refunding bond and release of not more than two pages, filing, entering and recording, two dollars ($2.00). For more than two pages, one dollar ($1.00) for each page. Additional charge for county clerk's certificate, fifty cents ($0.50).

Release of not more than two pages, two dollars ($2.00). For more than two pages, one dollar ($1.00) for each page. Additional charge for county clerk's certificate, fifty cents ($0.50).

Advertising rule of court or notice, when done by the surrogate, one dollar and twenty cents ($1.20), in addition to advertising fees.

Drawing petitions, reading, filing and recording decree, appointing commissioners for division of real estate, and a certified copy of such decree, five dollars ($5.00).

MISCELLANEOUS CHARGES

Short certificates, seventy-five cents ($0.75).

Issuing citations (original and copy), one dollar and fifty cents ($1.50).

Extra copies of citation, each, one dollar ($1.00).

Subpœnas, each, one dollar ($1.00).

Subpœna tickets, each, fifty cents ($0.50).

Authorization of process, fifty cents ($0.50).

Swearing each witness, ten cents ($0.10).

Adjournment or continuance, one dollar ($1.00).

Miscellaneous orders of court, first page, one dollar ($1.00). For each additional page, one dollar ($1.00).

Recording all papers not herein provided for, one dollar ($1.00) for each page.

For making copies not otherwise provided for, one dollar ($1.00) for each page.

Affidavit of surviving spouse, one dollar ($1.00).

To file transcript of death certificate, fifty cents ($0.50).

Power of attorney, one dollar ($1.00).

Filing all papers not herein provided for, fifty cents ($0.50).

Whenever in this act the fee is quoted "for each page" or reference is made to pages it shall be construed to mean one typewritten or printed page, double space, where typewriting or printing may be used in an instrument.

Approved June 30, 1948.

CHAPTER 191

AN ACT concerning education, amending section 18:14–70, and supplementing chapter fourteen of Title 18 of the Revised Statutes.

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

Section amended.

1. Section 18:14–70 of the Revised Statutes is amended to read as follows:

Special classes.

18:14–70. Boards of education with the approval of the commissioner may establish special classes in hospitals, convalescent homes, and other institutions, when eight or more physically handicapped persons are available for such instruction. County and State moneys shall be available for such classes also in the same manner as provided by law for those special classes in the regular public school.

C. 18:14-70.1. Course accredited.

2. Any person, regardless of age, who does not hold a diploma of a high school approved in this State or in any other State in the United States may, during the time he is a patient in a hospital, convalescent home, or other institution in which there has been established a special class or classes pursuant to section 18:14–70 of the Revised Statutes, attend any such class or classes so established until he shall have earned sufficient credits in courses of high school grade approved by the State Board of Education to be entitled to a high school diploma, and any approved courses of high school grade completed in any such class or classes may be credited toward the requirements for a high school diploma.

C. 18:14-70.2. May make agreements for instruction.

3. Boards of education which have or may hereafter establish such classes pursuant to said section and which lack high school facilities may enter into agreements with any one of the high schools designated to receive their high school pupils to

provide the instruction in courses of high school grade, and credits earned in such courses may be credited toward the diploma requirements of the designated high school.

C. 18:14-70.3. Construing.

4. Nothing contained herein shall be construed to entitle any person to pursue any course of study if it shall be determined by the board of education, upon the basis of competent evidence, that said person's mental or physical condition is such that he cannot carry such a course of study to a satisfactory completion.

C. 18:14-70.4. Act effective.

5. This act shall take effect July first, one thousand nine hundred and forty-eight.

Approved June 30, 1948.

CHAPTER 192

AN ACT concerning the teachers' pension and annuity fund, and amending sections 18:13–54, 18:13–55, 18:13–56, 18:13–59 and 18:13–70 of the Revised Statutes.

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

Section amended.

1. Section 18:13–54 of the Revised Statutes is amended to read as follows:

Retirement allowance, present-entrant.

18:13–54. Upon superannuation retirement a present-entrant shall receive a retirement allowance which shall, subject to the provisions of section 18:13–56 of the Revised Statutes, consist of:

a. An annuity which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement;

b. A pension in addition to the annuity, of one-one-hundred-and-fortieth of his average salary multiplied by the number of years of service he has rendered since he became a member;

c. A further pension of one-seventieth of his average salary multiplied by the number of years of service certified on his prior-service certificate; and

d. If such person was a member of the teachers' retirement fund prior to his becoming a member of the retirement system, a further additional pension which shall be the actuarial equivalent of the contributions without interest, which he paid to the teachers' retirement fund prior to September first, one thousand nine hundred and nineteen, which he has not otherwise received.

Section amended.

2. Section 18:13–55 of the Revised Statutes is amended to read as follows:

Retirement allowance, new-entrant.

18:13–55. Upon superannuation retirement a new-entrant shall receive a retirement allowance which shall, subject to the provisions of section 18:13–56 of the Revised Statutes, consist of:

a. An annuity which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement; and

b. A pension, in addition to the annuity, of one-one-hundred-and-fortieth of his average salary multiplied by the number of years of his total service; *provided,* the member shall have attained the age of sixty-two years or more; or

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c. In case the member shall not have attained the age of sixty-two years, a pension, in addition to the annuity, which shall be such percentage of one-one-hundred-and-fortieth, as the board of trustees shall prescribe, of his average salary multiplied by the number of years of his total service. The board of trustees may from time to time adopt a table of such percentages, according to age, sex and period of total service, which shall be computed so that the pension granted shall be the actuarial equivalent of such portion, as the actuary of the board of trustees shall determine to be available of the reserve computed, at the date of retirement, to meet the obligation of the pension accumulation fund, not under this paragraph "c," but under paragraph "b" of this section or upon retirement for disability.

3. Section 18:13–56 of the Revised Statutes is amended to read as follows: Section amended.

18:13–56. The total retirement allowance hereafter to be paid to a member, heretofore or hereafter retired, with twenty or more years of service, shall be his annuity plus a pension of not less than four hundred dollars ($400.00) per annum. Minimum retirement allowance.

4. Section 18:13–59 of the Revised Statutes is amended to read as follows: Section amended.

18:13–59. On retirement for disability, a teacher who is a member shall receive a retirement allowance which shall, subject to the provisions of section 18:13–56 of the Revised Statutes, consist of: Disability retirement allowance.

a. An annuity which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement;

b. A pension which together with said annuity shall be sufficient to produce a retirement allowance of one-seventieth of his average salary multiplied by the number of years of his total service, but not less than three hundred dollars ($300.00) per annum or thirty per centum (30%) of such average salary, with the exception that in no case shall the allowance exceed nine-tenths of the rate of retirement allowance to which he might have been entitled had retirement been deferred until the age of sixty-two; and

c. If such person was a member of the teachers' retirement fund prior to his becoming a member of the retirement system, a further additional pension, which shall be the actuarial equivalent of the contributions without interest, which he paid to the teachers' retirement fund prior to September first, one thousand nine hundred and nineteen, which he has not otherwise received.

This section shall be retroactive to April twenty-fourth, one thousand nine hundred and forty-six (being the date of the last prior amendment of the foregoing section), and any retirement allowance made under such prior enactment, if found to be less than would be produced under this amendment, Section retroactive.

shall be adjusted by the board of trustees and the difference paid in one lump sum to the retirant.

Section amended.

5. Section 18:13–70 of the Revised Statutes is amended to read as follows:

Payment of annuities.

18:13–70. The annuities of persons who have been annuitants of the teachers' retirement fund from a date prior to September first, one thousand nine hundred and nineteen, shall continue to be paid out of the pension fund created by this article. Such annuities shall be paid in quarterly installments on the last day of September, December, March and June.

Annuity to be increased.

Beginning with the quarterly payment due September thirtieth, one thousand nine hundred and forty-eight, any such annuity in an amount less than four hundred dollars ($400.00) per annum to a person who did not qualify for the monthly half pay pension as provided in section 18:13–69 of the Revised Statutes shall be increased to four hundred dollars ($400.00) per annum.

Act effective.

6. This act shall take effect July first, one thousand nine hundred and forty-eight.

Approved June 30, 1948.

CHAPTER 193

AN ACT concerning public records, and amending section 46:16–8 of Title 46–47 of the Revised Statutes.

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

1. Section 46:16–8 of the Revised Statutes is amended to read as follows: Section amended.

46:16–8. When any deed or instrument of the nature or description set forth in section 46:16–1 of this Title shall be presented for record, in any county in which a photographic, photostatic or other similar system of recording of instruments is not in use, after the expiration of ten years from the date of the acknowledgment or proof thereof, the county recording officer shall, after duly recording the same, file and carefully keep the original deed or instrument in his office, and shall not suffer the same to go out of his office on any pretext whatever, except when the same may be required to be produced by process out of a court of competent jurisdiction, in which case it shall be taken out only by such recording officer or his deputy and shall by him be returned to such office, and except as hereinafter in this section provided. Deeds or instruments not recorded for ten years after acknowledgment, disposition.

If the grantee in any such deed or instrument, or other person interested therein, shall request the same to be sent into any other county in which any of the real estate or other property affected thereby is situate, the county recording officer in whose custody the original deed or instrument shall be shall transmit such original to the county recording officer of such other county, who shall, after recording such deed or instrument, file and keep the same in his office in the manner above provided. Recording in other counties.

The several records of any deed or instrument under authority of this section shall have the effect Record as evidence.

of notice of the execution and contents thereof stated in section 46:21–1 of this Title; but no such record or any copy thereof shall be evidence in any court or proceeding, except as provided by section 2:98–23 of the Title, Administration of Civil and Criminal Justice.

Approved June 30, 1948.

CHAPTER 194

AN ACT to cure defective execution of conveyances by attorneys or agents and to validate acknowledgments of same.

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

Defective executions validated.

1. Whenever any attorney or attorneys authorized to execute and deliver conveyances for lands, tenements and hereditaments has or have failed to convey the title of their principal or principals thereto, as he or they were so authorized to convey the same, by reason of any informality or irregularity in the recitals or subject matter contained in said deed or conveyance, or by reason of any informality or irregularity in the execution thereof, such informality or irregularity shall not affect the title presumably intended to be so conveyed by said deed or conveyance, but such deed or conveyance shall convey the title of said principal or principals in and to said lands, tenements and hereditaments as effectually as though such informality or irregularity did not exist, and as though said principal or principals had himself or themselves executed said deed or conveyance; *provided, however,* that such deeds or conveyances were executed, delivered and recorded at least five years before the effective date hereof.

Proviso.

2. This act shall take effect July first, one thousand nine hundred and forty-eight. Act effective.

Approved June 30, 1948.

CHAPTER 195

AN ACT to establish at the State University of New Jersey maintained by the Trustees of Rutgers College in New Jersey a graduate school of social work and to prescribe the purpose and manner of its operation.

WHEREAS, There is in the State of New Jersey no school of social work of university grade; and Preamble.

WHEREAS, The social agencies and institutions located in the State of New Jersey are unable to secure qualified professional personnel in sufficient numbers to administer their programs of service and assistance; and Preamble.

WHEREAS, The standards of welfare practice which it is desirable for the public and private social agencies of the State of New Jersey to maintain necessitate the training of professional workers on a university level; therefore, Preamble.

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

1. There is hereby established at the State University of New Jersey maintained by the Trustees of Rutgers College in New Jersey a graduate school of social work to be known as the New Jersey School of Social Work. C. 18:22-53. New Jersey school of social work.

2. The School of Social Work shall offer courses of instruction in accordance with professional standards in the field of social work for persons C. 18:22-54. Curriculum.

preparing to enter this profession. It shall also provide part-time instruction for the benefit of persons already employed as social workers. Its instruction shall be conducted with particular reference to the training of personnel for the public and private social agencies located within the State of New Jersey and serving the people of this State.

C. 18:22-55. Research program.

3. The School of Social Work shall establish programs of research in the field of social work to aid in carrying on its program of instruction and to improve the standards of social service in New Jersey.

C. 18:22-56. Advisory committee.

4. In order that the School of Social Work may be responsive to the needs of the New Jersey social agencies, the State University of New Jersey may appoint an advisory committee for the School of Social Work which shall be broadly representative of the profession of social work in New Jersey. The advisory committee shall advise the State University of New Jersey with respect to any matters affecting the welfare of the School of Social Work and the conduct of its program. The Commissioner of Institutions and Agencies of the State of New Jersey shall be a member of the advisory committee ex officio.

C. 18:22-57. Operation.

5. The operation of the School of Social Work shall be begun by the State University of New Jersey whenever in the judgment of the officers of the State University of New Jersey sufficient financial support shall have been made available for this purpose by appropriation or otherwise.

Approved July 2, 1948.

CHAPTER 196

AN ACT concerning the acquisition, use and disposition of school property in certain cases, and amending section 18:5–28 of the Revised Statutes.

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

1. Section 18:5–28 of the Revised Statutes is amended to read as follows: Section amended.

18:5–28. No transfer or conveyance of school property as provided in section 18:5–27 of this Title shall be made until the board of education has adopted a resolution declaring the property to be no longer desirable or necessary or required for school purposes, and authorizing the conveyance thereof to such municipality, board, body or commission or authorizing the conveyance thereof to any American Legion Post, Veterans of Foreign Wars or other recognized veterans organization of the United States of America located in such municipality or county, by deed to be executed in the name and under the seal of the board of education by its president and secretary. Authorized to make conveyance.

Any such conveyance which may be made by the board of education to any such municipality, board, body or commission may, in the discretion of the board of education, be made subject to a condition or limitation that, should the property thereby conveyed cease to be used for public purposes, such property shall thereupon revert to and the title thereof be vested in the board of education making such conveyance. Limitation on use.

Should the property conveyed, pursuant to the terms of this act to any such veterans organization, cease to be used for any of the purposes contemplated by this statute, such property shall thereupon revert to and the title thereof be vested

in the board of education making the conveyance authorized by this act.

2. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 197

AN ACT respecting the investment of moneys by boards, commissions and heads of departments of the State Government, and amending section 52:14–31 of the Revised Statutes.

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

Section amended.

1. Section 52:14–31 of the Revised Statutes is hereby amended to read as follows:

Investments authorized.

52:14–31. All boards, commissions and heads of departments of the State Government may invest moneys or funds in their possession in the following securities:

a. Bonds of the United States of America.

b. Bonds of the State of New Jersey, or of any municipality thereof, including school districts.

c. Mortgage bonds or notes secured by property within the State of New Jersey and insured by the Federal housing administrator.

No investment of such funds shall be made where the total debt of any such municipality, including the school debt, shall exceed thirty per centum (30%) of the assessed valuation of all the real and personal property therein; but in ascertaining the total indebtedness, credit shall be allowed only for such moneys or property as shall be in the sinking fund.

2. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 198

AN ACT to provide for the creation as bodies corporate and politic "Parking Authorities" in counties and municipalities, prescribing the rights, powers, and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to borrow money and issue bonds therefor, providing for the payment of such bonds and prescribing the rights of the holders thereof, conferring the right of eminent domain on such authorities empowering such authorities to enter into contracts with and to accept grants from the Federal Government, the State, political subdivisions of the State or any agency thereof, providing for exempting the property of such parking authorities from taxation; and authorizing counties and municipalities to grant financial and other aid to parking projects.

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

1. Short title. This act shall be known and may be cited as the "Parking Authority Law." C. 40:11A-1. Short title.

2. Declaration of necessity of legislation. It is hereby determined and declared: C. 40:11A-2. Declaration of necessity.

(a) That the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion on the streets of urban centers of population in the municipalities of this State.

(b) That the parking of motor vehicles on the streets has contributed to this congestion to such an extent as to interfere seriously with

the primary use of such streets for the movement of traffic.

(c) That such parking prevents the free circulation of traffic in, through and from municipalities, impedes rapid and effective fighting of fires and the disposition of police forces and endangers the health, safety and welfare of the general public.

(d) That such parking threatens irreparable loss in valuations of property in the city which can no longer be readily reached by vehicular traffic.

(e) That this parking crisis which threatens the welfare of the community can be reduced by providing sufficient off-street parking facilities properly located in the several residential, commercial and industrial areas of municipalities.

(f) That adequate provision of properly located terminal space for automobiles is a public responsibility.

(g) That the parking problem cannot be remedied by regulatory processes and cannot be effectively dealt with by private enterprise.

(h) That the establishment of parking authorities will promote the public safety convenience and welfare and the necessity in the public interest for the provisions hereinafter enacted, is hereby declared as a matter of legislation determination.

C. 40:11A-3. Terms defined:

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

Authority;

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

Municipality;

(b) "Municipality" shall mean any city of any class, any town, township, village, borough

or any municipal subdivision of this State. "County" shall mean any county in the State. "The municipality" shall mean the particular municipality or municipalities for which a particular parking authority is created. "The county" shall mean the particular county for which a particular parking authority is created.

Governing body;

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

Clerk;

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

Area of operation;

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

Federal agency;

(f) The term "Federal agency" shall mean and include the United States of America, the President of the United States of America and any department or corporation agency or instrumentality heretofore or hereafter created, designated or established by the United States of America.

Public body;

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

Bonds;

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

Construction;

(i) The term "construction" shall mean and include acquisition and construction and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable.

Improvement;

(j) The term "improvement" shall mean and include extension, enlargement and improvement and the term "to improve" shall mean and include, to extend, to enlarge and to improve all in such manner as may be deemed desirable.

Persons;

(k) The term "persons" shall mean and include natural persons.

Project;

(l) The term "project" shall mean any structure or structures, facility or undertaking which the authority is authorized to acquire, construct, improve, maintain or operate under the provisions of this act.

Facilities.

(m) The term "facilities" shall mean buildings and structures above at or below the surface of the earth including equipment, entrances, exits, fencing and all other accessories necessary or desirable for the safety and convenience of the parking of vehicles.

C. 40:11A-4. Parking authorities, creation.

4. Creation of parking authorities. Any governing body may, by resolution in the case of counties or ordinance in the case of municipalities, create a body corporate and politic, to be known as the "Parking Authority .....," inserting the name of the municipality or county creating such authority. Such authority shall constitute an agency and instrumentality of the municipality or county creating it. Thereupon the governing body

shall appoint five persons as commissioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of five years, except that all vacancies shall be filled for the unexpired term.

A municipality which has created a parking authority may with its consent, evidenced by ordinance be included within the area of operation of a county authority. In such case the governing body of the county shall ratify the inclusion of such municipality before such area shall be included within the area of operation of such county authority.

No municipality which has been included (with its consent) within the area of operation of a county parking authority shall hereafter create a municipal authority.

Upon the creation of any such authority by a municipality, the clerk of the municipality shall certify a copy of the ordinance creating the parking authority, and also a copy of the resolution appointing the commissioners thereof, which documents shall be filed with the clerk of the county and be recorded in records of certificates of incorporation. In like manner, the clerk of the county shall certify the resolutions creating an authority and appointing the commissioners thereof and record such resolutions in the records of certificates of incorporation for said county. In each case the clerk of the county shall cause duplicate certified copies of said documents to be filed forthwith with the Secretary of State.

C. 40:11A-5. Commissioners, terms, powers.

5. Authority; commissioners; misconduct; removal. No commissioner of any authority may be an officer or employee of the municipality or county for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commis-

sioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses, including traveling expenses incurred in the discharge of his duties. The powers of each authority shall be vested in the commissioners thereof in office from time to time. A majority, shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of the majority of the commissioners present, unless in any case the by-laws of the authority shall require a larger number. The authority shall select a chairman and a vice-chairman from among its commissioners, and it may employ a secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon any chief law officers of the municipality, or the county, as the case may be, or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers and duties as it may deem proper. No commissioner or employee of an authority shall acquire any interest direct or indirect in any parking project or in any property included or planned to be included in the project nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any parking project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in a parking project he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute

Quorum.

Organization.

misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such property. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the governing body which made the original appointment, but a commissioner shall be removed only after he shall have been given a copy of the charges at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk. Removal.

6. Powers of authority. An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted: C. 40:11A-6. Powers.

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

(b) To conduct research respecting off-street parking and the necessity of the fulfillment of the parking needs in relation thereto; to construct, improve, maintain, operate, own, lease either in a capacity of lessor or lessee of land and facilities to be devoted to the parking of vehicles of any kind.

(c) To lease portions of parking facilities for commercial use wherein the opinion of the authority such leasing is desirable and feasible in order to assist in defraying the expenses of

the authority; any such lease however to be granted on a fair competitive basis; *provided, however,* that no authority except by lease or concession to a private person, firm or corporation shall within or on any such parking facilities or portions thereof sell, dispense or otherwise handle any product used in or for the servicing of motor vehicles.

Proviso.

(d) Every authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights or powers.

(e) To acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purpose of the authority and to sell, lease as lessor, transfer and dispose of any property or interest therein at any time required by it; to acquire, by purchase, lease or otherwise and to construct, improve, maintain, repair and operate projects.

(f) To fix, alter, charge and collect rates and other charges in the area served by its facilities at reasonable rates to be determined exclusively by it and which shall together with such grants, contributions or income from other sources be sufficient to provide for the payment of the expenses of the authority, repair, maintenance and operation of its facilities and properties, the payment of the principal and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

(g) To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its

bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(h) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts, leases or other transactions with the State of New Jersey, any Federal agency, municipality, county or other public body.

(i) To pledge hypothecate or otherwise encumber all or any of the obligations of the authority.

(j) To enter into contracts with the State of New Jersey or any municipality, county or authority for the use of any project of the authority.

(k) To do all acts and things necessary or convenient for the promotion of its business and the general welfare of the authority to carry out the powers granted to it by this act or any other acts.

C. 40:11A-7. Right of eminent domain.

7. Right of eminent domain. An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. Property already devoted to a public use may be acquired in like manner provided that no real property belonging to a public body or corporation itself possessing the power of eminent domain may be acquired without its consent.

C. 40:11A-8. Bonds, power to issue.

8. Bonds: Power to issue. An authority shall have the power to issue bonds from time to time in its discretion, for any of its corporate purposes. An authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including (without limiting the generality of the fore-

going) bonds on which the principal and interest are payable; (a) exclusively from the income and revenues of the parking project financed with the proceeds of such bonds; (b) exclusively from the income and revenues of certain designated parking projects whether or not they are financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from the Federal Government, State or county, or municipality, or a pledge of any income of revenues of the authority, or a mortgage of any parking project, projects or other property of the authority.

C. 40:11A-9. Bonds, liability.

9. Bonds: Liability. Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority (and such bonds and obligations shall so state on their face) shall not be a debt of the State or any political subdivision thereof and neither the State nor any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said authority. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities, and, together with interest thereon and income therefrom, shall be exempt from taxes.

C. 40:11A-10. Issuing details.

10. Bonds: Provisions. Bonds of an authority shall be authorized by its resolutions and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six per centum (6%) per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium

of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide. The bonds of a parking authority may be sold by the parking authority at public or private sale at such price or prices as the parking authority shall determine; *provided, however,* that the interest cost to maturity of the money received for any issue of bonds (computed according to standard tables of bond values) shall not exceed six per centum (6%) per annum. Proviso.

C. 40:11A-11. Validity.

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

C. 40:11A-12. Bonds, powers of authority.

12. Bonds: Powers of authority. In connection with the issuance of bonds or the incurring of obligations and in order to secure the payment of such bonds or obligations, an authority, in addition to its other powers, shall have power:

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

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

(c) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with

respect to limitations on its right to sell, lease or otherwise dispose of any parking project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

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

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

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(g) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of

default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

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

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

C. 40:11A-13. Obligees' rights.

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

(a) By mandamus, suit, action or proceeding at law or in equity to compel said authority

and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this chapter.

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

C. 40:11A-14. Powers of authority after default.

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

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

(b) To obtain the appointment of a receiver of any parking project of said authority or any part thereof and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such parking project or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said authority as the court shall direct.

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

(d) In the event of a default by the authority which results in possession or title passing to a private mortgagee, all tax exemption privilege or other special privilege accorded to such parking project because of its public nature shall cease.

C. 40:11A-15. Real property exempt from levy.

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

Proviso.

C. 40:11A-16. Bonds, legal investments.

16. Bonds: Legal investment for banks and trustees. Notwithstanding any restrictions on investments contained in any laws of this State, the State and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a parking authority created pursuant to this parking authority law and any amendments thereto; it being the purpose of this act to authorize any persons, firms, corporations,

associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations and that such bonds or other obligations shall be authorized security for all public deposits; *provided, however,* that nothing contained in this section shall be construed as relieving any person, firm, or corporation from any duty of exercising reasonable care in selecting securities.

Proviso.

C. 40:11A-17. Contracts, labor and material.

17. Contracts respecting labor and materials. Subject to any of the foregoing provisions any authority may but without intending by this provision to limit any powers of such authority enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof.

C. 40:11A-18. Federal aid.

18. Powers of authority pertaining to other governmental agencies. In addition to the powers conferred upon any authority by other provisions of this chapter, an authority is empowered to borrow money or accept contributions; grants or other financial assistance from the Federal Government, to take over or lease, or manage, any parking project or undertaking constructed or owned by any county or municipality and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases, or agreements, as may be necessary, convenient or desirable. It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government, the State Government, or any county or municipality in the undertaking, construction, maintenance, or operation of any parking project by such authority.

C. 40:11A-19. Tax exempt.

19. Taxation exemption. Every parking project and all property of the parking authority are hereby declared to be public property of a political subdivision of the State and devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or by any subdivision thereof. All bonds are hereby declared to be issued by a political subdivision of this State and for an essential public and governmental purpose and to be a public instrumentality, and such bonds, and the interest thereon and the income therefrom, and all service charges, funds, revenues and other moneys pledged or available to pay or secure the payment of such bonds, or interest thereon, shall at all times be exempt from taxation except for transfer inheritance and estate taxes and taxes on transfers by or in contemplation of death, and in lieu of taxes by political subdivisions upon the property of a parking authority, the authority which owns or holds such property may agree to make payments to a political subdivision for the services, improvements or facilities furnished by it for the benefit of a parking project.

C. 40:11A-20. Restriction on alteration of powers.

20. Restriction on alteration of powers. The State of New Jersey does hereby pledge to and agree with any person, firm or corporation or Federal agency subscribing to or acquiring the bonds to be issued by the authority for the construction, extension, improvement or enlargement of any project or part thereof that the State of New Jersey will not limit or alter the rights hereby vested in the authority until all bonds at any time issued together with the interest thereon are fully met and discharged. The State of New Jersey does further pledge in the event that any Federal agency and any other Federal agency that to and agree with the United States shall construct or contribute any funds for the construction, extension, improvement or enlargement of any project or any portion thereof, the State of New Jersey will not alter or limit the rights and powers of the authority in any

manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof or which would be inconsistent with the due performance of any agreements between the authority and any such Federal agency and the authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of the project or such portion thereof.

C. 40:11A-21. Municipal and county co-operation.

21. Municipal and county co-operation. Any city, town, borough, village, township, or county, located in whole or in part within the area of operation of a parking authority organized pursuant to this chapter, or any amendments thereto, shall have the power from time to time to grant, appropriate, donate, contribute, or lend money to such authority or to agree to take such action.

C. 40:11A-22. Exercise of powers, procedure.

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

C. 40:11A-23. Aid by public bodies.

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

(a) Dispose of property interest. Dedicate, sell, convey, or lease any of its property to a parking authority.

(b) Furnish facilities. Cause water, sewer, lighting and drainage facilities, or other works which it is otherwise empowered to undertake

to be furnished adjacent to or in connection with parking projects; *provided,* nothing in this chapter shall authorize the construction of any public utility service or facility which would be competitive with any existing public utility as the same is defined by section 48:2–13 of the Title, Public Utilities; Proviso.

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

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

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

(f) Take additional steps. Do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such parking projects;

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

(h) Enter into agreements with a parking authority respecting the exercise by such public body of its powers relating to the elimination, destruction or removal of unsafe, insanitary or unfit buildings;

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

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

C. 40:11A-24. Termination of authority.

24. Termination of authority. When any authority shall have finally paid and discharged all bonds or other obligations, which together with interest due thereon, shall have been secured by a pledge of any of the revenues or receipts of a project, it may, subject to any agreements concerning the operation or disposition of such projects, convey such project to the municipality or county creating the authority. When any authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon, and settled all other obligations or claims which may be outstanding against it, it may convey all its property to the municipality or county, as the case may be, and terminate its existence. A certificate requesting the termination of the existence of the authority shall be filed with the clerk of the municipality or county creating such authority. If the certificate is thereafter approved by the municipality creating the authority, which approval shall be by ordinance, or by the county creating the authority, which approval shall be by resolution, the said certificate, together with a certified copy thereof, shall be filed with the clerk or register of deeds of the county in which said authority is located. Whereupon the property of said authority shall pass to the municipality or county creating such authority and the authority shall cease to exist. The clerk of the county in each case, shall cause a duplicate certified copy of such documents to be filed forthwith with the Secretary of State.

C. 40:11A-25. Validity.

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

Approved July 2, 1948.

CHAPTER 199

AN ACT to provide a method of authorization of petitions by the governing body of any municipal corporation formed for local government or of any county to the Legislature for the passage of a private, special or local law regulating the internal affairs of the municipality or county.

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

C. 1:6-10. May petition legislature for passage of special, etc., law.

1. The governing body of any municipal corporation formed for local government, hereinafter called a municipality, or the board of chosen freeholders of any county, may petition the Legislature for the passage of a private, special or local law regulating the internal affairs of the municipality or county, when authorized so to do by ordinance of the municipality, or by resolution of the board of chosen freeholders of the county, as the case may be, specifying the general nature of the law sought to be passed, duly adopted, after publication and opportunity afforded for public hearing upon not less than ten days' notice duly published.

C. 1:6-11. Petition, signers, purpose.

2. Whenever there shall be filed with the clerk of a municipality or the clerk of the board of chosen freeholders of a county a petition signed by at least twenty per centum (20%) or fifteen thousand, whichever is less, of the registered voters of the municipality or county requesting the filing of a petition with the Legislature for the passage of a private, special or local law regulating the internal affairs of the municipality or of the county and specifying the general nature of the law sought to be passed, the clerk shall examine the same and ascertain whether or not it is signed by the requisite number of registered voters and, within ten days after the filing thereof, shall attach his certificate thereto showing the result of such examination and submit the same to the governing body of the municipality or board of chosen freeholders of the county.

C. 1:6-12. Submission of petition.

3. If the clerk shall certify to the sufficiency of the petition, the said governing body or board of chosen freeholders shall, within thirty days after the filing of such petition, adopt a resolution authorizing the filing of a petition with the Legislature for the passage of a private, special or local law of the general nature described in the petition so filed with said clerk or in its discretion, adopt a resolution authorizing the submission of the proposal to file such a petition to the legal voters of the municipality or county at the next general election succeeding the adoption thereof, or if the resolution shall be adopted within ninety days next preceding such election, then at the next succeeding general election, in the case of a county or at the next succeeding general or municipal election, whichever shall occur first, in the case of a municipality.

C. 1:6-13. Question placed on ballot.

4. If the resolution so adopted shall provide for submission of said proposal to the voters of the municipality or of the county, there shall be printed on every ballot to be used at such general or municipal election, the following:

If you favor the proposition printed below make a cross ×, plus + or check √ in the square opposite the word "YES." If you are opposed thereto make a cross ×, plus + or check √ in the square opposite the word "NO."

	YES	"Shall the proposal to petition the Legislature for the passage of a special law entitled 'An act (reciting title)' be adopted?"
	NO	

In any municipality or county in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instructions to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

C. 1:6-14. Petition filed with legislature.

5. If, at such election, a majority of all of the votes cast both for and against the adoption of such proposal shall be cast in favor of the adoption thereof, it shall be the duty of said governing body or board of chosen freeholders to adopt a resolution authorizing the filing of a petition with the Legislature for the passage of a private, special or local law of the general nature described in the petition within thirty days after the holding of such election.

C. 1:6-15. Publishing notice of intention, contents.

6. In any case in which an ordinance or resolution authorizing the filing of a petition with the Legislature for the passage of a private, special or local law, pursuant to the provisions of this act, shall be adopted, it shall be the duty of the chief executive officer of the municipality, or the presiding officer of the board of chosen freeholders of the county, to cause a petition, describing the general nature of the private, special or local law sought to be passed, to be prepared and signed by him and attested by the clerk of the municipality or of the board of chosen freeholders under the corporate seal of the municipality or county, and to cause to

be published notice of the intention to apply for the passage of a bill of the general nature described in the petition pursuant to the provisions of section 1:6–1 of the Revised Statutes at the next session of the Legislature at which such application can be made after compliance with such provisions, and to cause to be prepared and introduced in the Legislature at said session a private, special or local bill, to carry out the purposes of said petition, for the action of the Legislature thereon.

C. 1:6-16. Petition and ordinance filed.

7. The original of the petition for the passage of such a law, together with a duly certified copy of the ordinance or resolution authorizing the filing of the same, shall be presented and filed with the bill when the bill is introduced and, after final vote upon the bill, shall be filed and deposited in the office of the Secretary of State with the proof of publication of the notice of intention to apply for the passage of the bill.

C. 1:6-17. Law operative.

8. Any such private, special or local law passed pursuant to any such petition shall become operative in such municipality or county only when the same shall have been adopted by the vote of the legal voters thereof as hereinafter provided, unless otherwise prescribed in such law.

C. 1:6-18. When question submitted.

9. The question of the adoption of such law shall be submitted to the legal voters of the municipality or county at the next general election succeeding the passage thereof unless the same shall be passed within twenty-five days next preceding such election, in which case it shall be submitted at the next succeeding general election, in the case of a county, or the next succeeding general or municipal election, whichever shall occur first, in the case of a municipality.

C. 1:6-19. Question.

10. There shall be printed on each official ballot to be used at such general or municipal election, the following:

If you favor the proposition printed below make a cross ×, plus + or check √ in the square opposite the word "YES." If you are opposed thereto

make a cross ×, plus + or check √ in the square opposite the word "NO."

	YES	"Shall 'An act (reciting title)' be adopted?"
	NO	

In any municipality or county in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instruction to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

11. If at such election a majority, of all the votes cast both for and against the adoption of such law, shall be cast in favor of the adoption thereof, the same shall immediately become operative in the municipality or county voting thereon. C. 1:6-20. Law operative.

12. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 200

AN ACT respecting the seizure of fishing vessels, and amending section 23:10–21 of the Revised Statutes.

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

1. Section 23:10–21 of the Revised Statutes is amended to read as follows: Section amended.

23:10–21. A person found using a seine, gill, drift, anchor or sink net, fixed net, trap, pot, pound, set line, fyke, weir or other apparatus for the taking of fish in any waters of this State in violation of this Title shall, in addition to the penalties prescribed, forfeit the same. Equipment confiscated.

All constables, sheriffs, fish and game wardens and the fish and game protector shall, and any other person may, seize and secure the same, and shall immediately thereafter give notice thereof to some justice of the peace, district court, recorder or police magistrate of the county wherein the seizure is made, who shall, at an appointed time and place, summarily hear and determine whether the same was unlawfully used, and if it so appears, make an order directing the confiscation and forfeiture of the same to the board's use, which board may dispose thereof at its discretion.

Hearing.

2. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 201

AN ACT respecting the payment of bounties on foxes and woodchucks, and amending section 23:4–60 of the Revised Statutes.

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

Section amended.

1. Section 23:4–60 of the Revised Statutes is amended to read as follows:

Certificate to freeholders.

23:4–60. Upon the destruction of the ears, the justice shall give to the person producing the animal or pelt a certificate of compliance with sections 23:4–59 to 23:4–62 of this Title, directed to the board of chosen freeholders of the county in which the animal was slain, stating the kind of animal and when, where and by whom killed, the date, by whom and in the presence of what qualified voter the ears of the animal were destroyed; and the residences of the person killing the animal, and of the voter. If the animal slain was a fox and if the person killing the fox so requests, the justice shall give to such person, a like certificate, directed to the township committee of the township in which the fox was slain.

The board of chosen freeholders may, upon the production and surrender of the certificate directed to them, pay out of the county funds to the person killing a fox the sum of not less than three dollars ($3.00) and not more than ten dollars ($10.00) for each fox, or in the case of woodchuck, such sum as such board fixes, but not exceeding fifty cents ($0.50) for each woodchuck. The township committee may, upon the production and surrender of the certificate directed to them, pay out of the township funds to the person killing a fox the sum of not less than two dollars ($2.00) and not more than five dollars ($5.00) for each fox. The justice taking the affidavit shall thereupon file or cause the same to be filed forthwith in the office of the county treasurer, whereupon the justice shall receive from the county funds the sum of fifty cents ($0.50) in case a fox be the animal killed or twenty-five cents ($0.25), in case a woodchuck be the animal killed, in full for all his services under said sections 23:4–59 to 23:4–62.

Bounty.

Justice's fees.

2. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 202

AN ACT concerning the municipal manager in municipalities having municipal manager government, and amending section 40:82–3 of the Revised Statutes.

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

1. Section 40:82–3 of the Revised Statutes is amended to read as follows:

Section amended.

40:82–3. The municipal manager shall hold office as long as he shall perform the duties of his office to the satisfaction of the municipal council. During the first three consecutive calendar years of his

Term and removal.

employment he may be removed for or without cause and after said three-year period of employment he may be removed only for cause, after hearing, by a resolution signed by one more than a majority of all the members of the municipal council setting forth the reasons for such removal.

2. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 203

AN ACT concerning the confinement of inmates in the several penal and correctional institutions in this State, and amending section 30:4–85 of the Revised Statutes.

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

Section amended.

1. Section 30:4–85 of the Revised Statutes is hereby amended to read as follows:

Transfer of inmates.

30:4–85. Any inmate of any correctional institution as classified in section 30:1–7 of this Title may be transferred to any other such correctional institution by order of the commissioner directing such transfer, either upon the application of the chief executive officer or upon the initiative of the commissioner.

No inmate of the State Home for Boys or the State Home for Girls shall be transferred to the State Prison, unless convicted of a crime punishable by imprisonment in such prison.

Any inmate of the State Home for Boys over the age of sixteen years may be transferred from such home to the reformatory at Annandale or the reformatory at Rahway, and any inmate of the State Home for Girls, over the age of sixteen years, may be transferred from such home to the women's reformatory at Clinton.

Any inmate of a correctional institution for males, as classified in section 30:1–7 of this Title, over the age of twenty-one years, may be transferred to the State Prison if it shall appear, to the satisfaction of the commissioner after recommendation by a special classification review board appointed by the State Board from among members of the department central office staff, that such inmate cannot properly be confined in such institution and that his transfer will operate for the general benefit and welfare of the inmate population of the institution from which he is to be transferred; *provided, however,* that the inmate shall have been convicted of a crime punishable by imprisonment in the State Prison.

Transfer of males over 21 years.

Proviso.

The commissioner may also contract, under the direction of the State Board, and in behalf of any institution where an inmate to be transferred may be, with the various governing bodies of counties in this State for the amount to be paid for maintenance of inmates of correctional institutions to be maintained in such county institutions, after transfer thereto by order of the commissioner, for such amounts as may be approved by the State House Commission, and such payments shall be taken from and paid out of the appropriation made annually for the maintenance of such person or persons in the State institution from whence he is or shall be transferred, and the commissioner shall have power to make such transfer in such cases as in the case of other transfers provided for in this section. Such transfers shall be made in accordance with the formally adopted rules of the State Board.

May contract for county maintenance.

Persons transferred shall be subject to rules, regulations and discipline of the institution in which they are confined, except in so far as they conflict with the rules and regulations of the State Board.

Subject to rules and regulations.

2. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 204

AN ACT concerning the confinement and transfer of persons committed to the several county jails, workhouses and penitentiaries, and supplementing chapter four of Title 30 of the Revised Statutes.

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

C. 30:4-85.1. Transfers to State institutions.

1. Any inmate of any county jail, workhouse or penitentiary may be transferred to any appropriate existing correctional institution maintained by the State or which may hereafter be established or designated by the State board for the purposes herein provided. Such transfer shall be made on forms to be prescribed by the department, upon the request of the chief executive officer, warden or keeper of any county correctional institution or upon the initiative of the commissioner in accordance with the formally adopted rules and regulations of the State board after recommendation by a special classification review board appointed by the State board from among members of the department central staff, that such transfer should be made. No such transfer shall be made to the State Prison nor shall any such transfer operate as authority for the detention of any person for a term in excess of that fixed by the original sentence or order of commitment.

Transfers to county institutions.

By the same method, any inmate of a correctional institution maintained by the State, on the initiative of the commissioner, may be transferred, with the consent of the board of chosen freeholders, to an appropriate correctional institution in any one of the several counties.

Retransfers.

Any person so transferred may be retransferred to his place of original confinement or may be transferred to any existing jail, workhouse or peni-

tentiary located in any one of the several counties. The cost of such transfer and the expense of maintaining the inmate in any State institution or an institution located in a county other than the county from which the inmate was originally committed and confined shall be borne by the State.

2. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 205

AN ACT concerning local registrars and deputy registrars of vital statistics, and amending sections 26:8–13 and 26:8–17 of the Revised Statutes.

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

1. Section 26:8–13 of the Revised Statutes is amended to read as follows: Section amended.

26:8–13. The term of office of a local registrar shall be three years and he shall serve until his successor has been appointed and qualified. Local registrar, term.

2. Section 26:8–17 of the Revised Statutes is amended to read as follows: Section amended.

26:8–17. The local registrar, immediately upon his acceptance as such, shall appoint a deputy whose duty shall be to act in his stead in case of his absence, disability or death. In case of death of the local registrar the deputy shall act as local registrar until a new local registrar has been appointed and qualified. The deputy shall, in writing, accept such appointment. Deputy, appointment.

3. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 206

AN ACT concerning vacancies in the office of sheriff, and amending section 40:41–14 of the Revised Statutes.

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

Section amended.

1. Section 40:41–14 of the Revised Statutes is amended to read as follows:

To certify vacancy to governor.

40:41–14. If, before the expiration of his term of office, the sheriff shall die or remove out of the jurisdiction of the State, or otherwise become disabled by law to execute the office, and in all other cases of vacancies in the office of sheriff, the judge or judges, as the case may be, of the court of common pleas of the county or any three of them, shall forthwith, as soon as may be after receipt of information or knowledge of the happening of such death, removal, disability or vacancy, direct the clerk of the court to certify such fact to the Governor. The clerk shall immediately certify such fact under his hand and the seal of the court to the Governor, who shall forthwith, upon receipt of the certificate, fill the vacancy by appointment, with the advice and consent of the Senate, from the members of the same political party as that of the previous incumbent of the office. The commission of the person so appointed shall expire when a successor is elected and qualified, and the successor shall be elected, at the next ensuing general election for the full term of three years.

Governor to appoint, term.

2. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 207

AN ACT concerning vacancies in the office of surrogate of any county and the filling thereof, and supplementing chapter seven of Title 2, and amending section 2:7–24, of the Revised Statutes.

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

C. 2:7-24.1. Vacancy, filling, term.

1. When a vacancy happens in the office of surrogate of any county, the Governor shall fill such vacancy, with the advice and consent of the Senate, from the members of the same political party as that of the previous incumbent of the office, and the commission shall expire when a successor is elected and qualified, and the successor in such case shall be elected for the term of five years at the general election next succeeding the happening of the vacancy unless such vacancy shall happen within twenty-five days next preceding such election, in which case it shall be filled at the second succeeding general election.

Section amended.

2. Section 2:7–24 of the Revised Statutes is amended to read as follows:

Office declared vacant.

2:7–24. If a duly elected surrogate shall, by reason of the inability mentioned in section 2:7–21 of this Title, be unable to qualify within thirty days from the end of the preceding term, the Governor shall declare the office vacant, and fill such vacancy as provided by law, unless he shall be satisfied that the inability is temporary and likely to be removed within a reasonable time.

3. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 208

AN ACT concerning the filling of vacancies in the office of county clerk of any county, and supplementing chapter thirty-eight of Title 40 of the Revised Statutes.

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

C. 40:38-8.1. Filling vacancy.

1. When a vacancy shall happen in the office of the county clerk of any county, the Governor shall fill such vacancy with the advice and consent of the Senate, from the members of the same political party as that of the previous incumbent of the office, and the commission shall expire when a successor is elected and qualified and the successor in such case shall be elected for the term of five years at the general election next succeeding the happening of the vacancy unless such vacancy shall happen within twenty-five days next preceding such election, in which case it shall be filled at the second succeeding general election.

2. This act shall take effect immediately.

Approved July 2, 1948.

CHAPTER 209

AN ACT for the protection of fur-bearing animals in New Jersey, and amending section 23:4–39 of the Revised Statutes.

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

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

23:4–39. No person shall hunt, pursue, take or trap a mink, muskrat or otter in this State at any time, except from six o'clock post meridian, on November thirtieth in each year to March fifteenth of the following year. This section shall not prevent the destruction at any time of muskrats which are damaging dams or canal banks by the owners or agents thereof, or the setting of traps after three o'clock post meridian, on November thirtieth in each year. Open season. Construing.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 210

AN ACT to amend "An act relating to explosives, prescribing rules and regulations for their manufacture, having, keeping, storage, sale, transportation and use, providing penalties for all violations of this act and empowering the Commissioner of Labor and the Bureau of Explosives of the Department of Labor to enforce the provisions of the act, and repealing chapter one of Title 21 of the Revised Statutes, excepting only sections 21:1–41, 21:1–42, 21:1–43, 21:1–44, 21:1–50 and 21:1–51 of the Revised Statutes," approved March twenty-eighth, one thousand nine hundred and forty-one (P. L. 1941, c. 27).

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

Section amended.

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

C. 21:1A-17. To sell, etc., prohibited.

17. It is prohibited for any person to sell, give away or otherwise dispose of or to deliver any explosive to any person not in possession of a permit to have, keep, possess, manufacture, store, sell, transport or use explosives as required by this act except as otherwise provided in section one hundred one of this act.

Section amended.

2. Section fifty-one of the act of which this act is amendatory is amended to read as follows:

C. 21:1A-51. Examination of applicant.

51. Upon receipt of an application for a permit to use explosives and before the permit is issued, the commissioner shall examine, or cause to be examined, the qualifications of the applicant to use explosives. Such examination may be waived at the direction of the commissioner upon application

for succeeding permits. The minimum qualifications shall be as follows:

(1) Age shall be at least twenty-one years,

(2) A reasonable understanding of the English language and ability to answer properly such relevant questions as may be asked him upon his examination, which may be a written examination.

(3) Furnish satisfactory evidence of experience in using explosives and be familiar with the general requirements of this act.

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

100. Except as permitted by the provisions of section one hundred one of this act, blasting shall be undertaken only by blasters who have a valid permit issued in compliance with the provisions of this act. C. 21:1A-100. Blasting.

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

101. The handling of explosives shall be confined to persons who are at least twenty-one years of age and who do such handling—excepting only operations relating to the manufacture, transport or conveying of explosives—under the direction of a blaster who is in possession of a valid permit to use explosives; *and provided further,* that explosives may be used for blasting purposes by a miner in mining operations without requiring a permit to use explosives, if the blasting operations are under the supervision of a blaster in possession of a valid permit. C. 21:1A-101. Handling explosives. Proviso.

5. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 211

AN ACT to amend "An act concerning county detectives in certain counties, and supplementing chapter one hundred eighty-one of Title 2 of the Revised Statutes," approved March twenty-second, one thousand nine hundred and forty-six (P. L. 1946, c. 32).

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

Section amended.

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

C. 2:181-17. Appointment of county detectives.

1. In counties having more than two hundred fifty thousand and not more than five hundred thousand inhabitants, the prosecutor of the pleas may appoint, with the approval of a judge of the court of quarter sessions, not exceeding nine suitable persons to act as special officers for the detection, arrest, indictment and conviction of offenders against the law, one of whom may be designated by the prosecutor of the pleas as chief of county detectives and one as captain of county detectives.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 212

AN ACT providing for an agreement by the States of New Jersey and New York to amend chapter forty-four of the laws of New Jersey of one thousand nine hundred and forty-seven and chapter six hundred and thirty-one of the laws of New York of one thousand nine hundred and forty-seven, and to amend "An act to facilitate the development by the Port of New York Authority of marine terminals, and agreeing with the State of New York with respect thereto," approved April second, one thousand nine hundred and forty-seven (P. L. 1947, c. 44).

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

1. Upon the concurrence of the State of New York herein, in accordance with section four of this act, the States of New Jersey and New York agree that section one of chapter forty-four of the laws of New Jersey of one thousand nine hundred and forty-seven, entitled "An act to facilitate the development by the Port of New York Authority of marine terminals, and agreeing with the State of New York with respect thereto," is hereby amended to read as follows: Section amended.

1. Upon the concurrence of the State of New York as provided in section nine hereof, the States of New Jersey and New York hereby agree that municipalities, as hereinafter defined, located within the Port of New York District shall be and they hereby are authorized to co-operate with the Port of New York Authority (hereinafter called the Port Authority) in the development of marine terminals, and the two said States further agree that the State of New Jersey may authorize the Port Authority to acquire by condemnation or the exer- C. 32:1-35.28. Authorized to co-operate.

cise of the right of eminent domain real property in the State of New Jersey necessary, convenient or desirable for marine terminal purposes, under and pursuant to the Revised Statutes of New Jersey, Title 20:1–1, et seq., or at the option of the Port Authority pursuant to such other or alternate procedure as may be provided by law by such State, and that the State of New York may authorize the Port Authority to acquire by condemnation or the exercise of the right of eminent domain real property in the State of New York necessary, convenient or desirable for marine terminal purposes, under and pursuant to the condemnation law of that State, or at the option of the Port Authority pursuant to such other or alternate procedure as may be provided by law by such State.

Section amended.

2. Upon the concurrence of the State of New York herein, in accordance with section four of this act, the States of New Jersey and New York agree that section one of chapter six hundred thirty-one of the laws of New York of one thousand nine hundred and forty-seven, entitled "An act to facilitate the development by the Port of New York Authority of marine terminals, and agreeing with the State of New Jersey with respect thereto," is hereby amended to read as follows:

C. 32:1-35.28. Note: Authorized to co-operate.

1. Upon the concurrence of the State of New Jersey as provided in section six hereof, the States of New York and New Jersey hereby agree that municipalities, as hereinafter defined, located within the Port of New York District shall be and they hereby are authorized to co-operate with the Port of New York Authority (hereinafter called the Port Authority) in the development of marine terminals, and the two said States further agree that the State of New Jersey may authorize the Port Authority to acquire by condemnation or the exercise of the right of eminent domain real property in the State of New Jersey necessary, convenient or desirable for marine terminal purposes, under and pursuant to the Revised Statutes of New Jersey, Title 20:1–1, et seq., or at the option of the

Port Authority pursuant to such other or alternate procedure as may be provided by law by such State, and that the State of New York may authorize the Port Authority to acquire by condemnation or the exercise of the right of eminent domain real property in the State of New York necessary, convenient or desirable for marine terminal purposes, under and pursuant to the condemnation law of that State, or at the option of the Port Authority pursuant to such other or alternate procedure as may be provided by law by such State.

Section amended.

3. Upon the concurrence of the State of New York herein, in accordance with section four of this act, the States of New Jersey and New York agree that section four of chapter forty-four of the laws of New Jersey of one thousand nine hundred and forty-seven, entitled "An act to facilitate the development by the Port of New York Authority of marine terminals, and agreeing with the State of New York with respect thereto," and section four of chapter six hundred thirty-one of the laws of New York of one thousand nine hundred and forty-seven, entitled "An act to facilitate the development by the Port of New York Authority of marine terminals, and agreeing with the State of New Jersey with respect thereto," are hereby amended to read as follows:

C. 32:1-35.31. Authorized to vest title and control in port authority.

4. Notwithstanding any contrary provision of law, any municipality located within the Port of New York District is authorized and empowered to consent to the use by the Port Authority of any marine terminal owned by such municipality or of any real or personal property owned by such municipality and necessary, convenient or desirable in the opinion of the Port Authority for marine terminal purposes, including such real property as has already been devoted to a public use and as an incident to such consent, to grant, convey, lease or otherwise transfer to the Port Authority any such marine terminal or real or personal property upon such terms as may be determined by the Port Authority and such municipality. Every such munici-

pality is also authorized and empowered to vest in the Port Authority the control, operation, maintenance, rents, tolls, charges and any and all other revenues of any marine terminal now owned by such municipality, the title to such marine terminal remaining in such municipality. Such consent shall be given, and the execution of any agreement, deed, lease, conveyance or other instrument evidencing such consent or given as an incident thereto shall be authorized in the manner provided in Article XXII of the compact of April thirtieth, one thousand nine hundred and twenty-one, between the two States creating the Port Authority.

Consent to suits, types.

The States of New Jersey and New York hereby consent to suits, actions or proceedings of any form or nature in law, equity or otherwise by any municipality against the Port Authority upon, in connection with or arising out of any such agreement, agreements or any modification thereof or supplement thereto, for the following types of relief and for such purposes only:

(1) For money damages for breach thereof;

(2) For money damages for torts arising out of the operation of the municipal marine terminal;

(3) For rent;

(4) For specific performance;

(5) For reformation thereof;

(6) For an accounting;

(7) For declaratory judgment;

(8) For judgments, orders or decrees restraining or enjoining the Port Authority from transferring title to real property to third persons in cases where it has contracted with such municipality to transfer such title to such municipality; and

(9) For judgments, orders or decrees restraining or enjoining the Port Authority from committing or continuing to commit other breaches of such agreements with such municipality; *provided,* that such judgment, order or

Proviso.

decree shall not be entered except upon two days' prior written notice to the Port Authority of the proposed entry thereof; *and provided further,* that upon an appeal taken by the Port Authority from such judgment, order or decree the service of the notice of appeal shall perfect the appeal and shall stay the execution of such judgment, order or decree appealed from, without an undertaking or other security. Proviso.

When rules of venue are applicable, the venue of any such suit, action or proceeding shall be laid in the county or judicial district in which the marine terminal, which is the subject matter of such agreement between the Port Authority and such municipality, or any part thereof, is located.

If any clause, sentence, paragraph, or part of this subdivision or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this subdivision, and the application thereof to any other person or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. Severability of provisions.

4. This act shall take effect upon the enactment into law by the State of New York of legislation having an identical effect with this act; but if the State of New York shall already have enacted such legislation, then this act shall take effect immediately. Note: Act effective.

Approved July 16, 1948.

CHAPTER 213

AN ACT authorizing the acceptance by the State of New Jersey from Erie Railroad Company, a corporation, of the conveyance of certain real property situate in the city of Jersey City, county of Hudson and State of New Jersey, and authorizing and consenting to the conveyance of certain real property now owned by the State of New Jersey and the State of New York as tenants in common, situate in the city of Jersey City, county of Hudson and State of New Jersey, to Erie Railroad Company in consummation of the contract between New York State Bridge and Tunnel Commission and New Jersey Interstate Bridge and Tunnel Commission and Erie Railroad Company and The Long Dock Company, dated December seventh, one thousand nine hundred and twenty-one, as amended.

Preamble.

WHEREAS, The State of New Jersey, acting by the New Jersey Interstate Bridge and Tunnel Commission, and the State of New York, acting by the New York State Bridge and Tunnel Commission, did, on the seventh day of December, one thousand nine hundred and twenty-one, enter into an agreement with Erie Railroad Company, a corporation duly organized under the laws of the State of New York, and The Long Dock Company, a corporation duly organized under the laws of the State of New Jersey, for the grant by Erie Railroad Company and The Long Dock Company to the said States of New Jersey and New York of rights, interests and easements necessary for the construction of the Hudson River Vehicular Tunnel (now known as the Holland Tunnel) on and through the property of Erie

Railroad Company and The Long Dock Company in the city of Jersey City, county of Hudson and State of New Jersey, and providing for other matters incidental to the construction and operation of the said tunnel; and

Preamble. WHEREAS, The parties to the said agreement did, on the twenty-sixth day of May, one thousand nine hundred and twenty-two, enter into a further agreement supplementing and amending the aforesaid agreement entered into between them on the seventh day of December, one thousand nine hundred and twenty-one; and

Preamble. WHEREAS, The said parties did, on the second day of June, one thousand nine hundred and twenty-five, enter into a further agreement supplementing and amending the aforesaid agreements entered into between them on the seventh day of December, one thousand nine hundred and twenty-one, and the twenty-sixth day of May, one thousand nine hundred and twenty-two; and

Preamble. WHEREAS, By chapter two hundred sixty-nine of the laws of the State of New Jersey of one thousand nine hundred and twenty-nine, the New Jersey Holland Tunnel Commission succeeded to the powers and authority and duties of the New Jersey Interstate Bridge and Tunnel Commission with respect to the construction, maintenance and operation of the said Holland Tunnel; and

Preamble. WHEREAS, The said New Jersey Holland Tunnel Commission was abolished by chapter two hundred forty-six of the laws of the State of New Jersey of one thousand nine hundred and thirty; and

Preamble. WHEREAS, The said the New York State Bridge and Tunnel Commission was abolished by chapter four hundred eighteen of the laws of the State of New York of one thousand nine hundred and thirty; and

Preamble. WHEREAS, By chapter four of the laws of the State of New Jersey of one thousand nine hundred and thirty-one and by chapter forty-seven of the laws of the State of New York of one thousand nine hundred and thirty-one, the control and operation of the Holland Tunnel was vested in The Port of New York Authority (hereinafter called the Port Authority); and

Preamble. WHEREAS, The Port Authority, as successor in interest to the New York State Bridge and Tunnel Commission, and the New Jersey Holland Tunnel Commission, formerly known and designated as the New Jersey Interstate Bridge and Tunnel Commission, did, on the sixth day of January, one thousand nine hundred and thirty-three, enter into a further agreement supplementing and amending the said agreements entered into on the seventh day of December, one thousand nine hundred and twenty-one, and the twenty-sixth day of May, one thousand nine hundred and twenty-two, and the second day of June, one thousand nine hundred and twenty-five, providing among other things for grants of easements from the State of New York and the State of New Jersey to Erie Railroad Company and The Long Dock Company, and from Erie Railroad Company and The Long Dock Company to the State of New Jersey, which are necessary to secure to each the full use of the lands, easements and rights actually occupied by them respectively; and

Preamble. WHEREAS, Erie Railroad Company, by deed dated the twenty-ninth day of July, one thousand nine hundred and forty-two, recorded in volume two thousand and eighteen at page sixty of the deed records of the county of Hudson, State of New Jersey, acquired all of the property of every kind of The Long Dock Company and assumed all of the obligations of The Long Dock Company, which company was duly dissolved, effective the

twenty-third day of October, one thousand nine hundred and forty-two; now, therefore,

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

1. The Port Authority is authorized and directed to accept, on behalf of the State of New Jersey from Erie Railroad Company conveyances to the State of New Jersey from Erie Railroad Company of easements in certain lands situate in the city of Jersey City, county of Hudson and State of New Jersey, which are more particularly described as follows, (the drawings referred to in the following descriptions being the drawings attached to and made a part of the aforesaid agreement of December seventh, one thousand nine hundred and twenty-one):

Authorized to accept easements to certain lands.

PARCEL NO. 35

All that underground volume of space lying and being under the surface of certain land and premises shown on Drawing No. 60, File No. 14, the surface limits of which are bounded and described as follows:

Description, parcel No. 35.

Beginning at a point No. One (1) which is located in the Erie Railroad yards in the easterly side of Parcel No. Thirteen (13), Drawing No. Eleven (11), File No. Fourteen (14) and is distant seventy-six and thirty-five hundredths of a foot (76.35′) southerly, as measured at right angles, from the center line of Twelfth street produced, being the northerly property line of Erie Railroad Company, and eight hundred eighty-seven feet and thirty-eight hundredths of a foot (887.38′) easterly from the easterly line of Provost street, as measured along the said center line of Twelfth street produced; thence easterly, making an angle of nine degrees and fifty-five minutes (9° 55′) with the said center line of Twelfth street produced, along the northerly side of Parcel No. Fourteen (14), (Drawing No. Eleven (11), File No. Fourteen (14))

thirty-three (33) feet to Point No. Two (2); thence northerly at right angles to the northerly side of Parcel No. Fourteen (14) nine and thirty-three hundredths (9.33) feet to Point No. Three (3); thence westerly, parallel to the northerly side of Parcel No. Fourteen (14), thirty-three (33) feet to Point No. Four (4). This is Point No. Two (2) of Parcel No. Thirteen (13); thence southerly along the easterly side of Parcel No. Thirteen (13), nine and thirty-three hundredths (9.33) feet to Point No. One (1), the point or place of beginning, containing three hundred and eight (308) square feet, more or less.

The underground volume of space in which the said easement is to be conveyed is included between two (2) sloping planes located vertically under the above described premises, the elevation of the upper and lower planes being as follows:

At Points Nos. One (1) and Four (4) above mentioned, in the westerly end of said Parcel No. 35, upper plane at elevation three hundred and three (303), lower plane at elevation two hundred sixty-six (266); at Points Nos. Two (2) and Three (3) above mentioned, at the easterly end of said parcel, upper plane at elevation three hundred two and seventeen hundredths (302.17), lower plane at elevation two hundred sixty-five and seventeen hundredths (265.17).

PARCEL No. 36

Description, parcel No. 36.

All that underground volume of space lying and being under the surface of certain land and premises shown on Drawing No. 60, File No. 14, the surface limits of which are bounded and described as follows:

Beginning at Point No. One (1), which is located in the Erie Railroad yards in the westerly side of Parcel No. Fourteen (14), Drawing No. Eleven (11), File No. Fourteen (14), Point No. One (1) is Point No. Six (6) of Parcel No. Fourteen (14); thence easterly along the southerly side of Parcel

No. Fourteen (14) thirty-three (33) feet to Point No. Two (2); thence southerly at right angles to the southerly side of Parcel No. Fourteen (14) three (3) feet to Point No. Three (3); thence westerly parallel to the southerly side of Parcel No. Fourteen (14) thirty-three (33) feet to Point No. Four (4) in the easterly side of Parcel No. Thirteen (13), Drawing No. Eleven (11), File No. Fourteen (14); thence northerly along the easterly side of Parcel No. Thirteen (13) three (3) feet to Point No. One (1), the point or place of beginning, containing ninety-nine (99) square feet, more or less.

The underground volume of space in which the said easement is to be conveyed is included between two (2) sloping planes located vertically under the above described premises, the elevation of the upper and lower planes being as follows:

At Points Nos. One (1) and Four (4), above mentioned, in the westerly side of said parcel, upper plane at elevation three hundred and three (303), lower plane at elevation two hundred and sixty-six (266); at Points Nos. Two (2) and Three (3), above mentioned, at the easterly end of said parcel, upper plane at elevation three hundred and two and seventeen hundredths (302.17), lower plane at elevation two hundred and sixty-five and seventeen hundredths (265.17).

PARCEL NO. 37

Description, parcel No. 37

All that underground volume of space lying and being under the surface of certain land and premises, shown on Drawing No. 61, File No. 14, the surface limits of which are bounded and described as follows:

Beginning at Point No. One (1), which is located in the Erie Railroad yards in the southerly side of Parcel No. Twenty-nine (29), Drawing No. Eleven (11), File No. Fourteen (14), Point No. One (1) is Point No. Four (4) of Parcel No. Twenty-nine (29); thence easterly along the southerly side of Parcel No. Twenty-nine (29), nineteen and sixteen

hundredths (19.16) feet to Point No. Two (2); thence easterly on a curve to the right having a radius of one hundred sixty and twenty-two hundredths (160.22) feet, the tangent angle of which at Point No. Two (2) has an exterior angle of seventeen degrees, thirty-four minutes and thirty-six seconds (17° 34′ 36″) with the northerly line of this parcel one hundred one and ninety-one hundredths (101.91) feet to Point No. Three (3) in the northerly side of Parcel No. Thirteen (13), Drawing No. Eleven (11), File No. Fourteen (14); thence westerly along the northerly side of Parcel No. Thirteen (13) fourteen and ninety-one hundredths (14.91) feet to Point No. Four (4); thence westerly on a curve to the left, having a radius of one hundred fifty and twenty-two hundredths (150.22) feet, a tangent angle of which at Point No. Four (4) has an exterior angle of forty degrees, one minute and thirty-six seconds (40° 01′ 36″) with the northerly line of Parcel No. Thirteen (13), ninety-nine and sixteen hundredths (99.16) feet to Point No. Five (5) in the easterly side of Parcel No. Twenty-nine (29); thence northerly along the easterly side of Parcel Twenty-nine (29), six and thirty-eight hundredths (6.38) feet to Point No. One (1), the point or place of beginning, containing one thousand sixty (1,060) square feet, more or less.

The underground volume of space in which the said easement is to be conveyed is included between two (2) sloping planes located vertically under the above described premises, the elevation of the upper and lower planes being as follows:

At Points One (1), Two (2) and Five (5), above mentioned, in the westerly and northerly end of said parcel, upper plane at elevation three hundred four and fifty hundredths (304.50), lower plane at elevation three hundred two (302); at Points Three (3) and Four (4) above mentioned, at the easterly and southerly end of said parcel, upper plane at elevation three hundred four (304), lower plane at elevation three hundred (300).

PARCEL NO. 38

All that underground volume of space lying and being under the surface of certain land and premises, shown on Drawing No. 61, File No. 14, the surface limits of which are bounded and described as follows: Description, parcel No. 38.

Beginning at Point No. One (1) which is located in the Erie Railroad yards in the southerly side of Parcel No. Twenty-nine (29), Drawing No. Eleven (11), File No. Fourteen (14), Point No. One (1), is Point No. Seven (7) of Parcel No. Twenty-nine (29); thence southeasterly along the westerly side of Parcel No. Twenty-nine (29) three and forty-six hundredths (3.46) feet to Point No. Two (2); thence westerly on a curve to the left, having a radius of one hundred fifty and twenty-two hundredths (150.22) feet, the tangent angle of which at Point No. Two (2) has an interior angle of sixty-two degrees, thirty-one minutes and thirty-seven seconds (62° 31′ 37″) with the easterly line of this parcel, fourteen and thirty-five hundredths (14.35) feet to Point No. Three (3); thence northerly at right angles to the southerly line of Parcel No. Twenty-nine (29), two and five-tenths (2.5) feet to Point No. Four (4), in the southerly line of Parcel No. Twenty-nine (29); thence easterly along the southerly line of Parcel No. Twenty-nine (29), thirteen and four hundredths (13.04) feet to Point No. One (1), the point or place of beginning, containing thirty-seven (37) square feet, more or less.

The underground volume of space in which the said easement is to be conveyed is included between two (2) horizontal planes located vertically under the above described premises, the upper of which is at elevation three hundred four and fifty hundredths (304.50), and the lower at elevation two hundred ninety-nine (299).

PARCEL NOS. 42-A TO 42-I

Parcels 42-A to 42-I.

All the underground volume of space lying and being under the surface of certain land and premises, shown on Drawing No. 58, File No. 14, the surface limits of which are bounded and described as follows:

PARCEL NO. 42-A

Description, parcel No. 42-A.

Beginning at Point No. One (1) which is located in the Erie Railroad yards in the northerly side of Parcel No. Three (3), Drawing No. 10, File No. 14, Point No. One (1) is Point No. One (1) of Parcel No. Three (3); thence westerly along the northerly side of Parcel No. Three (3) produced, six hundredths (.06) feet to Point No. Two (2); thence northerly at right angles twenty-six (26) feet to Point No. Three (3) in the southerly side of Parcel No. Seven (7), Drawing No. Fourteen (14), File No. Fourteen (14); thence easterly at right angles along the southerly side of Parcel No. Seven (7), two and sixty-two hundredths (2.62) feet to Point No. Four (4); thence southerly at right angles twenty-six (26) feet to Point No. Five (5) in the northerly line of Parcel No. Three (3); thence westerly at right angles along the northerly side of Parcel No. Three (3), two and fifty-six hundredths (2.56) feet to Point No. One (1), the point or place of beginning.

PARCEL NO. 42-B

Description, parcel No. 42-B.

This parcel has the same dimensions as Parcel No. 42-A, i.e., two and sixty-two hundredths (2.62) feet by twenty-six (26) feet, and it has its westerly side thirteen and two-tenths (13.2) feet east of and parallel to the westerly side of Parcel No. 42-A.

PARCEL NO. 42-C

Description, parcel No. 42-C.

Parcel No. 42-C has the same dimensions as Parcel No. 42-A, i.e., two and sixty-two hundredths (2.62) feet by twenty-six (26) feet, and it has its westerly side twenty-seven and eighty-six hundredths (27.86) feet east of and parallel to the westerly edge of Parcel No. 42-A.

PARCEL NO. 42-D

Description, parcel No. 42-D.

Parcel No. 42-D has the same dimensions as Parcel No. 42-A, i.e., two and sixty-two hundredths (2.62) feet by twenty-six (26) feet, and it has its westerly side forty and thirty-six hundredths (40.36) feet east of and parallel to the westerly side of Parcel No. 42-A.

PARCEL NO. 42-E

Description, parcel No. 42-E.

Parcel No. 42-E has the same dimensions as Parcel No. 42-A, i.e., two and sixty-two hundredths (2.62) feet by twenty-six (26) feet, and it has its westerly side sixty and three hundredths (60.03) feet east of and parallel to the westerly side of Parcel No. 42-A.

PARCEL NO. 42-F

Description, parcel No. 42-F.

Beginning at Point No. One (1) in the northerly side of Parcel No. Three (3), Drawing No. Ten (10), File No. Fourteen (14), distant seventy-one and three hundredths (71.03) feet from Point No. One (1) of Parcel No. Three (3), measured easterly along the northerly side of said Parcel No. Three (3); thence northerly twenty-six and two-hundredths (26.02) feet to Point No. Two (2) in the southerly side of Parcel No. Seven (7), Drawing No. Fourteen (14), File No. Fourteen (14), distant seventy-two and three hundredths (72.03) feet from the westerly side of Parcel No. Three (3) produced, measured parallel to the northerly side of Parcel No. Three (3); thence easterly along the

southerly side of Parcel No. Seven (7), two and sixty-two hundredths (2.62) feet to Point No. Three (3); thence southerly parallel to the westerly side of this parcel twenty-six and two hundredths (26.02) feet to Point No. Four (4) in the northerly side of Parcel No. Three (3); thence westerly along the northerly side of Parcel No. Three (3) two and sixty-two hundredths (2.62) feet to Point No. One (1), the point or place of beginning.

PARCEL No. 42-G

Description, parcel No. 42-G.

Parcel No. 42-G has the same dimensions as Parcel No. 42-A, i.e., two and sixty-two hundredths (2.62) feet by twenty-six (26) feet, and it has its westerly side eighty-five and ninety-five hundredths (85.95) feet east of and parallel to the westerly side of Parcel No. 42-A.

PARCEL No. 42-H

Description, parcel No. 42-H.

Parcel No. 42-H has the same dimensions as Parcel No. 42-A, i.e., two and sixty-two hundredths (2.62) feet by twenty-six (26) feet, and it has its westerly side ninety-nine and two tenths (99.2) feet east of and parallel to the westerly side of Parcel No. 42-A.

PARCEL No. 42-I

Description, parcel No. 42-I.

Parcel No. 42-I has the same dimensions as Parcel No. 42-A, i.e., two and sixty-two hundredths (2.62) feet by twenty-six (26) feet and it has its westerly side one hundred twelve and forty-five hundredths (112.45) feet east of and parallel to the westerly side of Parcel No. 42-A.

Volume of underground space, parcels Nos. 42-A to 42-J.

The underground volume of space in which the said easements, No. 42-A to 42-I, both inclusive, are to be conveyed are included between two horizontal planes located vertically under the above described premises, the upper of which is at elevation three hundred two and seventy-five hundredths (302.75), and the lower at elevation two hundred ninety-nine and seventy-five hundredths (299.75).

Parcels Nos. 42-A to 42-I, both inclusive, contain about six hundred thirteen (613) square feet.

PARCEL No. 43

Description, parcel No. 43.

All that underground volume of space lying and being under the surface of certain land and premises, shown on Drawing No. 58, File No. 14, the surface limits of which are bounded and described as follows:

Beginning at Point No. One (1) which is Point No. Seven (7) of Parcel No. Nine (9), Drawing No. Fourteen (14), File No. Fourteen (14); thence southerly along the westerly side of Parcel No. Nine A (9-A), Drawing No. Fourteen (14), File No. Fourteen (14), seven and twenty-five hundredths (7.25) feet to Point No. Two (2); thence westerly at right angles to the said westerly side of Parcel No. Nine A (9-A), five and five-tenths (5.5) feet to Point No. Three (3); thence northerly parallel to the said westerly side of said Parcel No. Nine A (9-A), seven and twenty-five hundredths (7.25) feet to the southerly side of Parcel No. Nine (9) to Point No. Four (4); thence easterly along the southerly side of Parcel No. Nine (9), five and five-tenths (5.5) feet to Point No. One (1), the point or place of beginning, containing forty (40) square feet, more or less.

The underground volume of space in which the said easement is to be conveyed is included between two (2) horizontal planes located vertically under the above described premises, the upper of which is at elevation three hundred two and five-tenths (302.5) feet and the lower at elevation two hundred five (205) feet.

The said deed shall be given in compliance with the obligation assumed by Erie Railroad Company and The Long Dock Company in Article 4 of the supplemental agreement dated June second, one thousand nine hundred and twenty-five, above referred to.

PARCEL NO. 44

Description, parcel No. 44.

All that underground volume of space lying and being under the surface of certain land and premises, shown on Drawing No. 58, File No. 14, the surface limits of which are bounded and described as follows:

Beginning at Point No. One (1) situated in the southerly side of Parcel No. Nine (9), Drawing No. Fourteen (14), File No. Fourteen (14), distant eleven and three-tenths (11.3) feet easterly from Point No. Eight (8) of said Parcel No. Nine (9), thence still easterly along the southerly side of said Parcel No. Nine (9), nine (9) feet to Point No. Two (2); thence southerly at right angles to said southerly side of said Parcel No. Nine (9), eight (8) feet to Point No. Three (3); thence westerly parallel to the southerly side of said Parcel No. Nine (9), nine (9) feet to Point No. Four (4); thence northerly at right angles to southerly side of said Parcel No. Nine (9), eight (8) feet to Point No. One (1), the point or place of beginning, containing seventy-two (72) square feet, more or less.

The underground volume of space in which the said easement is to be conveyed is included between two (2) horizontal planes located vertically under the above described premises, the upper of which is at elevation three hundred three and six hundredths (303.06), and the lower at elevation two hundred two (202) feet.

The said deed shall be given in compliance with the obligation assumed by Erie Railroad Company and The Long Dock Company in Article 4 of the supplemental agreement dated June second, one thousand nine hundred and twenty-five, above referred to.

Form of deed.

2. The said deed or deeds shall be in the same general form and shall contain the same covenants and be accompanied by the same releases as the deeds and releases which were originally delivered by Erie Railroad Company and The Long Dock

Company under the said agreement of December seventh, one thousand nine hundred and twenty-one.

Port authority to make conveyance.

3. The Port Authority is authorized and directed as the agent of and in behalf of the State of New Jersey to execute and deliver to Erie Railroad Company or its designee, good and sufficient deeds, with covenant against grantor's acts, granting, conveying and releasing all the right, title and interest of the State of New Jersey of, in and to the following described parcels of land and easements in parcels of land situate in the city of Jersey City, county of Hudson and State of New Jersey:

PARCEL NO. 39

Description, parcel No. 39.

All that underground volume of space lying and being under the surface of certain land and premises, shown on Drawing No. 61, File No. 14, the surface limits of which are bounded and described as follows:

Beginning at Point No. One (1) in the easterly side of Parcel No. Twenty-nine (29), Drawing No. Eleven (11), File No. Fourteen (14), which point is six and thirty-eight hundredths (6.38) feet southeasterly from Point No. Four (4) of Parcel No. Twenty-nine (29); thence southeasterly along the easterly side of Parcel No. Twenty-nine (29), forty-three and sixty-two hundredths (43.62) feet to Point No. Two (2) in the northerly side of Parcel No. Thirteen (13), Drawing No. Eleven (11), File No. Fourteen (14). This is Point No. Five (5) of Parcel No. Twenty-nine (29); thence westerly along the northerly side of said Parcel No. Thirteen (13), making an interior angle of fifty-eight degrees, five minutes (58° 05′), seventeen and sixty-seven hundredths (17.67) feet to Point No. Three (3). This is Point No. Six (6) of Parcel No. Twenty-nine (29); thence northerly, making an interior angle of one hundred twenty-one degrees, fifty-five minutes (121° 55′), forty-three and twenty-seven hundredths (43.27) feet to

Point No. Four (4); thence easterly on a curve to the right having a radius of one hundred fifty and twenty-two hundredths (150.22) feet, the tangent angle of which at Point No. Four (4) has an interior angle of sixty-two degrees, thirty-one minutes and thirty-seven seconds (62°-31′-37″) with the westerly line of this parcel, seventeen and forty-nine hundredths (17.49) feet to Point No. One (1), the point or place of beginning, containing six hundred fifty-five (655) square feet, more or less.

The underground volume of space in which the said easement is to be conveyed is included between two (2) horizontal planes located vertically under the above described premises, the upper of which is at elevation three hundred four (304), and the lower at elevation two hundred ninety-two (292) feet.

PARCEL No. 40

Description, parcel No. 40.

All that underground volume of space lying and being under the surface of certain land and premises, shown on Drawing No. 61, File No. 14, the surface limits of which are bounded and described as follows:

Beginning at Point No. One (1) which is located in the Erie Railroad yards in the easterly side of Parcel No. Thirteen (13), Drawing No. Eleven (11), File No. Fourteen (14), this is Point No. Three (3) of Parcel No. Thirteen (13); thence westerly along the southerly side of Parcel Thirteen (13) one hundred eighteen (118) feet to Point No. Two (2). This is Point No. Four (4) of Parcel No. Thirteen (13); thence northerly along the westerly side of Parcel No. Thirteen (13), at right angles thereto, five (5) feet to Point No. Three (3). This is Point No. Five (5) of Parcel No. Thirteen (13); thence easterly parallel to the southerly line of this parcel one hundred eighteen (118) feet to Point No. Four (4) in the easterly side of Parcel No. Thirteen (13); thence southerly along the easterly side of Parcel No. Thirteen (13) five (5) feet to Point No. One (1), the point or place of be-

ginning, containing five hundred ninety (590) square feet, more or less.

The underground volume of space in which the said easement is to be conveyed is included between two (2) sets of planes located vertically under the above described premises, the exterior edges of the upper set being at the following elevations:

At Point No. One (1) in the easterly side of said parcel, elevation three hundred five (305) feet; thence westerly on a uniformly ascending grade sixty-six (66) feet to a point at elevation 306.5; thence still westerly on a uniformly ascending grade to Point No. Two (2) above mentioned in the westerly side of said parcel at elevation three hundred six and sixty-nine hundredths (306.69); thence northerly, at a right angle, (interior) on a horizontal line to Point No. Three (3) above mentioned at elevation three hundred six and sixty-nine hundredths (306.69); thence easterly on a uniformly descending grade, fifty-two (52) feet to a point at elevation three hundred six and fifty hundredths (306.50); thence still easterly on a uniformly descending grade to Point No. Four (4) above mentioned in the easterly side of said parcel at elevation three hundred five (305); thence southerly on a horizontal line at elevation three hundred five (305) along the easterly side of said parcel at Point No. One (1) above mentioned.

The exterior edges of the lower set are at the following elevations:

At Point No. One (1) above mentioned in the easterly side of said parcel elevation two hundred sixty-six (266); thence westerly on a horizontal line at elevation two hundred sixty-six (266), sixty (60) feet to a point; thence vertically upward to a point at elevation two hundred seventy-one and sixty-two hundredths (271.62); thence westerly on a uniformly ascending grade to Point No. Two (2) above mentioned at elevation two hundred seventy-three and seventy-four hundredths (273.74); thence northerly, at a right angle (interior), on a horizontal line to Point No. Three (3) above mentioned

in the westerly side of said parcel at elevation two hundred seventy-three and seventy-four hundredths (273.74); thence easterly on a uniformly descending grade to a point at elevation two hundred seventy-one and sixty-two hundredths (271.62), which point is sixty (60) feet westerly from the easterly side of said parcel; thence vertically downward to elevation two hundred sixty-six (266); thence still easterly on a horizontal line at elevation two hundred sixty-six (266), sixty (60) feet to Point No. Four (4) above mentioned in the easterly side of said parcel; thence southerly on a horizontal line at elevation two hundred sixty-six (266) along the easterly side of said parcel to Point No. One (1).

PARCEL No. 41

Description, parcel No. 41.

All that underground volume of space lying and being under the surface of certain lands and premises, shown on Drawing No. 60, File No. 14, the surface limits of which are bounded and described as folows:

Beginning at Point No. One (1) which is located in the Erie Railroad yards in the southerly side of Parcel No. Six (6), Drawing No. Eleven (11), File No. Fourteen (14), this is Point No. Seven (7) of Parcel No. Six (6); thence southerly at right angles to the southerly side of Parcel No. Six (6), nine (9) feet to Point No. Two (2). This is Point No. Eight (8) of Parcel No. Six (6); thence westerly along the southerly side of Parcel No. Six (6), forty (40) feet to Point No. Three (3); thence northerly, at right angles nine (9) feet to Point No. Four (4); thence easterly parallel to the southerly line of Parcel No. Six (6), forty (40) feet to Point No. One (1), the point or place or beginning, containing three hundred sixty (360) square feet.

The underground volume of space in which the said easement is to be conveyed is included between two (2) horizontal planes located vertically under the above described premises, the upper of which is

at elevation three hundred four (304) and the lower at elevation two hundred fifty and four hundredths (250.04) feet.

The right to Erie Railroad Company and its successors and assigns, licensees and invitees to use a parcel of land lying northeasterly of the intersection of the center line of Twelfth street produced, and the easterly line of Barnum street, so called, designated as Parcel No. Thirty-four (34), Drawing No. Fifteen (15), File No. Fourteen (14), dated June twenty-eighth, one thousand nine hundred and twenty-one, attached to said agreement dated December seventh, one thousand nine hundred and twenty-one, more particularly described as follows:

Beginning at Point No. One (1), in the center line of Twelfth street produced, being the northerly property line of Erie Railroad Company, which point is distant four hundred thirty (430) feet easterly from the easterly line of Provost street as measured along the said center line of Twelfth street produced, said point also being the intersection of the center line of Twelfth street produced with the westerly property line of the grantor; thence northerly, making an interior angle of ninety degrees two minutes (90° 02′), a distance of fifty-one feet and twenty-eight hundredths of a foot (51.28′) to Point No. Two (2); thence easterly, making an interior angle of seventy-six degrees, thirty-five minutes and twenty-four seconds (76° 35′ 24″), a distance of one hundred feet and nine hundredths of a foot (100.09′) to Point No. Three (3); thence southeasterly, making an interior angle of one hundred seventy-three degrees, forty-two minutes and nine seconds (173° 42′ 09″), a distance of eighty-three feet and fifty-four hundredths of a foot (83.54′) to Point No. Four (4) which point is in the said center line of Twelfth street produced; thence westerly, along the said center line of Twelfth street produced, making an interior angle of nineteen degrees, forty minutes and twenty-seven seconds (19° 40′ 27″), a distance of one hundred seventy-six feet and two hundredths of a foot

(176.02') to Point No. One (1), the point or place of beginning, containing four thousand nine hundred seventy-two (4,972) square feet of land, more or less,—for pedestrians and vehicles and the right to use said parcel for the location and relocation of pipe lines and conduits in, under, to, over and above the land in the said parcel (including the right to lay and maintain one railroad track or siding thereon at grade and one track above grade), and the right to use said parcel for the purpose of access from Twelfth street to the property of the said Erie Railroad Company; the manner in which any track (not shown on Drawing No. One (1) File No. N-146, attached to said agreement dated December seventh, one thousand nine hundred and twenty-one, pipe lines and conduits shall be laid, whether at, below or above grade, and the location thereof to be subject to the approval of the chief engineers as provided by the said agreement dated December seventh, one thousand nine hundred and twenty-one.

A right of way to Erie Railroad Company, its successors and assigns, for a track to be located in part upon a strip of land eight (8) feet in width northerly of and along the northerly line of Twelfth street or Twelfth street produced, between the easterly line of Barnum street, so called, and Provost street, and for pedestrians and vehicles in, to and over the said strip of land eight (8) feet in width for the purpose of access from said Twelfth street to the property of the said Erie Railroad Company.

Consent given.

4. The State of New Jersey hereby consents to the conveyance by the State of New York to Erie Railroad Company of its right, title and interest of, in and to the parcels of land and easements described in section three hereof.

Act effective.

5. This act shall take effect upon enactment into law by the State of New York of legislation consenting to and approving of the said grants to the State of New Jersey from Erie Railroad Company, referred to in said agreement dated December sev-

enth, one thousand nine hundred and twenty-one, as amended, and consenting to and approving the conveyance of the right, title and interest of the State of New Jersey of, in and to the parcels of land, easements and rights described in said agreement dated December seventh, one thousand nine hundred and twenty-one, as amended, and consenting to the conveyance by the State of New York to Erie Railroad Company of its right, title and interest therein, but if the State of New York has already enacted such legislation, then this act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 214

AN ACT providing for an agreement by the States of New Jersey and New York to amend chapter forty-three of the laws of New Jersey of one thousand nine hundred and forty-seven and chapter eight hundred and two of the laws of New York of one thousand nine hundred and forty-seven, and to amend "An act to facilitate the financing and effectuation of air terminals by the Port of New York Authority and agreeing with the State of New York with respect thereto," approved April second, one thousand nine hundred and forty-seven (P. L. 1947, c. 43).

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

1. Upon the concurrence of the State of New York herein, in accordance with section three of this act, the States of New Jersey and New York agree that section eight of chapter forty-three of the laws of New Jersey of one thousand nine hun- Section amended. C. 32:1-35.8

dred and forty-seven, entitled "An act to facilitate the financing and effectuation of air terminals by the Port of New York Authority and agreeing with the State of New York with respect thereto," and section eight of chapter eight hundred and two of the laws of New York of one thousand nine hundred and forty-seven, entitled "An act to facilitate the financing and effectuation of air terminals by the Port of New York Authority and agreeing with the State of New Jersey with respect thereto," shall be and they hereby are amended to read as follows:

8. (a) Notwithstanding any contrary provision of law, every municipality in the Port of New York District is authorized and empowered to consent to the use by the Port Authority of any air terminal owned by such municipality or of any real or personal property owned by such municipality and necessary, convenient or desirable in the opinion of the Port Authority for air terminal purposes, including such real property as has already been devoted to a public use, and as an incident to such consent, to grant, convey, lease, or otherwise transfer to the Port Authority any such air terminal or real or personal property, upon such terms as may be determined by the Port Authority and such municipality. Every such municipality is also authorized and empowered as an incident to such consent to vest in the Port Authority the control, operation, maintenance, rents, tolls, charges and any and all other revenues of any air terminal now owned by such municipality, the title to such air terminal remaining in such municipality. Such consent shall be given and the execution of any agreement, deed, lease, conveyance, or other instrument evidencing such consent or given as an incident thereto shall be authorized in the manner provided in Article XXII of the Compact of April thirtieth, one thousand nine hundred and twenty-one, between the two States creating the Port Authority.

(b) Notwithstanding any contrary provision of law, every municipality outside the Port District is authorized and empowered to consent to the use of real property owned by such municipality and necessary, convenient or desirable in the opinion of the Port Authority for beacons or other aids to navigation, or to the use of any air space over real property owned by such municipality; and as an incident to such consent, to grant, lease, convey or otherwise transfer to the Port Authority such real property or air space.

Form of consent.

Such consent shall be given and the execution of any agreement, deed, lease, conveyance or other instrument evidencing such consent or given as an incident thereto, shall be given by the officer, board or body authorized by law to convey such property, or if no officer, board or body be othewise authorized so to do, by the governing body of such municipality.

Consent to suits.

(c) The States of New Jersey and New York hereby consent to suits, actions or proceedings of any form or nature in law, equity or otherwise by any city or other municipality against the Port Authority upon, in connection with or arising out of any such agreement, agreements or any modification thereof or supplement thereto, for the following types of relief and for such purposes only:

(1) For money damages for breach thereof;

(2) For money damages for torts arising out of the operation of the municipal air terminal;

(3) For rent;

(4) For specific performance;

(5) For reformation thereof;

(6) For accounting;

(7) For declaratory judgment;

(8) For judgments, orders or decrees restraining or enjoining the Port Authority from transferring title to real property to third persons in cases where it has contracted with such city or other municipality to transfer such title to such city or municipality; and

(9) For judgments, orders or decrees restraining or enjoining the Port Authority from committing or continuing to commit other breaches of such agreements with such city or municipality; *provided,* that such judgment, order or decree shall not be entered except upon two days' prior written notice to the Port Authority of the proposed entry thereof and provided further, that upon an appeal taken by the Port Authority from such judgment, order or decree the service of the notice of appeal shall perfect the appeal and shall stay the execution of such judgment, order or decree appealed from, without an undertaking or other security.

When rules of venue are applicable, the venue of any such suit, action or proceeding shall be laid in the county or judicial district in which the airport, which is the subject matter of such agreement between the Port Authority and the city or other municipality, or any part thereof, is located.

If any clause, sentence, paragraph, or part of this subdivision or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this subdivision, and the application thereof to any other person or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved.

C. 32:1-35.10 2. Upon the concurrence of the State of New York herein, in accordance with section three of this act, the States of New Jersey and New York agree that section ten of chapter forty-three of the laws of New Jersey of one thousand nine hundred and forty-seven, entitled "An act to facilitate the financing and effectuation of air terminals by the Port of New York Authority and agreeing with the

State of New York with respect thereto," and section ten of chapter eight hundred and two of the laws of New York of one thousand nine hundred and forty-seven, entitled "An act to facilitate the financing and effectuation of air terminals by the Port of New York Authority and agreeing with the State of New Jersey with respect thereto," shall be and they hereby are amended to read as follows:

Federal aid.

10. The Port Authority may make application directly to the proper Federal officials or agencies for Federal loans or grants in aid of air terminals owned or operated by it; *provided,* that if either State shall have or adopt general legislation governing applications for Federal aid for air terminals by municipalities of such State, or the receipt or disbursement of such Federal aid by or on behalf of such municipalities, then such legislation shall at the option of such State apply to applications by the Port Authority for Federal aid for air terminals located in such State and to the receipt and disbursement of such Federal aid by or on behalf of the Port Authority, in the same manner and to the same extent as other municipalities of such State. Except as above provided, no agency or commission of either State shall have jurisdiction over any air terminals under the control of the Port Authority, and all details of financing, construction, leasing, charges, rates, tolls, contracts and the operation of air terminals owned or controlled by the Port Authority shall be within its sole discretion and its decision in connection with any and all matters concerning such air terminals shall be controlling and conclusive. The local laws, resolutions, ordinances, rules and regulations of a municipality within which an air terminal is situated shall apply to such air terminal, if so provided in any agreement between the Port Authority and such municipality, and to the extent provided in such agreement.

Proviso.

Note: Act effective.

3. This act shall take effect upon the enactment into law by the State of New York of legislation

having an identical effect with this act, but if the State of New York shall have already enacted such legislation, then this act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 215

AN ACT concerning claims for refund of motor fuel tax, and amending sections 54:39–66 and 54:39–67 of the Revised Statutes.

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

Section amended.

1. Section 54:39–66 of the Revised Statutes is amended to read as follows:

Exemptions, payment of tax, refunds.

54:39–66. Any person who shall use any fuels as herein defined for any of the following purposes:

(a) operating or propelling motor vehicles, motor boats or other implements owned by the State and all the political subdivisions thereof,

(b) autobusses while being operated over the highways of this State in those municipalities to which the operator has paid a monthly franchise tax for the use of the streets therein under the provisions of sections 48:4–14, 48:4–15 and 48:4–16 or 48:16–25 of the Title Public Utilities,

(c) agricultural tractors not operated on a public highway,

(d) farm machinery,

(e) aircraft,

(f) ambulances,

(g) rural free delivery carriers in the dispatch of their official business,

(h) such vehicles as run only on rails or tracks, and such vehicles as run in substitution thereof,

(i) such vehicles as are operated exclusively on private property,

(j) motor boats or motor vessels used exclusively for or in the propagation, planting, preservation and gathering of oysters and clams in the tidal waters of this State,

(k) motor boats or motor vessels used exclusively for commercial fishing,

(l) motor boats or motor vessels used for hire for fishing parties,

(m) cleaning or dyeing,

(n) fire engines and fire-fighting apparatus,

(o) stationary machinery and vehicles or implements not designed for the use of transporting persons or property on the public highway,

(p) heating and lighting devices,

(q) fuels previously taxed under this chapter and later exported or sold for exportation from the State of New Jersey to any other State or country; *provided,* proof satisfactory to the commissioner of such exportations is submitted,

(r) motor boats or motor vessels used exclusively for Sea Scout Training by a duly chartered unit of the Boy Scouts of America,

and who shall have paid the tax for such fuel hereby required to be paid, shall be reimbursed and repaid the amount of tax so paid upon presenting to the commissioner an application supported by the original invoice or invoices showing purchase. Such application shall state the name of the person from whom purchased, date of purchase, the total amount of such fuel, and that the cost of the fuel and the tax thereon so purchased has been paid and shall be verified by the declaration of the applicant that the statements contained therein are true.

Section amended.

2. Section 54:39–67 of the Revised Statutes is amended to read as follows:

Payment of refunds.

54:39–67. Upon approval by the commissioner of such application, a warrant shall be drawn upon the State Treasurer for the amount of such claim in favor of such claimant and such warrant shall be paid from the tax collected on motor fuel. The ap-

plication for reimbursements and repayments shall be filed with the commissioner on or before the last business day of the month following that in which the fuels in question were purchased unless the applicant shall have obtained from the commissioner an extension of time for the filing of the application for the refund. The commissioner may extend the time for filing an application for refund for a period not to exceed six months from the time of the purchase of the fuels in question. Any person or the member of any firm or the officer or agent of any corporation who shall make any false statement in any application required for the reimbursement and repayment of any taxes, or who shall collect or cause to be repaid to him or to any other person any such reimbursement or refund without being entitled to the same shall be guilty of a misdemeanor.

3. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 216

AN ACT concerning elections, and amending sections 19:5–4 and 19:5–6 of the Revised Statutes.

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

Section amended.

1. Section 19:5–4 of the Revised Statutes is amended to read as follows:

State committee members.

19:5–4. At the primary for the general election of the year in which a Governor is to be elected, one male and one female member of the State Committee of each of the political parties shall be elected in each county. The male receiving the highest number of votes among the male candidates and the

female receiving the highest number of votes among the female candidates shall be declared elected.

Meeting, notice, organization.

The members of the State Committee of each of the political parties shall take office on the first Tuesday following their election, on which day the terms of all members of such committees theretofore elected shall terminate. The annual meeting of the State Committee shall be held on the first Tuesday after such primary election at the hour and place to be designated in a notice in writing to be mailed by the chairman of the outgoing State Committee to each member-elect, at which annual meeting the members of the committee in the year in which a Governor is to be elected, shall elect some suitable person as chairman to hold office for four years, or until his successor is elected. The committee shall have power to adopt a constitution and by-laws for its proper government. The chairman shall preside at all meetings of the committee and shall perform all duties required of him by law and the constitution and by-laws of such committee.

Constitution and by-laws.

Vacancies.

A member of a State Committee of any political party may resign his office to the committee of which he is a member, and upon acceptance thereof by the committee a vacancy shall exist. A vacancy in the office of a member of the State Committee of any political party, howsoever caused, shall be filled for the unexpired term by the members of the county committee of such political party in the county in which the vacancy occurs.

Terms.

Members of the State Committee shall serve for four years or until their successors are elected. The State Committee shall choose its chairman and the member or members of the national committee of its political party.

Section amended.

2. Section 19:5–6 of the Revised Statutes is amended to read as follows:

19:5–6. There shall be held in each year a State convention of each of the political parties.

Members.

Such State convention of each party shall consist of the following members:

(1) The party candidates for the following offices:

(a) Members of the Senate or House of Representatives of the United States from this State, nominated at the party primaries held for the nomination of candidates for any of said offices immediately preceding the convention,

(b) State Senator nominated, in each county, at the party primaries, held for the nomination of a candidate for said office, immediately preceding the convention, and

(c) Members of the General Assembly, nominated in each county, at the party primaries immediately preceding the convention, if the convention is to be held in a year in which all of the members of the General Assembly are to be elected; or all of the party candidates for said offices, in each county, who were voted upon and were not elected at the general election held in the year immediately preceding the convention, if the convention is to be held in a year other than one in which all of the members of the General Assembly are to be elected, except that any candidates nominated for the filling of vacancies, in said offices, at the party primaries held in the year in which the convention is held, shall replace, to an equal number, the candidates so voted upon and not elected at the general election held in the preceding year, who received the least number of votes in said general election;

(2) the candidate of the party for Governor nominated at the primaries in the year in which a Governor is elected, and in each year in which no Governor is elected the Governor of the State shall be a member of the convention of the political party to which he belongs;

(3) members of the State Senate and of the General Assembly belonging to the party who are holding office at the time of the State convention and whose successors are not to be chosen at the ensuing general election;

(4) members of the State Committee chosen as herein provided; and

(5) members of the Senate and House of Representatives of the United States from this State, belonging to such party, who are holding office at the time of the holding of the State Convention and whose successors are not to be chosen at the ensuing general election.

Time of convention.

The convention of each party shall be held at the city of Trenton on the first Tuesday after the primary election for the general election in each year. When the day prescribed by law for holding State conventions of political parties, or any adjournment thereof, falls on a legal holiday, the convention or adjournment thereof, as the case may be, shall be held on the day preceding such legal holiday. The place and the hour at which the convention shall meet shall be fixed by call of the existing State Committee to be issued at least five days prior to the date of meeting. If no call is issued by the State Committee, any person qualified to sit in the convention may issue a call.

Platform, adoption.

The convention of each party shall have power to adopt and promulgate a party platform for its party, and to transact such other business as may properly come before it. The convention of each political party, in this Title authorized, upon convening, shall appoint a committee on resolutions consisting of five members. The convention shall then be open for the reception of all proposed planks for the party platform, which planks shall be referred to the committee on resolutions, whose duty it shall be to prepare a tentative party platform and furnish to each member of the convention within two days thereafter a copy of same and of all other planks submitted to it which have not been incorporated in the tentative party platform, together with the names and addresses of the delegates proposing the same. After the introduction of all proposed planks and the reference thereof to the committee on resolutions, the convention shall adjourn to meet again one week later at its origi-

nally set meeting place. At the adjourned meeting the respective conventions shall consider and may adopt the draft of the platform so prepared by the committee on resolutions with such amendments as shall be suggested and adopted in the conventions as a whole. The voting on the adoption of the party platform shall be on the entire platform as reported by the committee on resolutions, unless there be an objection to any separate plank or planks or to any amendment thereto, in which case the voting on such plank or planks or amendment shall be by the "ayes" and "nays" of the members of the convention present and voting.

3. This act shall take effect immediately, but shall not affect the present terms of the chairmen or members of the State Committee.

Approved July 16, 1948.

CHAPTER 217

AN ACT to amend "An act for the taxation of the gross receipts of street railway, traction, gas and electric light, heat and power corporations using or occupying the public streets, highways, roads or other public places, for the exemption from taxation of the franchises, stock, and certain property of such corporations, and for the taxation of certain of the property of such corporations not so exempted from taxation," passed January twenty-third, one thousand nine hundred and forty (P. L. 1940, c. 5).

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

Section amended.

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

C. 54:30A-54. Annual excise tax.

6. Every street railway, traction, gas and electric light, heat and power corporation using or oc-

cupying the public streets, highways, roads or other public places in this State shall in the year one thousand nine hundred and forty-eight and annually thereafter pay excise taxes for the privilege of exercising its franchises and using the public streets, highways, roads or other public places in this State, as follows:

Rate.

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

Gross receipts tax.

(b) A tax at the average rate of taxation in this State as computed under the provisions of subsection (c) of this section upon the gross receipts of such taxpayer for the preceding calendar year from its business over, on, in, through or from its lines or mains in the State of New Jersey.

Computing average rate of taxation.

(c) The average rate of taxation for the year shall be computed in the following manner: On or before the first day of May in each year the Director, Division of Taxation, State Department of Taxation and Finance, shall ascertain, from the tables of aggregates for such year prepared by the county boards of taxation of the several counties and filed with the State Commissioner of Taxation and Finance in accordance with the provisions of section 54:4–52 of the Revised Statutes, the total value of all property, real and personal, including Class II railroad property, in each taxing district, subject to taxation at the general tax rate in such taxing district and the rate of taxation in such taxing district for such year.

The aggregate value of the general property in the State, for the purpose of determining the average rate of taxation, shall be the total value of all property, including Class II railroad property, subject to taxation at general tax rates for that year.

The aggregate taxes of the State, for the purpose of determining the average rate of taxation, shall be the total taxes of all taxing districts obtained by multiplying the total value of all property, including Class II railroad property, subject to taxation in each taxing district by the rate of taxation in each taxing district for such year.

The average rate of taxation shall be computed and determined by the Director, Division of Taxation, State Department of Taxation and Finance, by dividing such aggregate taxes by such aggregate value of the general property in the State, and the rate so arrived at and determined shall be entered upon the records of the State Department of Taxation and Finance, and shall constitute "the average rate of taxation" for that year.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 218

AN ACT to amend "An act concerning insurance; authorizing and regulating the exchange of reciprocal or interinsurance contracts; defining the kinds of insurance which may be the subject of such contracts; providing for the issuance of licenses, and fixing penalties for violations of the provisions hereof," approved April thirteenth, one thousand nine hundred and forty-five (P. L. 1945, c. 161).

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

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

C. 17:50-7. Cash premium deposit.

7. The power of attorney under which any contracts of insurance are exchanged pursuant to this act shall provide for a cash premium deposit and a contingent several liability of the subscriber during each annual period of the term of each contract of insurance issued to him to be fixed in the power of attorney but in an amount not less than one or more than ten times the amount of the annual portion of such cash premium deposit stated in the contract; except that exchanges which have a surplus equal to seven hundred fifty thousand dollars ($750,000.00) or to the minimum capital and surplus required of a stock insurance company transacting the same kind or kinds of business, whichever is greater, may issue policies without contingent liability; *provided, however,* that any such exchange which shall have issued policies without contingent liability after the acquisition of such surplus may continue to do so only so long as it maintains a surplus in the above amount, and no such exchange shall issue any nonassessable policies, except during such time as it shall continue to maintain such surplus, or in lieu thereof

any reciprocal exchange having a surplus equivalent to the capital and surplus required of a stock company authorized to do business in this State and transacting the same kind or kinds of insurance, may issue contracts without contingent liability, provided that the power of attorney contains a provision that the attorney shall accumulate a surplus out of the subscribers deposits for the protection of all subscribers and that no part of such surplus may be returned to any subscriber upon the withdrawal of such subscriber from the exchange.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 219

AN ACT concerning the enforcement and collection of liens for unpaid taxes and other municipal liens on real property, and amending section 54:5–86 of the Revised Statutes.

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

Section amended.

1. Section 54:5–86 of the Revised Statutes is amended to read as follows:

May file a bill to foreclose right of redemption.

54:5–86. The purchaser, his heirs or assigns, in addition to the remedy provided by article eight of this chapter (§54:5–77 et seq.), may at any time after the expiration of the term of two years, whether notice to redeem has been given or not, file a bill in equity to foreclose the right of redemption and may join therein two or more separate actions or causes of actions founded upon two or more certificates of sale of the same or different tracts of land having a common owner, whether or not such actions or causes of action have a common question of law or fact, or arose out of the same transaction or series of transactions. On

filing the bill the right to redeem shall exist and continue until barred by the decree of the Court of Chancery.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 220

AN ACT concerning the foreclosure of tax lien certificates, and amending section 54:5–90 of the Revised Statutes.

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

1. Section 54:5–90 of the Revised Statutes is amended to read as follows: Section amended.

54:5–90. At the expiration of the time limited in the order, the Chancellor shall make such decree against the unknown owners, by the designation aforesaid, as if they had been named in the proceedings and personally served with process, and upon their failure to redeem the lands their equity of redemption shall be foreclosed and barred without further publication, but notice of the date limited for redemption, the place to redeem and the amount necessary to redeem shall be posted upon the lands affected by the suit at least twenty days before the date so fixed. It shall not be necessary to cause notice of the publication to be mailed when, in the discretion of the court, it would appear to be useless or unreasonable. No such decree, after it has been entered for more than five years, shall be attacked on the ground of insufficient inquiry for the name or address of any defendant, his heirs, assigns or personal representatives, even though the same might have been ascertained by such inquiry. Decree, upon failure to redeem.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 221

AN ACT concerning the State Highway Department, and adding a route to the State highway system.

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

Additional route.

1. The State Highway Commissioner shall, as soon as practicable, and in accordance with the procedure set forth in article one of chapter seven, Title 27, of the Revised Statutes, add to the present State highway system the following described route: Route No. providing a spur from Route No. S-3, in the vicinity of Broad Street, thence in a northeasterly direction to the westerly end of Clifton avenue in the city of Clifton, county of Passaic.

Numbered.

2. When this route is taken into the State highway system as provided in section one of this act, the State Highway Commissioner shall proceed to give the said route an appropriate number as provided by law.

3. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 222

AN ACT concerning support of patients and assistance of hospitals by counties, and amending section 44:5–11 of the Revised Statutes.

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

1. Section 44:5–11 of the Revised Statutes is amended to read as follows: Section amended.

44:5–11. The board of chosen freeholders of a county which has no hospital located therein maintained by the county other than the hospital or sick ward of the county poor home, a county tuberculosis hospital or sanatorium, a county hospital or sanatorium for the insane, or a hospital for contagious and infectious diseases, may make an appropriation of not more than three hundred fifty thousand dollars ($350,000.00) in each year in the manner in which appropriations for other county purposes are made, which sum so appropriated shall be included in the annual tax levy of the county, and collected in the same manner and at the same time as other county taxes, and shall be applied to the purpose of supporting and maintaining such patients as may be sent to any hospital or hospitals supported by private charity and located in the county or in an adjoining county. May make appropriation.

The sum so appropriated shall be used and applied for the benefit, comfort and maintenance of such patients, inmates of that hospital, as are residents of the county at the time of being sent to that hospital. Use of appropriation.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 223

AN ACT relating to acknowledgments and proofs of deeds and other instruments, and amending section 46:14–6 of the Revised Statutes.

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

Section amended.

1. Section 46:14–6 of the Revised Statutes is amended to read as follows:

Officers who may take acknowledgments to deeds, etc.

46:14–6. If any deed or instrument of the nature or description set forth in section 46:16–1 of this Title shall have been or shall be acknowledged by a party executing the same, such party being in this State, whether residing in this State or elsewhere, before any one of the officers herein named, whether such officer was or is appointed for, or whether he was or is in the county where the affected real estate is situate or where such acknowledgment was or is taken, or not, such officer having first made known the contents thereof to the party making the acknowledgment, and being also satisfied that such party is the grantor, vendor, vendee, lessor or lessee in such deed or instrument, of all of which such officer shall make his certificate on, under or annexed to such deed or instrument, or if such deed or instrument shall have been or shall be proved before any such officer anywhere in this State by one or more of the subscribing witnesses thereto, such witness or witnesses being within this State, whether residing in this State or elsewhere, that such party (the grantor, vendor, vendee, lessor or lessee), signed, sealed and delivered such deed or instrument as his voluntary act and deed, and a certificate of such proof signed by such officer, shall be written upon, or under or be annexed to, such deed or instrument, every such deed or instrument, so acknowledged or proved, shall be deemed to be duly acknowledged or proved.

The officers of this State authorized to take acknowledgments or proofs in this State under authority of this section are the Chancellor; a justice of the Supreme Court; a judge of the court of common pleas of any county; a master in chancery; an attorney-at-law; a notary public; a commissioner of deeds appointed for any county; a clerk of a court of common pleas of any court; a deputy county clerk; a surrogate or deputy surrogate of any county; and a register of deeds and mortgages of any county.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 224

AN ACT concerning retirement of certain directors of public health laboratories in cities of the second class.

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

C. 43:12-61. May grant pension.

1. In any city of the second class maintaining a public health laboratory, having an annual census of at least twenty-five thousand tests, the director of such public health laboratory after twenty-five years of continuous service as a director or as a director and assistant director in the aggregate in such laboratory and having reached the age of sixty-five years may upon application to the appointing authorities be retired on a pension amounting to one-half of his or her annual salary for the preceding year of his or her employment.

C. 43:12-62. Provisions for payment.

2. If any such pension be granted, such city shall provide, in its annual budget thereafter, for the payment of such pension, and such pension shall be paid in the same manner and installments as the pensioner's salary was paid.

3. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 225

AN ACT to amend "An act to provide for the incorporation and regulation of credit unions, and repealing sections 17:13–1 to 17:13–25, inclusive, of the Revised Statutes," approved June fourth, one thousand nine hundred and thirty-eight (P. L. 1938, c. 293).

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

Section amended.

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

C. 17:13-27. Credit unions, powers.

2. Upon executing, recording and filing a certificate of incorporation as hereinafter provided and upon compliance with the provisions of this act and upon approval of the Commissioner of Banking and Insurance as hereinafter provided, any seven or more natural persons citizens of this State, may become a credit union and shall be a corporation by the name set forth in its certificate of incorporation with the following powers:

(a) To receive the savings of its members as payments on shares;

(b) To make loans to its members for provident or productive purposes;

(c) To make loans to any other credit union operating under the provisions of this act or operating in this State under the provisions of the Federal Credit Union Act; *provided, however,* that the aggregate of all loans to other credit unions shall not exceed twenty per centum (20%) of its share liability, and no credit union shall loan to any other credit union more than twenty per centum (20%) of the share liability of such other credit union;

(d) To invest in or purchase any security in which savings banks of this State are authorized by law to invest and shares and accounts of sav-

ings and loan associations and Federal savings and loan associations which shares and accounts are insured by the Federal Savings and Loan Insurance Corporation, in an amount not to exceed the amount of the insurance; *provided,* that no such credit union shall invest in real estate or bond and mortgage loans, nor shall any such credit union make any investment in securities not permitted under the terms of this act; *and provided,* that investments, other than in loans to members, shall be made only from funds not needed for loans to members except when the board of directors of any such credit union deems it advisable to invest in other securities for the purpose of maintaining the liquidity of such credit union or maintaining a proper balance in its investment portfolio; Proviso. Proviso.

(e) To charge, contract for and receive interest on loans at a rate not to exceed one per centum (1%) per month; and such interest shall not be payable in advance, or compounded, and shall be computed on unpaid balances; *provided,* that no further or other charge or amount whatsoever for examination, service, brokerage, commission or otherwise shall be directly or indirectly charged, contracted for or received on loans, in addition to the interest herein provided for, except the lawful fees, if any, actually and necessarily paid out on any such transaction to any public officer for filing or recording or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made, or at any time thereafter, and except on actual sale of the security in foreclosure proceedings or upon entry of judgment; *and provided further,* that in addition to the foregoing attorneys' fees not to exceed ten per centum (10%) or ten dollars ($10.00), whichever is highest, may be added to the principal amount of any loan of any such credit union resolved into judgment or placed in the hands of any attorney for collection after default thereon and such addition to the principal amount shall be collectible in any court of competent jurisdiction in addition to the court costs; Proviso. Proviso.

(f) To charge fines on delinquent shares;

To charge fines on delinquent loans in an amount not to exceed one-tenth of the interest due.

(g) To charge an entrance fee or membership fee not to exceed twenty-five cents ($0.25) per member;

(h) To deposit its funds only in national banks or in trust companies, banks or savings banks of this State;

(i) To have and exercise all the powers of corporations organized under Title 14 of the Revised Statutes not inconsistent with this act.

Section amended.

2. Section seventeen of the act of which this act is amendatory is amended to read as follows:

C. 17:13-42. Loans, conditions.

17. Loans to members of any such credit union shall be subject to the following conditions:

(a) All member loans shall be evidenced by note;

(b) No director, officer, or committee member shall endorse a note evidencing a member loan;

(c) Any note evidencing a member loan may be paid in whole or in part on any business day;

(d) No member loan to a director, officer or member of the credit committee shall exceed the amount credited on his shares unless the loan shall have been approved by a majority vote at a joint meeting at which a majority of the members of the credit committee and a majority of the members of the board of directors shall be present;

(e) No nonmember of any such credit union, other than one who is eligible for membership therein shall be acceptable as an endorser on a member loan; *provided, however,* that any such credit union may loan to a member on the endorsement of a person employed by the same employer, notwithstanding that such person shall not be eligible for membership in such credit union;

Proviso.

(f) No credit union shall loan to a member on note secured by mortgage on real estate but this provision shall not be construed to bar any such credit union from accepting an assignment of a bona fide bond and mortgage on real estate or note and mortgage on real estate as a collateral;

(g) Any such credit union may accept an assignment of wages as collateral for a member loan; and the word "wages," as used in this act, shall include any salary, wages, commission or other compensation for services, earned or to be earned, and the words "assignment of wages," as used in this act, shall include an assignment or pledge of wages or an order upon an employer for the payment thereof, in whole or in part; and under any such assignment of future wages to any such credit union to secure a member loan a sum equivalent to not more than ten per centum (10%) of the future wages of the maker thereof shall be collectible, from time to time, as such future wages become due, from the employer of the maker by such credit union holding the same, from the time that a copy of such assignment of future wages, certified by the secretary or treasurer of such credit union, together with a certified statement of the amount unpaid upon the loan collateralled by such assignment of future wages shall be served upon the employer of the maker thereof and accepted by said employer in writing; and a municipality, school board or county may be an employer within the meaning of this section; and, if the employer be a corporation, association, partnership, firm, municipality, school board or county, acceptance of any such assignment of future wages may be made in the name of such employer by any authorized officer, official, agent or employee thereof; *provided,* that no employer shall pay in the aggregate on assignments of future wages of an employee hereunder more than ten per centum (10%) of said future wages, and if an employee shall have already made an assignment of future wages, accepted by his employer, the acceptance of subsequent assignments of wages shall be limited accordingly; *and provided,* that no assignment of future wages in excess of three hundred dollars ($300.00) or ten per centum (10%) of the annual salary of the maker thereof, whichever is greater, shall be acceptable as collateral for a member loan; *and provided further,* that this section

Proviso.

Proviso.

Proviso.

shall not be construed to prevent the acceptance of any other collateral for member loans not mentioned herein;

(h) No member loan collateralled by bonds or securities shall exceed two-thirds of the value of such bonds or securities:

(i) No unsecured member loan in excess of three hundred dollars ($300.00) shall be granted by any such credit union;

(j) No member loan secured only by shares of any such credit union shall be granted in excess of three hundred dollars ($300.00) more than the value of the shares pledged to secure it;

(k) No member loan of any such credit union shall exceed two hundred fifty dollars ($250.00) or five per centum (5%) of its share liability, whichever is greatest, and no member loan of any such credit union shall be in excess of one thousand dollars ($1,000.00);

(l) No person shall be liable in the aggregate, both as endorser and maker, to any such credit union for an amount greater than one thousand dollars ($1,000.00).

3. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 226

AN ACT concerning fish and game, amending sections 23:3–1 and 23:3–4 of the Revised Statutes and repealing "An act respecting hunting and fishing licenses," approved May sixth, one thousand nine hundred and forty-two (P. L. 1942, c. 161).

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

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

23:3–1. No person shall at any time hunt for, take, kill or pursue, with a gun or any firearm of any kind or character, or with bow and arrow, a wild bird, animal or fowl, or take or attempt to take any skunk, mink, muskrat, otter or other fur-bearing animal by means of a trap, or set a trap for any fur-bearing animal, and no person above the age of fourteen years shall at any time take or attempt to take fish in any of the fresh waters of this State by the method commonly known as angling with a hand line or rod and line, unless he has first procured a proper license and additionally in the case of a hunter or trapper, a button showing the number of the license and whether the hunter or trapper is a resident or nonresident, which button he must wear on his outer clothing at the time of such hunting or trapping and which he shall exhibit for inspection to any warden, deputy warden, police officer or other person requesting to see it. A person under fourteen years of age, who is a bona fide resident of this State, may trap fur-bearing animals without license during the season when it is legal so to do. License required.

Any person found hunting or trapping without his button conspicuously displayed shall be liable to a penalty of five dollars ($5.00) and costs to be Penalty.

recovered pursuant to the provisions of Title 23, chapter ten, of the Revised Statutes.

License not required.

A person who is a resident of this State and is in the armed service of the United States shall be entitled to hunt and fish in this State from the passage of this act until the conclusion of the present war, without obtaining a license therefor.

Construing.

Nothing in this section shall prevent the occupant of a farm in this State, who actually resides thereon, or the immediate members of his family who also reside thereon, from hunting for, taking, killing or pursuing with a gun or firearm on the farm a wild bird, animal or fowl, from taking any skunk, mink, muskrat, otter or other fur-bearing animal by means of a trap or from setting a trap for a fur-bearing animal on the farm, or from taking fish on the farm with hand line or rod and line, in the manner provided by law during the time when it is lawful so to do, without being licensed hereunder. The exemption of this paragraph shall not apply to a person residing on the farm or in a tenant house thereon who is not a member of the occupant's family, nor to a servant of the occupant.

Section amended.

2. Section 23:3–4 of the Revised Statutes is amended to read as follows:

23:3–4. The licenses issued under this article shall be as follows:

Types of resident licenses.

a. A license issued to citizens of the United States above fourteen years of age, who are actual and bona fide residents of this State at the time of the application for the license and who have been actual and bona fide residents of the State for at least one year immediately prior thereto. These licenses shall be of three kinds and designated as the residents' hunting license, the residents' bow and arrow license, and the residents' fishing license.

Fees.

The residents' hunting license shall authorize its holder to trap and to hunt with hounds and firearms only, and a fee of three dollars ($3.00) and an issuance fee of fifteen cents ($0.15) shall be charged therefor. The residents' bow and arrow license shall authorize its holder to hunt with bow

and arrow only, and a fee of three dollars ($3.00) and an issuance fee of fifteen cents ($0.15) shall be charged therefor. The residents' fishing license shall authorize its holder to fish only, and a fee of three dollars ($3.00) and an issuance fee of fifteen cents ($0.15) shall be charged therefor. The license shall be invalid from the date of its issuance when issued to a person not entitled thereto hereunder. Any person, a resident of this State, who is afflicted with total blindness, upon application to the Board of Fish and Game Commissioners shall be entitled to a residents' fishing license without fee or charge.

Nonresident and alien hunting licenses, fee.

b. A license issued to a person above fourteen years of age, not entitled to a residents' license, authorizing him to trap and to hunt. These licenses shall be designated as the nonresidents' and aliens' hunting license, and the nonresidents' and aliens' bow and arrow license. The fee for each of these licenses shall be fifteen dollars ($15.00), and an issuance fee of fifty cents ($0.50).

Nonresident and alien fiishing license, fee.

c. A license issued to a person above fourteen years of age not entitled to a residents' license, authorizing him to fish only. This license shall be designated as the nonresidents' and aliens' fishing license. The fee for this license shall be five dollars ($5.00), together with an issuance fee of fifty cents ($0.50). Every nonresidents' fishing license issued hereunder shall be valid and operative only on those days of the week in the open season for angling in this State, on which a fishing license issued to residents in this State by the State of residence of the applicant for the New Jersey nonresidents' fishing license shall be valid and operative.

Expiration.

Every license issued hereunder shall be void after December thirty-first next succeeding its issuance.

Repealer.

3. "An act respecting hunting and fishing licenses," approved May sixth, one thousand nine hundred and forty-two, is repealed.

4. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 227

AN ACT concerning the engagement in certain activities by persons on the first day of the week, commonly called Sunday, and providing for the regulation thereof by the governing bodies of municipalities, and amending section 2:207–20 and repealing section 2:207–26 of the Revised Statutes.

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

Section amended.

1. Section 2:207–20 of the Revised Statutes is amended to read as follows:

Petition, signatures, filing and notice.

2:207–20. The question of the adoption of this article may be submitted to the legal voters of any city, borough, town, township or village of this State at any primary election or at any general election, when a petition therefor, signed by at least five per centum (5%) of the qualified voters of any such municipality, as evidenced by the total number of votes cast at the next preceding general election held for the election of all of the members of the General Assembly in any such municipality, shall have been filed with the clerk of such municipality. The same notice of the submission herein provided for shall be given as is required by law to be given of the primary or general election, as the case may be, at which the submission is to be voted upon. The legal voters of any such municipality may, at such election, decide upon the acceptance or rejection of this article as hereinafter provided.

Section repealed.

2. Section 2:207–26 of the Revised Statutes is repealed.

3. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 228

AN ACT regulating the distribution of printed and other kinds of matter by public school pupils in connection with annual school elections pursuant to article three of chapter seven of Title 18 of the Revised Statutes or in connection with general or school elections whenever any question shall hereafter be submitted pursuant to sections 18:6–3 and 18:7–3 of the Revised Statutes.

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

C. 18:14-78.1. Forbids pupils to make distribution.

1. No printed, written, multigraphed or any other kind of matter, which, in any way, in any part thereof, promotes, favors, or opposes the candidacy of any candidate for election at any annual election conducted pursuant to the provisions of article three of chapter seven of Title 18 of the Revised Statutes, or at any general or municipal or school election, whenever any question shall be hereafter submitted pursuant to sections 18:6–3 and 18:7–3 of the Revised Statutes, shall be given to any public school pupil in any public school building, or on the grounds thereof, for the purpose of having such pupil take such matter to his home or to distribute it to any person or persons outside the school building or the grounds thereof.

C. 18:14-78.2. Enforcement.

2. The board of education of each school district shall prescribe the necessary rules and regulations to carry out the purposes of this act.

3. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 229

AN ACT respecting trespassing, and amending sections 23:7–1 and 23:7–3 of the Revised Statutes.

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

Section amended.

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

Posting, method, fine.

23:7–1. A person who trespasses on the occupied lands of another person in this State, for the purpose of hunting with a firearm or fishing, killing, trapping, or catching any game or fish, after notice bearing the name of the owner, occupant, lessee or licensee thereof, forbidding the trespass, has been conspicuously posted by the owner, occupant, lessee or licensee with intervisible signs displayed not fewer than ten to a mile along the exterior boundaries and along all roads, trails and rights-of-way entering such land, or after having been forbidden so to trespass by the owner, occupant, lessee or licensee, shall be punished by a fine of not less than twenty-five dollars ($25.00) and not exceeding fifty dollars ($50.00) and costs.

Section amended.

2. Section 23:7–3 of the Revised Statutes is amended to read as follows:

Property destruction, penalty.

23:7–3. A person who while on the property of others for the purpose of hunting or fishing willfully and deliberately causes injury to or destroys cultivated crops, orchards, fences, signs, sign boards, or any notice forbidding trespass, or any building or live stock or poultry thereon, may be arrested without warrant by the owner, occupant, lessee, licensee or any officer of the law, and shall be punished by a fine not exceeding five hundred dollars ($500.00) or imprisonment for six months. Any person violating the provisions of this section shall forfeit his license for a period of two years from the date of his said conviction, and upon

conviction for a second violation shall permanently forfeit his said license.

3. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 230

AN ACT to grant and release the title and interest of the people of the State of New Jersey in and to certain real estate in the county of Hudson and State of New Jersey, and to vest the same in the city of Jersey City.

WHEREAS, Katherine Terwilliger, also known as Kate Terwilliger, of the county of Hudson and State of New Jersey, departed this life seized of certain lands and premises, which it is alleged escheated to the State of New Jersey; and Preamble

WHEREAS, The city of Jersey City purchased a tax sale certificate from Michael Rochford, city collector, on January ninth, one thousand nine hundred and forty-two, which tax sale certificate the city of Jersey City foreclosed and a final decree was entered in the Court of Chancery of New Jersey on February nineteenth, one thousand nine hundred and forty-eight, in favor of the city of Jersey City; and Preamble.

WHEREAS, Proper notice of intention to apply for the passing of this act has been given; now, therefore, Preamble.

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

1. That the said State of New Jersey and the people thereof do hereby transfer and grant to the Lands transferred.

city of Jersey City, its successors and assigns forever, all the estate, right, title and interest of every kind and nature of which it is alleged the State of New Jersey is seized, in and to certain real estate, situated in the city of Jersey City, county of Hudson and State of New Jersey, and more particularly described as follows:

Location. All that certain lot piece or parcel of land situate, lying and being in the City of Jersey City, County of Hudson and State of New Jersey known and designated on a certain map entitled Map of 340 lots belonging to W. B. Nichols situated in the 5th District, Jersey City, N. J. drawn by R. L. Williams, C. E. from survey C. Vreeland, C. E. August 1888 and filed in the Office of the Register of the County of Hudson, N. J. on the 19th day of October 1888 as and by lot number three hundred and four (304) in block No. 186 and which said lot according to said map is bounded and described as follows, viz:

Description. Beginning at a point on the northwesterly side of Belvidere Avenue distant 240 feet northeasterly from the intersection of the northwesterly side of Belvidere with the northeasterly side of Duncan Avenue running thence northwesterly parallel with Duncan Avenue 100 feet to the centre line of the block thence northeasterly along said centre line 20 feet thence southeasterly parallel with Duncan Avenue 100 feet to the northwesterly side of Belvidere Avenue and thence southwesterly along the northwesterly side of Belvidere Avenue 20 feet to the point of beginning.

Title vested. 2. That said title of the State of New Jersey and the people thereof arising by reason of said escheat to be henceforth vested in fee in the said city of Jersey City.

3. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 231

AN ACT to validate proceedings for the establishment of free public libraries and reading rooms in certain cities.

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

Proceedings validated.

1. All proceedings heretofore taken by the common council or other governing body of any city to establish a public library and reading room for the use and benefit of the inhabitants of such city are hereby ratified, validated and confirmed; *provided,* such proceedings shall have been taken in purported reliance upon and in the manner prescribed by the act entitled "An act to authorize cities to establish and maintain free public libraries and reading rooms," constituting chapter one hundred sixty-three of the laws of one thousand eight hundred and seventy-nine, and the acts amendatory thereof, and such proceedings shall have been taken prior to the repeal of such act by chapter three hundred eighty-one of the laws of one thousand nine hundred and thirty-one; *and provided,* such city shall have continuously maintained such public library and reading room established by such proceedings.

Proviso.

Supervision.

2. Any such public library and reading room shall be supervised, administered and controlled either by a board of directors appointed in accordance with said act or by such board or agency as may have been or may hereafter be established in accordance with law by the governing body of such city.

3. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 232

AN ACT concerning the lease or sale of public utility plants or systems owned by municipalities, and amending section 40:62–3 and section 40:63–31 of the Revised Statutes.

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

Section amended.

1. Section 40:62–3 of the Revised Statutes is amended to read as follows:

Authorized to sell utility plant.

40:62–3. Any municipality owning a sewer plant, water plant, heat, light or power plant, system of transportation, or other public utility plant or system, may lease or sell such plant or system. Such a lease or sale to another municipality shall be authorized by ordinance and may be made upon such terms as said ordinance shall provide and the provisions of sections 40:62–4 and 40:62–5 of this Title shall not apply thereto. Such a lease or sale to any person except another municipality shall be made only upon compliance with the provisions of sections 40:62–4 and 40:62–5 of this Title and after the same is authorized by the legal voters of the municipality in accordance with said sections.

Section amended.

2. Section 40:63–31 of the Revised Statutes is amended to read as follows:

May sell or lease sewer system.

40:63–31. Any municipality owning a sewer plant or system may sell or lease the same in the manner or mode of procedure prescribed by section 40:62–3 of this Title.

3. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 233

AN ACT to validate proceedings at annual school district meetings or elections for the issuance of bonds or other obligations or for other purposes, and bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

1. All proceedings heretofore had or taken at any annual school district meeting or election for the authorization or issuance of bonds or other obligations or for any other purpose, and any bonds or other obligations of such school district issued or to be issued in pursuance of a proposal or proposals adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed notwithstanding that such meeting or election was held at two or more polling places and notices of such meeting or election did not contain or state the boundaries of the several polling districts provided, established or used for or in connection with such meeting or election or specify the locations of the respective polling places for the several polling districts; *provided,* that such proceedings were in all other respects had and taken in accordance with law and shall not have been questioned in any action or proceeding heretofore instituted in any court. Validates bond proceedings. Proviso.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 234

AN ACT to amend "An act concerning municipalities, and supplementing chapter fifty-two of Title 40 of the Revised Statutes," approved June eighteenth, one thousand nine hundred and forty-seven (P. L. 1947, c. 296).

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

Section amended.

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

C. 40:52-1.1. Not to issue license.

1. The governing body shall not issue or authorize the issuance of a license for circuses, carnivals or other traveling shows to be conducted out of doors or under tents and not in a licensed theatre or other building under the authority of subparagraph (f) of section 40:52–1 of the Revised Statutes without the submission of satisfactory proof of the applicant's compliance with the provisions of section 34:15–71 of the Revised Statutes, and any such license heretofore or hereafter issued shall be revoked after hearing by the governing body upon proof of the licensee's failure to comply with the provisions of said section 34:15–71 of the Revised Statutes after notice and failure to comply.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 235

AN ACT concerning the State Highway Department and adding a route to the State highway system.

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

Additional route.

1. The State Highway Commissioner shall, as soon as practicable, and in accordance with the procedure set forth in article one of chapter seven, Title 27, of the Revised Statutes, add to the present State highway system the following described route: An extension of State Highway Route No. 21 in a northerly direction, by direct route from Newark to the vicinity of Grand street and Marshall street in the city of Paterson, roughly parallel to the Passaic river.

Numbered.

2. When this route is taken into the State highway system as provided in section one of this act, the State Highway Commissioner shall proceed to give the said route an appropriate number as provided by law.

3. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 236

AN ACT relative to the vacation of public streets or highways.

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

Validates ordinances vacating or closing streets.

1. Whenever any municipality of this State shall have heretofore duly adopted an ordinance providing that certain streets be closed and a copy of such ordinance shall have been filed or recorded in the office of the clerk or register of the county wherein such municipality is located and there shall have been filed together with such ordinance a map or maps showing the portions of the streets or highways being closed and said map or maps shall contain the wording

"Map showing the vacation and closing,"

such ordinance shall be deemed to have been and shall hereby be a valid vacation of said streets or highways and the relinquishment of all public rights and easements therein; if such ordinance with the map or maps annexed thereto shall have been filed or recorded in the office of the clerk or register of the proper county for a period of more than twenty years; and if said streets or highways were never actually opened or used by the public as a street, highway or thoroughfare either before or after the adoption of any such ordinance; and if such ordinance never has been, and at the date this act goes into effect shall not be, under attack as to its validity in any court of this State.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 237

AN ACT to authorize municipalities to settle, compromise or abate taxes assessed for the year one thousand nine hundred and forty-five against certain property used for charitable, benevolent or religious purposes, under Title 54 of the Revised Statutes.

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

Authorized to adjust and abate taxes.

1. Where taxes have been assessed by any municipality upon real or personal property for the year one thousand nine hundred and forty-five and where such property has been used for charitable, benevolent or religious purposes by a charitable, benevolent or religious organization or association after October first, one thousand nine hundred and forty-four, but prior to January first, one thousand nine hundred and forty-five, and during the entire year one thousand nine hundred and forty-five, and which would have been exempt from taxation under the provisions of section 54:4-3.6 of the Revised Statutes or of any other law, if the organization or association had acquired the property and if such use had commenced on or prior to October first, one thousand nine hundred and forty-four, the governing body of the municipality where such property is located may adjust, settle or abate such taxes due for the year one thousand nine hundred and forty-five, as to principal and as to interest, costs and penalties thereon, as it shall deem equitable and just; *provided,* that nothing in this act contained shall in anywise impair the right, title, interest and estate or lien of any purchaser, other than such municipality, acquired under any sale made for past due taxes.

Proviso.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 238

AN ACT authorizing fiduciaries to sell, exchange or otherwise dispose of property of their decedents, pendente lite.

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

C. 3:17-15.1. Fiduciary to make sale under court direction.

1. Whenever an action shall be pending in any court of this State, having for its object the adjudication of the right, title, claim or other interest of any person or persons in the estate of a decedent, whose estate, in whole or in part, is being administered in this State, and it shall be represented by verified petition to the court in which said estate is being administered, that real, personal, or other property of such decedent, or any part thereof, should be sold, exchanged or otherwise disposed of, pending the final determination of such action, the court may ascertain the merits of the application in a summary manner, upon such notice to all persons having an actual or asserted interest in the property as the court shall prescribe, and whenever and as often as it shall satisfactorily appear to the court that such property, or any part thereof, is of such a character or so situated as to make it liable to depreciate in value or deteriorate, pending the determination of the action, or to make its care or preservation difficult or expensive, or that, for any other reason, the interest of all parties requires or will be benefited by a sale, exchange or other disposition of such property, or any part thereof, pending such action, the court may direct the duly acting fiduciary of such decedent, whether or not he is vested with power of sale under the will, if any, of such decedent, to make sale, exchange or other disposition of such property, or any part thereof, in such manner, for such price, upon such terms, and with such restrictions as shall be deemed proper; and from and after such sale, exchange or

other disposition, the proceeds thereof or the property received in exchange thereof, shall be held by such fiduciary pending the final determination of such action, in the place and stead of such property, and shall remain subject to the same claims and equities of the parties to such action and of the persons having an actual or asserted interest in the property as was the property, and if such proceeds shall result from the sale, exchange or other disposition of real estate, or any part thereof, such proceeds shall be considered as real estate for all purposes.

C. 3:17-15.2. Sale valid.

2. A sale, exchange or other disposition of such property, or any part thereof, when so made in conformity with the direction of the court, shall be valid, legal and effectual in law, and no purchaser or grantee shall be required to look to the application of the consideration therefor, whether or not the proceeds of sale may be impressed with a special trust by the will of such decedent.

C. 3:17-15.3. Security.

3. Upon the approval of such application, the court may require the fiduciary to give such security, by bond conditioned for the proper distribution of the consideration for such sale, exchange or other disposition, as the court may deem advisable, having regard to the amount of the proceeds of such sale.

C. 3:17-15.4. Proceeds invested.

4. The proceeds of such sale may be invested by such fiduciary in the same manner as is permitted by law for the investment of trust funds held by fiduciaries.

5. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 239

AN ACT concerning the appointment, powers and duties of joint municipal flood commissions, and supplementing Title 40 of the Revised Statutes.

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

C. 40:69-5. Joint municipal flood commission.

1. Any two or more municipalities within this State may establish by ordinance, adopted by their respective governing bodies, a joint municipal commission for the alleviation of flood conditions within such municipalities.

C. 40:69-6. Appointments, terms, duties.

2. Such commission shall consist of five or more members, two of whom shall be appointed by the governing body of each municipality and one of whom shall be appointed by the Governor and all of whom shall serve for terms of five years and until their successors are appointed and shall qualify.

C. 40:69-7. No salary.

3. The members of the commission shall receive no salary or other compensation for the performance of their duties as such commissioners but shall be entitled to receive their expenses in carrying on the same.

C. 40:69-8. Employees.

4. The commission shall have power to employ all necessary clerical assistants and the services of such agents, employees, workmen and servants as it may deem necessary or proper; to fix and determine the duties and compensation of persons employed by it, and to remove or discharge such persons, or any of them, at pleasure; to engage, or to contract for, the services of competent engineers or engineering firms, and to do all other acts and things as may, in the judgment of the authority, be necessary or proper to alleviate flood conditions and to prevent floods in said municipalities and to carry out the purposes of this act.

C. 40:69-9. Authorized to make appropriation.

5. Said municipalities hereby are authorized to make such appropriations to such commission as

may be necessary for the carrying on of the work of such commission upon certification by the commission to the respective governing bodies of the amount or amounts required for such purpose, said appropriations to be made as nearly as may be in proportional amounts as certified by said commission by the municipalities affected.

6. Such commission may expend funds appropriated to it by the municipalities and by the State for the carrying out of the purposes of this act. C. 40:69-10. May expend funds.

7. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 240

AN ACT concerning elections, and amending section 19:49–2 of the Revised Statutes.

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

1. Section 19:49–2 of the Revised Statutes is amended to read as follows: Section amended.

19:49–2. All official ballots shall be printed on clear white paper or cardboard of such form and size as will fit the ballot frames of the machines, printed in black ink in type as large as the space will reasonably permit; *provided, however,* that any public question which shall be placed on the ballot shall be printed in red ink and above any public question to be voted upon by the voters of the entire State there shall be printed, also in red ink, a description of the public question, which description shall not exceed six words and shall be printed in type as large as is practicable. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on the machines shall be so placed on the machines as to indicate to the voter what push knob, pointer, lever or other device is to be used or operated in order to vote for the candidates or can- Printing official ballots. Proviso.

didate of his choice. The providing of the official ballots and the order of the precedence and arrangement of parties and of candidates shall be as now required by law; *provided, however,* that in those counties where voting machines are used, the specifications for the printing of the official ballots shall be drawn by the county clerk.

Proviso.

Position on ballot drawn as a unit.

For the primary election for the general election in all counties where voting machines are or shall be used, all candidates who shall file a joint petition with the county clerk of their respective county and who shall choose the same designation or slogan shall be drawn for position on the ballot as a unit and shall have their names placed on the same line of the voting machine; *and provided further,* that all candidates for municipal or party office in municipalities in counties where voting machines are or shall be used who shall file a petition with the clerk of their municipality bearing the same designation or slogan as that of the candidates filing a joint petition with the county clerk as aforesaid, may request that his or her name be placed on the same line of the voting machine with the candidates who have filed a joint petition with the county clerk as aforesaid by so notifying the county clerk of said county in writing within two days after the last day for filing nominating petitions and thereupon the county clerk shall forthwith notify the campaign manager of such candidates filing a joint petition as aforesaid of said request, and if the said campaign manager shall file his consent in writing with the said county clerk within two days after the receipt of said notification from said county clerk, the clerk of said county shall place the name of such candidate on the same line of the voting machine on which appears the names of the candidates who have filed the joint petition as aforesaid; *provided, also,* that any candidate filing a petition with the Secretary of State may request that his or her name be placed on the same line of the voting machine with the candidates who have filed a joint petition with the county clerk as aforesaid by so notifying the county

Proviso.

Proviso.

clerk of said county in writing within two days after the last day for filing nominating petitions, and thereupon the county clerk shall forthwith notify the campaign manager of such candidates filing a joint petition as aforesaid of said request, and if the said campaign manager shall file his consent in writing with the said county clerk within two days after the receipt of said notification from said county clerk, the clerk of said county shall place the name of such candidate on the same line of the voting machine on which appears the names of the candidates who have filed the joint petition as aforesaid.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 241

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

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

C. 18:5-49.1. Entitled to compensation.

1. Whenever any person holding office, position or employment with a local board of education or with the State Board of Education shall be illegally dismissed or suspended from his office, position or employment, and such dismissal or suspension shall upon appeal be decided to have been without good cause, the said person shall be entitled to compensation for the period covered by the illegal dismissal or suspension; *provided,* that a written application therefor shall be filed with the local board of education or with the State Board of Education, as the case may be, within thirty days after such judicial determination.

Proviso.

2. This act shall take effect immediately.

Approved July 16, 1948.

CHAPTER 242

AN ACT relating to mechanic's liens and priority as affected by application of funds or advances of mortgage funds, and amending section 2:60–128 of the Revised Statutes.

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

Section amended.

1. Section 2:60–128 of the Revised Statutes is amended to read as follows:

Priority as affected by application of funds.

2:60–128. The priority given by section 2:60–126 of this Title shall also exist when the mortgage or funds secured thereby secures or have been applied.

a. To the payment or the securing of payment of all or part of the purchase price of the lands covered thereby; or

b. To the payment of any valid lien or encumbrance which is, or can be established as, prior to a lien given by this article; or

c. To the payment of any tax, assessment or other State or municipal lien or charge due or payable at the time of such payment; or

d. To the payment of any premium, counsel fee or other financing charges and costs, the total of which shall not be in excess of five per centum (5%) of the principal of the mortgage securing the loan upon which they are based; or

e. To the payment to every person, or his legal representative, receiver or trustee, who shall have furnished labor or material for the building for money due therefor at the time of any advance and who shall have filed, or in whose behalf there shall have been filed a "mechanic's notice of intention." All such claimants shall be entitled to participate in each advance made under the mortgage, except when made for payments under paragraphs "a" to "d," inclusive, of this section, unless such person shall have:

(1) Subordinated, released, partially released or postponed his right of payment or lien to the lien of the mortgage, but no postponement shall be effective for the purposes of this article, except for the first payment made in reliance thereon and any preceding payments which may have been made; or unless he shall

(2) Neglect or refuse, after written demand deposited in the registered mail, postage prepaid, and addressed to the address given in the "mechanic's notice of intention," or personally served upon the person to be bound thereby or the person authorized by the notice of intention to represent the person on whose behalf such notice was filed, to advise in writing any mortgagee or the owner of any interest in such mortgage, within five days from the date of the mailing or service of such demand of the amount due at the date of the reply to the demand, such neglect or refusal to be effective only as to the first advance made after the giving of such notice.

The mortgagee may, if the amount being advanced is not sufficient to pay in full all claimants having a right to participate therein, pay to each such claimant such proportionate amount of his claim as the total amount being advanced bears to the total of the claims of all entitled to participate. All liens or rights of liens conferred by this article shall be subordinate to the mortgage to the extent of the payments so made; or

f. To the payment, out of funds remaining after payment of claimants as aforesaid, to person or persons named by the owner of the mortgaged lands or the mortgagor in a written statement, declaration or affidavit, duly sworn to or affirmed before a person who may administer or take oaths and affidavits under Revised Statutes 41:2-1, as the person or persons who have supplied material or furnished labor actually used in the erection,

New Jersey State Library

construction, completion, addition to, alteration or repair of any building upon the mortgaged premises to whom money is due for such labor or materials, and presented to the mortgagee or the agent of the mortgagee, of the amounts of money due to each such person as the same shall be stated opposite the name of such person in such written statement, declaration or affidavit; and to the payment to the owner of the mortgaged lands or the mortgagor of the amount which such owner of the mortgaged lands or mortgagor shall state in a written statement, declaration or affidavit, sworn to or affirmed as aforesaid, to have been paid by such owner of the mortgaged lands or mortgagor to persons therein listed as having been paid stated sums of money set opposite their respective names for labor or materials actually used in and about the erection, construction, completion, addition to, alteration or repair of a building upon the lands covered by such mortgage, for which there has been no reimbursement; *provided, however,* that the mortgage funds or any part thereof advanced or paid by the mortgagee under this subsection shall be applied first to payment in full or payment proportionately of the moneys due to the person or persons listed in the written statement, declaration or affidavit of the owner of the mortgaged lands or the mortgagor as persons not theretofore paid by him; or

g. To the payment to the mortgagor or owner of the mortgaged premises of any balance out of any advance made on account of such mortgage after the substantial completion of the building on the mortgaged premises and the payment or barring in the manner provided by this article of everyone by, or on whose behalf, a "mechanic's notice of intention" shall have been filed, recorded and indexed.

2. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 243

AN ACT concerning insurance companies, and amending section 17:17–1 of the Revised Statutes.

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

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

17:17–1. Ten or more persons may form a corporation for the purpose of making of any kinds of insurance, as follows: Kinds of insurance:

a. Against direct or indirect loss or damage to property, including loss of use or occupancy, by fire; smoke; smudge; lightning; tempest on land, including windstorm, tornado and cyclone; earthquake; collapse of buildings; hail; frost or snow; weather or climatic conditions, including excess or deficiency of moisture, flood, rain or drought, rising of the waters of the ocean or its tributaries; bombardment; invasion; insurrection; riot; civil war or commotion; military or usurped power; vandalism or malicious mischief; striking employees; explosion, whether fire ensues or not, except explosion of steam boilers and flywheels; and arising from the use of elevators, aircraft, automobiles or other vehicles; against loss or damage by insects or disease to farm crops or products and loss of rental value of land used in producing the crops or products. Fire;

b. Against any kinds of loss or damage to: Vessels, craft, aircraft, cars, automobiles and vehicles of every kind, including all kinds of automobile and aircraft insurance (excepting insurance against loss by reason of bodily injury to the person), as well as all goods, freights, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, precious stones, securities, choses in action, evi- Marine;

dence of debt, valuable papers, bottomry and respondentia interests, and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit, or transportation, including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, created, baled, compressed or similarly prepared for shipment or while awaiting the same or during any delays, storage, transshipment or reshipment incident thereto, including marine builder's risk and all personal property floater risks, and to person or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage to either, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of the insurance (but not including life insurance or surety bonds) but, except as herein specified, not against loss by reason of bodily injury to the person.

Health; c. Upon the lives or health of persons, and every insurance appertaining thereto, and to grant, purchase or dispose of annuities.

Accident; d. Against bodily injury or death by accident, and upon the health of persons, including a funeral benefit to an amount not exceeding one hundred dollars ($100.00) or against loss or damage to automobiles or motor vehicles, or to wagons or vehicles propelled by a horse or team of any description, resulting from collision with moving or stationary objects, against perils to property arising from the use of elevators, aircraft, automobiles or other motor vehicles, or against loss by legal liability for damage to persons or property (including, if the insured is a State or a political subdivision of a State or a municipal corporate instrumentality of one or more States, loss by voluntary payments made by the insured under circumstances where the insured would have legal liability if it were a private corporation) resulting from collision of

automobiles, aircraft, or motor vehicles, or of wagons or vehicles propelled by a horse or team with moving or stationary objects.

State or political subdivisions;

e. Against loss or damage resulting from accident to or injury suffered by any person for which loss or damage the insured is liable, including, if the insured is a State or a political subdivision of a State or a municipal corporate instrumentality of one or more States, loss or damage resulting from accident to or injury suffered by any person for which loss or damage the insured would be liable if it were a private corporation.

Property;

f. Against damage to property of the insured or loss of life or damage to the person or property of others for which the insured is liable (including, if the insured is a State or a political subdivision of a State or a municipal corporate instrumentality of one or more States, loss of life or damage to the person or property of others for which the insured would be liable if it were a private corporation), caused by the explosion of steam boilers, pipes, engines, motors and machinery connected therewith or operated thereby.

Indemnity;

g. Against loss from the defaults of persons in positions of trust, public or private, or against loss or damage on account of neglect or breaches of duty or obligations guaranteed by the insurer; and against loss by banks, bankers, brokers, financial or moneyed corporations or associations, of any bills of exchange, notes, checks, drafts, acceptances of drafts, bonds, securities, evidences of debt, deeds, mortgages, documents, gold or silver, bullion, currency, money, platinum and other precious metals, refined or unrefined and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, and also against loss resulting from damage, except by fire, to the insured's premises, furnishings, fixtures, equipment, safes and vaults therein caused by burglary, robbery, hold-up, theft or larceny, or attempt threat. No such indemnity indemnifying against loss of any property as specified herein shall indemnify

against the loss of any such property occurring while in the mail or in the custody or possession of a carrier for hire for the purpose of transportation, except for the purpose of transportation by an armored motor vehicle accompanied by one or more armed guards.

Title; h. Against loss or damage on account of encumbrances upon or defects in titles to real property. Any company organized or operating under this paragraph shall have the right, in addition to its other powers, to make searches, abstracts, examine titles to real property and chattels, and procure and furnish information in relation thereto.

Credit; i. Against loss from bad debts, commonly known as credit insurance.

Burglary; j. Against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism or malicious mischief, or any one or more of such hazards; and against any and all kinds of loss or destruction of or damage to moneys, securities, currencies, scrip, coins, bullion, bonds, notes, drafts, acceptances of drafts, bills of exchange and other valuable papers or documents, except while in the custody or possession of and being transported by a carrier for hire or in the mail; and against loss or damage to automobiles and aircraft by burglary, larceny, or theft, vandalism or malicious mischief, confiscation or wrongful conversion, disposal or concealment, whether held under conditional sale contract or subject to chattel mortgages, or otherwise, or any one or more of such hazards.

Glass; k. Against loss of and damage to glass, including lettering and ornamentation thereon, and the frame in which the glass is set resulting from breakage of the insured glass.

Water; l. Against loss or damage by water or other fluid to any goods or premises arising from the breaking or leakage of sprinklers, pumps, or other apparatus erected for extinguishing fires, or of other conduits or containers, or by water entering through leaks or openings in buildings, and of

water pipes and against accidental injury to such sprinklers, pumps, conduits, containers, water pipes and other apparatus; including loss of use or occupancy of the property so damaged.

m. Upon the lives of horses, cattle and other livestock or against loss by theft of any such property or both. Live stock;

n. Against loss or damage to property by smoke or smudge, or both. Smoke;

o. Any specified kinds of insurance not included in any of the foregoing paragraphs and which are proper subjects of insurance. Sundry.

Any company, which, by its charter, is authorized to make insurance against loss or damage to property caused by fire, lightning, or tempest on land, may, without amending its charter, be authorized by the Commissioner of Banking and Insurance to transact all of the kinds of insurance described in paragraphs "a," "b" and "l" hereof, if it is possessed of the capital stock and surplus or cash premiums required by sections 17:17–6 and 17:17–7 of this Title; or any company which, by its charter, is authorized to make any of the kinds of insurance described in any of the paragraphs "a" to "o," inclusive, of section 17:17–1 of this Title, except paragraph "c," may, without amending its charter, if it is possessed of a capital stock of at least two million dollars ($2,000,000.00) and surplus of at least one million dollars ($1,000,000.00) or, if a mutual company, it is possessed of net cash assets (excess of allowable assets over all liabilities) of at least three million dollars ($3,000,000.00), be authorized by the Commissioner of Banking and Insurance to transact any other kind or kinds of insurance that may be proper subjects of insurance, except upon the lives of persons or the granting of annuities. Capitalization. Exception.

2. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 244

AN ACT to amend the title of "An act to enable certain constables of certain judicial district courts in counties of the first class to receive the same rights, privileges and compensation as those now granted to sergeant-at-arms of said courts, and supplementing chapter eight, Title 2, of the Revised Statutes," approved May twenty-third, one thousand nine hundred and forty-seven (P. L. 1947, c. 186), so that the same shall read "An act to enable certain constables of certain judicial district courts in counties of the first class, and constables having more than ten years' service in district courts in counties of the first class to receive the same rights, privileges and compensation as those now granted to sergeants-at-arms of said courts, and supplementing chapter eight, Title 2, of the Revised Statutes," and to amend the body of said act.

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

Title amended.

1. The title of "An act to enable certain constables of certain judicial district courts in counties of the first class to receive the same rights, privileges and compensation as those now granted to sergeant-at-arms of said courts, and supplementing chapter eight, Title 2, of the Revised Statutes," approved May twenty-third, one thousand nine hundred and forty-seven (P. L. 1947, c. 186), is

New title.

amended to read "An act to enable certain constables of certain judicial district courts in counties of the first class, and constables having more than ten years' service in district courts in counties of the first class to receive the same rights, privileges and compensation as those now granted to ser-

geants-at-arms of said courts, and supplementing chapter eight, Title 2, of the Revised Statutes."

Section amended.

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

Entitled to rights and privileges.

1. In all judicial district courts in the counties of the first class, and in all district courts in counties of the first class, except in judicial districts including all of the territory lying within the boundaries of the county, having constables, such constables, if for ten years next preceding July fourth, one thousand nine hundred and forty-seven, have performed the duties required of sergeants-at-arms of such judicial district courts and such district courts, they shall be entitled to all the rights and privileges of sergeants-at-arms of such judicial district courts and such district courts and shall be entitled to receive the same compensation as is provided for sergeants-at-arms.

3. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 245

AN ACT relating to the sale by municipalities of lands or buildings not needed for public uses, and amending section 40:60–26 of the Revised Statutes.

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

Section amended.

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

Sale of land not needed for public use, methods.

40:60–26. The governing body of any municipality may sell any lands or buildings or any right or interest therein not needed for public use. All such sales or disposition except as provided in sections 40:60–27 to 40:60–29 of this Title shall be

authorized to be made by one of the following methods:

(a) By public sale to the highest bidder after public advertisement thereof in a newspaper circulating in a municipality in which the lands are situated by two insertions at least once a week during two consecutive weeks, the last publication to be not more than seven days prior to the sale. In the case of public sales the governing body of any municipality may by resolution fix a minimum price to be included in the advertisement of sale of lands and public notice thereof given at the time of sale, or may by resolution provide that upon the completion of the public sale, the highest bid made thereat shall be subject to acceptance or rejection by the governing body, but the acceptance or rejection thereof shall be made not later than at the second regular meeting of the governing body following the sale, and, that if the governing body shall fail or refuse to accept or reject any such highest bid, as aforesaid, the said bid shall be deemed to have been rejected. Such sales may be adjourned at the time advertised for not more than one week without readvertising.

(b) Such governing body may from time to time by ordinance authorize the sale of any such properties at private sale for a period of time to be stated in said ordinance, which ordinance shall also fix the minimum sale price for each property so to be sold. A list of the properties so authorized to be sold, together with the minimum prices respectively, as determined by the governing body, shall be included in the ordinance and said list shall be posted in the city hall, or in such other municipal building in which the governing body usually holds its regular meetings. Additional copies of said list shall be made available for distribution. Offers for any or all properties so listed may be made to the governing body, at not less than the minimum prices as published by any prospective purchaser or any real estate broker or other persons legally authorized to consummate the transaction. The

commission to be paid to any such broker or person consummating a sale, other than the purchaser, shall be not more than five per centum (5%) of the sale price, and may be paid out of the down payment on account of the purchase price.

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

(c) In place of the above methods the governing body of any municipality may sell any such properties at private sale, as follows: Upon any offer being made by any person to the municipality to purchase any such property, the said offer shall be submitted to and considered by the governing body thereof at a regular or special meeting, and said governing body may then reject said offer, or may approve the same subject to final approval at a further public meeting of said governing body not less than ten days after said first meeting. Notice of the said further meeting of the governing body, containing said offer of purchase with a description of the land to be sold, the price thereof and terms and conditions of said sale, shall be published at least once in a newspaper circulating in said municipality, not less than two days nor more than ten days before said further meeting; and at said further meeting the said offer to purchase said property shall be considered by the governing body, which may then reject the same, or may confirm and ratify said sale under said terms and conditions, or a modification thereof; *provided,* that no higher price or better terms shall then be bid for said property by any other person, in which case the sale is to be made to the highest bidder; and said governing body may then authorize the proper officers thereof either to execute a formal agreement of sale with the purchaser which shall be binding upon said municipality and upon the purchaser, or may authorize the proper officers to make a deed of conveyance to said purchaser, as the case may require.

(d) In place of the above methods the governing body of any municipality may sell any such properties at public or private sale upon such terms and conditions as shall be authorized by resolution of said governing body, with the approval in writing of the director of the Division of Local Government in the State Department of Taxation and Finance, except that in the case of a sale to a veteran of World War II the approval of said director shall not be required.

All sales, either public or private, may be for cash or upon credit. The governing body may by resolution fix the time for settlement and payment of the consideration and when the sales are upon credit the municipality may accept a purchase money mortgage to be given by the purchaser or purchasers, the terms and conditions of which mortgage shall be fixed by the resolution of the governing body of the municipality; *provided, however,* that any such mortgage shall be fully payable within five years from the date of the sale and shall bear interest at a rate not less than five per centum (5%) per annum. The governing body may also impose any restrictions on the use to be made of such land and any conditions of sale as to buildings or structures to be erected thereon, or as to the type, size, or other specifications of such buildings or structures, or as to demolition, repair, or reconstruction of buildings or structures, and the time within which such conditions shall commence or be concluded, or any other conditions of sale in the manner and to the same extent as any other vendor of real estate, whether such sale shall be made at public or private sale; *provided, however,* that any conditions for the payment of the consideration upon credit and the restrictions on the use to be made of the land and the conditions of sale shall be set forth at length in any advertisement of sale hereinabove required. In all sales made pursuant to paragraphs (a), (c) or (d) of this section, the governing body of any municipality may pay a commission to any real estate broker or other per-

Proviso.

Proviso.

son other than the purchaser actually consummating such sale, but said commissions shall not be more than five per centum (5%) of the sale price.

2. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 246

AN ACT authorizing the governing body of any municipality in this State to sell and convey lands to any organization or association of veterans for the purpose of providing and building homes for paraplegic veterans, when said lands are not needed for municipal purposes.

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

C. 40:60-40.2. Authorized to make conveyance.

1. When the governing body of a municipality shall determine that all or any part of any tract of land owned by the municipality, is not then needed for municipal purposes, it may, by resolution, authorize the sale and conveyance of same or any part thereof to any organization or association of veterans for a nominal price, providing that such purchase of land is to be used exclusively for the erection of houses to domicile paraplegic veterans, and upon such conditions, terms and limitations as such body shall deem advisable.

C. 40:60-40.3. Paraplegic veteran.

2. As used in this act, the words "paraplegic veteran" mean and include any officer, soldier, sailor, marine, nurse or other person, male or female, regularly enlisted or inducted, who was, or shall have been, in the active military or naval forces of the United States in any war in which the United States was engaged, and who was honorably discharged from such forces, and who was a resident of this State at the time he was

commissioned, enlisted, inducted, appointed or mustered into such military or naval service and continues to reside in this State, and who is suffering from paraplegia and has permanent paralysis of both legs or the lower parts of the body resulting from injury sustained through enemy action or accident while in such active military or naval service.

3. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 247

AN ACT concerning boxing and wrestling exhibitions, and supplementing chapter two of Title 5 of the Revised Statutes.

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

C. 5:2-13.1. Printer to be licensed.

1. A licensee, under the chapter supplemented by this act, may use only tickets obtained from a printer licensed by the commissioner. The commissioner is authorized to issue licenses to printers for the purpose of this act and for the prevention of fraud and to prescribe rules and regulations governing such issuance and may for cause revoke the same. Such tickets shall be printed and made in such form as the commissioner shall prescribe. All licenses hereunder shall be for a period of one year unless sooner revoked for cause. At the time of the application for such license the applicant shall execute and file with commissioner a bond to the State of New Jersey in the sum of five thousand dollars ($5,000.00) in proper form and with sureties thereon satisfactory to the commissioner, which bond shall be conditioned for compliance with the provision of the license.

Specifications for tickets.

Bond.

C. 5:2-13.2. Act operative.

2. This act shall take effect immediately and become operative sixty days after approval.

Approved July 21, 1948.

CHAPTER 248

A SUPPLEMENT to "An act providing for housing veterans of World War II and other people of the State and declaring an emergency in respect thereto," approved October first, one thousand nine hundred and forty-six (P. L. 1946, c. 323).

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

1. It shall be the duty of the administrator of the Public Housing and Development Authority, constituted by the act to which this act is a supplement, to file with the Commissioner of Taxation and Finance, not later than the tenth day of July following the effective date of this act, a report of its operations, directly or under contract, under said act to June thirtieth next succeeding the effective date of this act, showing, in such detail and upon such forms as shall be prescribed by the Commissioner of Taxation and Finance, and indicating separately the State's share and the shares of the various municipalities in,

C. 55:14G-27. Report, contents.

(a) All income received by the Authority from rentals or other sources;

(b) All expenses paid or incurred for operation, maintenance or other purposes;

(c) All moneys placed or held in reserve under contract; and

(d) All balances uncommitted;

and thereafter to furnish on the tenth day of each calendar month, beginning with the month of August next succeeding the effective date of this act, a report in the same detail and containing the same items for the preceding calendar month.

2. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 249

AN ACT to provide the precautions to be taken in the proximity of high-voltage lines for the prevention of accidents; to make provisions for the administration and enforcement thereof by the Commissioner of Labor and to prescribe penalties for violations thereof.

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

C. 34:6-47.1. Terms defined:

1. Definitions. For the purpose of this act:

Commissioner;

a. "Commissioner" shall mean the Commissioner of Labor or any of his authorized representatives.

Department;

b. "Department" shall mean the Department of Labor, or the Division of Engineering and Safety of the department.

Approved;

c. "Approved" shall mean approved by the commissioner.

High voltage;

d. "High-voltage" shall mean a voltage in excess of seven hundred fifty volts between conductors or from any conductor to ground.

Overhead lines.

e. "Overhead lines" shall mean all bare or insulated electrical conductors installed above ground, excepting those conductors that are enclosed in approved metal covering.

C. 34:6-47.2. General provisions.

2. General provisions. No person, firm, or corporation, or agent of same, shall require or permit any employee to perform any function in proximity to high-voltage lines; to enter upon any land, building, or other premises and there to engage in any excavation, demolition, construction, repair or other operation; or to erect, install, operate or store in or upon such premises any tools, machinery, equipment, materials, or structures, including house moving, well drilling, pile driving or hoisting equipment, unless and until danger from accidental

contact with said high-voltage lines has been effectively guarded against in the manner hereinafter prescribed.

C. 34:6-47.3. Clearance or safeguards required.

3. Clearance or safeguards required. The operation, erection or transportation of any tools, machinery, or equipment, or any part thereof capable of vertical, lateral, or swinging motion, the handling, transportation or storage of any supplies, materials or apparatus, or the moving of any house or other building, or any part thereof, under, over, by or near high-voltage lines, is hereby expressly prohibited, if at any time during such operation, transportation or other manipulation it is possible to bring such equipment, tools, materials, building or any part thereof within six feet of such high-voltage lines, except where such high-voltage lines have been effectively guarded against danger from accidental contact, by either:

(1) The erection of mechanical barriers to prevent physical contact with high-voltage conductors; or

(2) De-energizing the high-voltage conductors and grounding where necessary.

Only in the case of either such exception may the six foot clearance required be reduced. The required six foot clearance shall not be provided by movement of the conductors through strains impressed, by attachments or otherwise, upon the structures supporting the high-voltage line nor upon any equipment, fixtures or attachments thereon.

If temporary relocation of the high-voltage conductors is necessary appropriate arrangements shall be made with the owner or operator of the overhead line for such temporary relocation.

C. 34:6-47.4. Warning sign required.

4. Warning sign required. The owner, agent, or employer responsible for the operations of equipment, shall post and maintain in plain view of the operator on each crane, derrick, power-shovel, drilling-rig, hay-loader, hay-stacker, pile-driver, or similar apparatus, any part of which is capable of vertical, lateral or swinging motion, an approved

durable warning sign legible at twelve feet reading, "Unlawful to operate this equipment within six feet of high-voltage lines"; *provided, however,* that this requirement shall not apply to railway equipment operating on railway right of way in relation to high-voltage conductors of such railway system under conditions for which exemption is granted under section eight of this act.

C. 34:6-47.5. Notice to power companies.

5. Notification to power company and responsibility for safeguards. When any operations are to be performed, tools or materials are to be handled, or equipment is to be moved or operated, within six feet of any high-voltage line, the person or persons responsible for the work to be done, shall promptly notify the operator of the high-voltage line of the work to be performed and such person shall be responsible for the completion of the safety measures, which are required by sections two and three of this act, before proceeding with any work which would impair the aforesaid clearance.

C. 34:6-47.6. Enforcement.

6. Enforcement. The commissioner shall administer and enforce the provisions of this act and he is hereby empowered to prescribe and promulgate rules and regulations consistent herewith.

C. 34:6-47.7. Violations penalty.

7. Violations made misdemeanors; punishment. Any person, firm, corporation or agent of the same; who fails to comply with or who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not less than twenty-five dollars ($25.00) nor more than one thousand dollars ($1,000.00), or imprisonment not exceeding one year, or both, in the discretion of the court. All fines collected shall be delivered to the State Treasurer for the general use of the State.

C. 34:6-47.8. Exceptions.

8. Exceptions. This act shall not be construed as applying to, shall not apply to, and is not intended to apply to, the construction, reconstruction, operations, and maintenance of overhead electrical conductors and their supporting structures and associated equipment by authorized and qualified electrical workers; nor to the authorized and

qualified employees of any person, firm, or corporation engaged in the construction, reconstruction, operation, and maintenance of overhead electrical circuits or conductors and their supporting structures and associated equipment of rail transportation systems, or electrical generating, transmission, distribution, and communication systems. This exception when applied to railway systems, shall be construed as permitting operation of standard rail equipment, which is normally used in the transportation of freight or passengers or both and the operation of relief trains, or other equipment in emergencies, or in maintenance of way service, at a distance of less than six feet from any high-voltage conductor of such railway system; but this act shall be construed as prohibiting normal repair or construction operations at a distance of less than six feet from any high-voltage conductor by other than properly qualified and authorized persons or employees under the direct supervision of an authorized person who is familiar with the hazards involved, unless there has been compliance with the safety provisions of sections two, three, four and five hereof.

C. 34:6-47.9. Provision severable.

9. In case any provision of this act shall be adjudged unconstitutional or void for any reason, such adjudication shall not affect any of the other provisions of this act.

10. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 250

AN ACT concerning the pension and retirement of employees of municipalities who transfer from the service of any municipality in this State to the service of the Port of New York Authority and preserving unto such municipal employees certain pension or retirement privileges as the same existed at the time of transfer.

Preamble. WHEREAS, By chapters forty-three and eight hundred two, respectively, of the laws of New Jersey and the laws of New York of one thousand nine hundred and forty-seven, the said two States have declared it to be their policy to encourage the integration of air terminals within the Port of New York District so far as practicable in a unified system, and in furtherance of said policy have authorized the Port of New York Authority (hereinafter called the "Port Authority") to improve, develop, operate and maintain air terminals and have authorized and and empowered municipalities in the Port of New York District to co-operate with the Port Authority in the development of air terminals and to consent to the use by the Port Authority of any air terminals owned by them and of any real and personal property owned by them; and

Preamble. WHEREAS, By the Compact of April thirtieth, one thousand nine hundred and twenty-one, creating the Port Authority, the two said States granted to the Port Authority full power and authority to purchase, construct, lease and operate marine terminals within the Port of New York District, and by chapters forty-four and six hundred thirty-one, respectively, of the laws of New Jersey and the laws of New York of one thousand nine hundred and forty-seven, the said two States have authorized and empowered municipalities in

the State of New Jersey located in the Port of New York District to co-operate with the Port Authority in the development of marine terminals and to consent to the use by the Port of Authority of marine terminals owned by them and of any real and personal property owned by them; and

Preamble.

WHEREAS, It is necessary and desirable in the public interest that the pension and retirement privileges of employees in the service of such municipalities at or in connection with such air and marine terminals who transfer to the employ of the Port Authority be protected; now, therefore,

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

C. 43:11A-1. Terms defined:

1. As used in this act, the following terms shall mean:

Air terminal;

(a) "Air terminal" shall mean an air terminal as defined in chapter forty-three, laws of New Jersey, one thousand nine hundred and forty-seven and chapter eight hundred two, laws of New York, one thousand nine hundred and forty-seven.

Marine terminal;

(b) "Marine terminal" shall mean a marine terminal as defined in chapter forty-four, laws of New Jersey, one thousand nine hundred and forty-seven and chapter six hundred thirty-one, laws of New York, one thousand nine hundred and forty-seven.

New Jersey municipality;

(c) "New Jersey municipality" shall mean any city, county, town, village, borough, or other political subdivision of the State of New Jersey located in the Port of New York District.

Municipal service;

(d) "Municipal service" or "municipal employment" shall mean service or employment as an officer or employee of a New Jersey municipality.

(e) "Former New Jersey municipal employee" shall mean an officer or employee of the Port Authority who, within ninety days prior to the commencement of his Port Authority employment, was in the employ of a New Jersey municipality at or

in connection with an air or marine terminal the operation of which was assumed by or vested in the Port Authority during such ninety-day period pursuant to an agreement between such municipality and the Port Authority for the sale, lease or operation thereof, and who, if he had continued in his municipal employment would, presumptively, have been entitled to a pension under an applicable New Jersey pension act.

Applicable New Jersey pension act;

(f) "Applicable New Jersey pension act" as used in reference to a former municipal employee shall mean a New Jersey act providing for the payment of pensions to municipal employees upon or after their retirement from municipal service, or establishing or regulating pension funds from which pensions are paid or to be paid to municipal employees upon their retirement from municipal service, to which said pension such former municipal employee would presumptively have been entitled if he had continued in his municipal employment for a specified period of time or until attaining a specified age, and, without limiting the generality of the foregoing, the provisions of this section shall, and shall be deemed to, include all applicable provisions of chapter four, chapter twelve and chapter nineteen of Title 43 of the Revised Statutes.

New Jersey pension;

(g) "New Jersey pension" shall mean the annual payment made to a former municipal employee under an applicable New Jersey pension act as supplemented by this act.

New York retirement system;

(h) "New York Retirement System" shall mean the New York State Employees' Retirement System as now or hereafter constituted.

Retirement;

(i) "Retirement" shall mean retirement pursuant to the laws governing the retirement of employees who are members of the New York Retirement System.

New York retirement allowance;

(j) "New York retirement allowance" shall mean the total annual payments consisting of pension and annuity made to a former municipal employee by the New York Retirement System.

(k) "Final average salary" shall mean a former municipal employee's salary for retirement purposes as computed by the New York Retirement System. Final average salary.

2. Upon his retirement from Port Authority service, a former municipal employee shall be paid a New Jersey pension under, pursuant to and in accordance with the terms of the applicable New Jersey pension act as the same was in effect at the time he left the municipal service, or as such act may hereafter be amended or supplemented, such pension to be paid from the same source and in the same manner as though he had remained in the municipal service until he became entitled to a pension under the applicable New Jersey pension act, and such New Jersey pension to be computed as follows: C. 43:11A-2. New Jersey pension and retirement, computing.

(a) Where, if he had remained in the municipal service, the employee would have been required to complete twenty years of municipal service in order to qualify for a pension, his New Jersey pension shall be five per centum (5%) of one-half of the annual salary from the municipality at the time of termination of his municipal employment, multiplied by the number of years of his municipal service, not exceeding twenty years;

(b) Where, if he had remained in the employ of the municipality, the employee would have been required to complete twenty-five years of municipal service in order to qualify for a pension, his New Jersey pension shall be four per centum (4%) of one-half of the annual salary from the municipality at the time of termination of his municipal employment, multiplied by the number of years of his municipal service, not exceeding twenty-five years;

(c) Where, if he had remained in the employ of the municipality, the employee would have been required to complete forty years of municipal service in order to qualify for a pension, his New Jersey pension shall be two and one-half per centum (2½%) of one-half of the annual salary from the

municipality at the time of termination of his municipal employment, multiplied by the number of years of his municipal service, not exceeding forty years;

Proviso. *Provided,* that the formulae above set forth in subparagraphs (a), (b) or (c) shall be adjusted to meet any amendment or supplement to any applicable New Jersey pension act, as hereinbefore defined in section one, subdivision (f); and

Proviso. *Provided, further,* that if the payments required to be made under and pursuant to the foregoing subparagraphs (a), (b) or (c) plus the New York retirement allowance shall exceed one-half of the employee's final average salary, then the New Jersey pension shall be reduced by the amount of such excess.

C. 43:11A-3. Contributions to cease.

3. Any contribution required to be made by an employee under an applicable New Jersey pension act shall cease upon the termination of his municipal employment. If a former municipal employee terminates his employment with the Port Authority prior to retirement as herein provided, he shall be entitled to receive any refunds to which he would, under such applicable pension act, have been entitled upon the termination of his municipal employment.

C. 43:11A-4. Payment to dependents.

4. Any benefit which would have been payable under an applicable New Jersey pension act to the dependents of a former municipal employee upon his decease if he had continued in his municipal employment shall be paid, if he dies while in Port Authority employment, in the same amount, from the same source and in the same manner as if he had so continued; *provided,* that if such dependents shall receive an annual payment from the New York Retirement System, then they shall receive the amount of such benefits payable under the applicable New Jersey pension act, less the amount of such annual payment from the New York Retirement System.

Proviso.

5. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 251

AN ACT to improve the condition of tenement houses in this State, and amending sections 55:3–1, 55:3–8, 55:3–18, 55:3–21, 55:3–22, 55:3–23, 55:5–7 and 55:5–9 of the Revised Statutes.

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

1. Section 55:3–1 of the Revised Statutes is amended to read as follows: Section amended.

55:3–1. A fireproof stairway is a stairway which is constructed of iron, steel, concrete or other fireproof material approved by the board whether located within the body of the building or outside of but attached to the building. All such stairs and platforms shall have the necessary handrails which shall be at least thirty inches in height. A fire tower is a fireproof stairway which shall be inclosed in masonry walls at least eight inches thick. There shall be no opening in any wall separating it from the building. Access shall be provided to the stairway from the main hall of every floor of the building by means of an outside balcony or vestibule of steel, iron or masonry. Every such balcony or vestibule shall have an unobstructed width of at least thirty-six inches and shall be provided with a fireproof floor and a railing of incombustible material not less than three feet high. Access to such balconies from the building and to the stairway from the balconies shall be by means of fireproof doors. The level of the balcony floor shall be not more than seven inches below the level of the door or sill of the building. The doors shall be not less than thirty-six inches wide and shall swing outward on to the balcony from the hall and inward from the balcony to the stairway and shall be provided with latches with visible fastenings Fireproof stairways and balconies.

requiring no key to open them in leaving the building. The landings shall be of such width that the doors in opening into the stairway shall not reduce the free passageway of the landings to a width less than the width of the stairs which shall be three feet in the clear. Such stairways shall be provided with a window to the outer air furnishing adequate light and also provided with electric light. An approved auxiliary lighting system shall also be provided. A "fire stair" is a fireproof stair, inclosed in fireproof walls, within the body of the building which it serves, to which access may be had only through self-closing, fireproof doors which doors shall not be held open by any kind of a device. All stairs shall be provided with access to the street as set forth in sections 55:3–6 or 55:3–23 of this Title. Where the tenement house is not more than three stories in height the provisions of this section shall not apply.

Section amended.

2. Section 55:3–8 of the Revised Statutes is amended to read as follows:

Fire escapes specifications.

55:3–8. All fire escapes erected on any tenement house shall be made of iron or steel of good quality and have one coat of approved paint before leaving the shop and at least one coat after erection and shall be always kept in good repair. All fire escapes and fireproof outside stairs on tenement houses shall be kept well painted if built of iron or steel and all outside stairs of any form of construction shall be kept in good repair.

Section amended.

3. Section 55:3–18 of the Revised Statutes is amended to read as follows:

Fireproof scuttle.

55:3–18. Every tenement house erected after April twenty-first, one thousand nine hundred and thirty-one, except those which are constructed with a peaked roof, gambrel roof or a roof of a similar type, not over three stories in height may have, in lieu of such bulkhead, a metal covered scuttle, and the space between the ceiling and such scuttle shall be completely inclosed. The stairs leading to the same shall be placed at an angle not greater than sixty degrees. In tenement houses not more than

three stories in height and in any two-story tenement house an iron ladder may be used in lieu of stairs. In every tenement house erected prior to said date, more than two stories in height, a metal scuttle, readily accessible to all tenants at all times, shall be placed in the roof, and there shall be a securely fastened iron ladder extending from the floor to such scuttle. In every tenement house erected prior to said date, having a scuttle or in which a scuttle shall be constructed, the space between the ceiling and such scuttle shall be completely inclosed.

Section amended.

4. Section 55:3–21 of the Revised Statutes is amended to read as follows:

Additional stairways required in nonfireproof tenements.

55:3–21. Every nonfireproof tenement house erected after March twenty-fifth, one thousand nine hundred and four, containing over twenty-six apartments or suites of rooms above the entrance story, shall have an additional stairway for every additional twenty-six apartments or fraction thereof. If said house contains not more than thirty-six apartments above the entrance story in lieu of an additional stairway, the stairs, stair halls, and entrance halls throughout the entire building may each be at least one-half wider than is specified in section 55:3–20 of this Title. Where more than two stairways are required by this section an outside open stairway or a fire tower as required by section 55:3–1 of this Title may be deemed an additional stairway.

Section amended.

5. Section 55:3–22 of the Revised Statutes is amended to read as follows:

Additional stairways required in fireproof tenements.

55:3–22. Every fireproof tenement house erected after March twenty-fifth, one thousand nine hundred and four, containing over thirty-six apartments or suites of rooms above the entrance story, shall also have an additional stairway for every additional thirty-six apartments or fraction thereof; but if said house contains not more than forty-eight apartments above the entrance story, in lieu of an additional stairway the stairs, stair halls and entrance halls throughout the entire building

may each be at least one-half wider than is specified in section 55:3–20 of this Title; and if said house contains not more than eighty-four apartments above the entrance story in lieu of three stairways, there may be but two stairways, if one of such stairways, and the stair halls and the entrance halls connected therewith are at least one-half wider than is specified in said section 55:3–20. Where the tenement house contains more than eighty-four apartments above the entrance story the ratio of two stairways for each additional eighty-four apartments shall be continued. For the purpose of computing the number of stairs required by this paragraph, any apartment above the entrance floor consisting of not more than three rooms, one of which rooms is a kitchen or kitchenette, shall be construed as one-half an apartment. The distance from the entrance door of an apartment to the nearest stairway shall not exceed seventy-five feet. One-half the number of stairways required by this section may be an outside fireproof stairway or a fire tower as defined in section 55:3–1 of this Title. A "scissor" or similar type stairway may be approved if in the opinion of the board such a stairway meets the spirit of this section.

Section amended.

6. Section 55:3–23 of the Revised Statutes is amended to read as follows:

Stairs, specifications.

55:3–23. Each stairway mentioned in sections 55:3–20 to 55:3–22 of this Title shall have an entrance on the entrance floor from the street or street court, or from an inner court which connects directly with the street. Each flight of stairs mentioned in section 55:3–22 of this Title shall be a "fire stair" as defined in section 55:3–1 of this Title. Each stairway required by section 55:3–21 of this Title shall be fireproof and if all of the stairs open to a common hall, they shall, except one stairway and its stair hall, be completely separated from the public and entrance halls and any elevator shaft by fireproof walls as set forth in section 55:3–29 of this Title, except for door openings, which shall be closed by self-closing fireproof doors

in fireproof frames and the doors shall not be held open by any kind of a device. In fireproof tenement houses more than four stories in height and where the halls are artificially lighted, they shall be ventilated by gravity vent flues as set forth in section 55:5–7 of this Title. All stairs shall be constructed with a rise of not more than eight inches and with treads not less than ten inches wide and not less than three feet long in the clear. In tenement houses erected after March twenty-first, one thousand nine hundred and twenty-five, the use of winders in the stairs will not be permitted.

Section amended.

7. Section 55:5–7 of the Revised Statutes is amended to read as follows:

Windows, stair-wells, skylights, public halls.

55:5–7. In every tenement house erected after March twenty-fifth, one thousand nine hundred and four, which is occupied or arranged to be occupied by more than two families, on any floor, or which exceeds four stories in height, every public hall shall have at least one window opening directly upon the street, or upon a yard or court. Either such window shall be at the end of said hall, with the plane of the window at right angles to the axis of the said hall, or there shall be at least one window opening directly upon the street, or upon a yard or court in every twenty feet in length or fraction thereof of said hall; but this provision for the window in every twenty feet of hallway shall not apply to that portion of the entrance hall between the entrance and the first flight of stairs, if the entrance door contains not less than five square feet of glazed surface.

In every public hall in such tenement house recesses or returns, the length of which does not exceed twice their width, will be permitted without an additional window, but wherever the length of such recess or return exceeds twice its width, the above provisions in reference to one window in every twenty feet of hallway shall be applied.

Any part of the hallway which is shut off from any other part of said hall by a door or doors shall be deemed a separate hall, within the meaning of this section.

In every tenement house erected after such date where the public hall is not provided with a window opening directly to the outer air as above provided, there shall be a stair-well not less than twelve inches wide in the clear, extending from the entrance floor to the roof, and all doors leading from such public halls shall be provided with translucent panels of wire glass having an area of not less than five square feet for each door.

In every tenement house erected after said date not more than two stories in height a skylight of the size provided in section 55:5–13 of this Title may be accepted in lieu of a window, if, in the opinion of the board, it adequately lights all parts of the hall.

In fireproof tenement houses erected after said date, in lieu of the window requirements as provided for in this section, electric light may be substituted in all public halls, fire stairs and any elevator vestibule. Such electric light shall burn continuously and shall adequately light all portions of these halls and shall be maintained to the satisfaction of the board. In addition to the regular electric supply an approved auxiliary lighting system shall be installed which shall adequately light these halls during any interruption of the regular service. Where the fireproof tenement house is over four stories in height and the halls are artificially lighted in the manner here set forth, all fire stairs and all public halls, except the entrance hall and the top floor hall, if this hall is provided with a ventilating skylight or skylights, shall be ventilated by fireproof gravity vent flues of at least twelve inches in each dimension or by mechanical means approved by the board. There shall be one vent flue for each one thousand cubic feet of air content of such public hall. Such vent flues shall be continuous for the height of the building and the openings at each story shall be equipped with fire dampers held open by a fusible link at each opening and properly hooded or provided with louvers at the top above the roof.

8. Section 55:5–9 of the Revised Statutes is amended to read as follows: Section amended.

55:5–9. In every tenement house erected after March twenty-fifth, one thousand nine hundred and four, the aggregate area of windows to light or ventilate stair and public halls shall be at least eighteen square feet for each floor, except that where the stair hall has no offsets or recesses the window may be twelve square feet in area. There shall be provided for each story at least one of said windows, which shall be at least two and a half feet wide and five feet high, measured between stop beads. A sash door shall be deemed the equivalent of a window in this section and sections 55:5–7 and 55:5–8 of this Title, if such door contains the amount of glazed surface prescribed for such windows. Any additional stairway and its stair hall which may be required by the provisions of section 55:3–21 of this Title, if separated from a public hall by partitions of wire glass in steel frames, shall not require a window as set forth in this section. Stair windows, public halls.

9. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 252

AN ACT concerning warning devices on locomotives, and amending section 48:12–57 of the Revised Statutes.

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

1. Section 48:12–57 of the Revised Statutes is amended to read as follows: Section amended.

48:12–57. Every railroad company shall place on each engine a bell weighing not less than thirty pounds which shall be rung continuously in ap- Warning equipment required.

proaching a grade crossing of a highway, beginning at a distance of at least three hundred yards from the crossing and continuing until the engine has crossed such highway, or a whistle or horn operated by steam, air or electricity, which shall be sounded, except in cities, at least three hundred yards from the crossing and at intervals until the engine has crossed the highway.

Penalty.

For every default the company operating such road shall pay a penalty of twenty dollars ($20.00) to be sued for by any informer within ten days after such penalty was incurred, one-half to go to the informer and one-half to the county wherein such default occurred. Nothing herein shall take away any remedy for such neglect from any person injured thereby.

2. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 253

AN ACT to prescribe a procedure for the collection and enforcement, in summary proceedings, of penalties imposed, and provided to be collected or enforced by summary proceedings or in a summary manner, by any statute heretofore or hereafter enacted.

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

C. 2:72A-1. Act an additional remedy.

1. Any penalty imposed by any statute heretofore or hereafter enacted, which by direction or authority of such statute may be collected or enforced by summary proceedings or in a summary manner may be collected and enforced in summary proceedings in accordance with the procedure prescribed in this act and if such statute itself pro-

vides the procedure for such enforcement thereof then such penalty may be collected and enforced under this act by way of additional remedy and in the enforcement of any statute under this act any provision of such statute shall be available so far as is provided in this act.

C. 2:72A-2. Jurisdiction of proceedings.

2. Every district court in any city or in any judicial district in any county, and every court of common pleas in any county, and any other court upon which, or any magistrate or other judicial officer upon whom, jurisdiction is conferred by the statute imposing the penalty, shall have jurisdiction of proceedings for the enforcement of any such penalty by the procedure provided by this act.

C. 2:72A-3. Complaint, contents.

3. A complaint shall be made in writing, shall be duly verified, shall specify the person who was alleged to have violated a provision of any statute, for the violation of which is imposed a penalty to be enforced in summary proceedings or in a summary manner, and shall specify the statute, and identify the provision, violated, and shall specify the time, place and nature of such violation.

C. 2:72A-4. Complaint on information and belief.

4. If so provided in the statute imposing the penalty, the complaint may be made on information and belief by any person designated for that purpose in such statute.

C. 2:72A-5. Process to issue.

5. Upon the filing of a complaint process shall issue, which process shall specify the provision of the statute which is alleged to have been violated by the defendant.

C. 2:72A-6. Nature of process.

6. In all cases such process may be in the nature of a summons, which shall be returnable in not less than five, nor more than fifteen days, or if so provided in the statute imposing the penalty, a warrant may issue, in lieu of a summons, in which case such warrant may issue without any order of the court first being obtained.

C. 2:72A-7. Service and execution of process.

7. Any process issued under this statute may be served and executed by any officer authorized to serve and execute process in the court in which the proceedings are brought, or by any other person designated for that purpose in the statute imposing the penalty.

C. 2:72A-8. Arrest without a warrant, complaint filed.

8. If the statute imposing the penalty authorizes arrest without a warrant for a violation, done within the view of an enforcing officer, for which a penalty is imposed enforceable in summary proceedings or in a summary manner, such officer may arrest for such a violation without a warrant, and in such case shall carry the defendant before a court having jurisdiction of proceedings to enforce such penalty, and shall then forthwith file a complaint, and in such case no process for the defendant's appearance shall issue, but upon the filing of the complaint the cause shall proceed as though process had issued and had been there and then duly served and returned.

C. 2:72A-9. Court to proceed summarily.

9. On the return of the process or at any time to which the trial shall be adjourned, the court, in which such proceedings were instituted, shall proceed summarily to hear the testimony and to determine and give judgment in the matter without the filing of any pleadings, except such complaint, by the plaintiff, whether for the recovery of a money penalty or costs or both, or otherwise, or by the defendant.

C. 2:72A-10. Hearing without jury.

10. If so provided in the statute imposing the penalty, such hearing shall be without a jury.

C. 2:72A-11. Adjournments.

11. Any hearing held pursuant to this act may, in the discretion of the court in which the proceedings were instituted, be adjourned from time to time, but on adjournment in every case, except where the first process was a summons, such court shall detain the defendant in safe custody, unless he shall make deposit in cash or enter into a bond, with at least one sufficient surety, in double the amount of the penalty, or if there be no money penalty, then in such sum, not exceeding five hundred dollars ($500.00) as shall be fixed by the court, conditioned for the appearance of the defendant on the day to which the hearing is adjourned, and thence from day to day until judgment is rendered.

Defendant detained, bond.

C. 2:72A-12. Judgment, form.

12. The judgment of conviction in prosecutions instituted and carried on in accordance with the procedure prescribed in this act, shall be signed by

the judge of the court in which, or the judicial officer by whom, the judgment is rendered, and shall be in substantially the following form:

State of New Jersey, }
} ss.
County of }

Be it remembered, that on the day of A. D. 19 , at (name of municipality) in said county, in a summary proceeding, at the suit of , upon complaint made by , in which proceeding the witnesses who testified for the plaintiff were (name them) and the witnesses who testified for the defendant were (name them) it was considered, determined and adjudged by (name of court, or other judicial officer) , that the defendant (name) was convicted of violating section , (describe statute violated) , and the acts amendatory thereof and supplemental thereto (if more than one violation is described in the section violated, here insert a description of the actual violation in the words of the statute, thus, "in that he did").

(If the evidence discloses a former conviction by reason whereof the defendant is subjected to a greater penalty, insert the following), "and that the defendant had previously been convicted of violations of the same (statute or section) , and by reason thereof was subject to a penalty as second subsequent offender."

Wherefore, the said (name of court, or other judicial officer) doth hereby give judgment that,

(If money penalty alone is imposed insert the following), "the plaintiff recover of the defendant (amount) penalty, and (amount) costs of this proceeding."

(If a term of imprisonment alone is imposed, insert the following) "the defendant be imprisoned in the (name institution to which commitment is made) for the term of days and pay (amount) costs of this proceeding."

(If both a money penalty and a term of imprisonment are imposed, insert the following) "the plaintiff recover of the defendant penalty and (amount) costs of this proceeding and in addition the defendant be imprisoned in the (name institution to which commitment is made) for the term of days."

.....

(Signature of judge or other judicial officer.)

C. 2:72A-13. Commitment.

13. If the statute imposing the penalty provides for commitment of the defendant, upon the failure of the defendant to pay forthwith the amount of any money judgment rendered against him, the court in which such judgment is rendered shall in any such case cause the defendant to be committed to any institution and for any number of days, which shall be authorized or directed by such statute, unless the judgment shall be sooner paid.

C. 2:72A-14. Form of commitment.

14. The form of commitment shall be added beneath the signature to the judgment and shall also be signed by the judge or other judicial officer, and shall be substantially in one of the following forms:

(If commitment is for failure to pay forthwith a money judgment, insert the following) "and the said defendant (name) having failed to pay forthwith the amount of the judgment above mentioned, it is hereby ordered that the said (name defendant) be and hereby is committed to (name of institution) for a period of days, unless the amount of said judgment is sooner paid."

(If commitment is for a term of imprisonment and not for failure to pay a money penalty, insert the following) "it is hereby ordered that the said (name defendant) be and hereby is committed to (name of institution) for a period of days."

(If commitment is for a term of imprisonment and also for failure to pay a money judgment, insert the following) "it is hereby ordered that the said (name of defendant) be and hereby is committed to (name of institution) for a period of days, and the said defendant (name) having failed to pay the amount of the money judgment above mentioned, it is hereby further ordered that the said (name defendant) be and hereby is committed to (name of institution) for an additional period of days, unless the amount of said judgment is sooner paid."

C. 2:72A-15. Warrant of commitment.

15. In any case in which the defendant is committed to jail, the judgment and commitment shall be signed in duplicate and one of the duplicates shall serve the purpose of a warrant of commitment.

C. 2:72A-16. Money judgments, execution.

16. If a money judgment is rendered against a defendant, execution may issue,

(1) Against the goods and chattels of such defendant in all cases, and also,

(2) Against the lands of such defendant if such judgment is rendered in a court of common pleas, and also,

(3) Against the body of such defendant if such defendant has not been committed for failure to pay the judgment, and if the court in which the judgment is rendered shall, by special order, so direct and shall designate in said order the maximum number of days during which the defendant may be detained in custody under such body execution, in no case to exceed one hundred days.

C. 2:72A-17. Form of execution.

17. Execution shall be substantially in the following form:

County: ss—The State of New Jersey

{Seal of court or judicial officer.} to any (title of officer directed to serve process)

Greeting:

You are hereby commanded to levy and make of the goods and chattels of (name of defendant) the sum of dollars, penalty, and dollars, costs, which (name of plaintiff) by a judgment of (name of court or other judicial officer) rendered on the day of A. D. nineteen hundred and , recovered against the said (name of defendant) and also the costs thereof.

(If execution is issued in Common Pleas Court, insert the following) "and for want of sufficient goods and chattels whereon to levy and make the same, then we further command you that you cause the whole or the residue, as the case may require, of said penalty and costs to be made of the lands, tenements, hereditaments and real estate whereof the said defendant (name defendant) was seized on the day of nineteen hundred and , or at any time afterwards in whose hands soever the same may be," and forthwith pay the same to the said (name of plaintiff) or in absence, into said court.

If body execution be awarded, insert the following) "and for want of sufficient property as aforesaid whereon to levy and make the same, to take the body of said (name of defendant) and convey to the common jail of the county aforesaid and deliver to the keeper thereof, who is hereby commanded to receive and keep

in safe custody until the said penalty and costs be fully paid, or in default thereof until the expiration of days from the delivery of the body of said (name of defendant) to said keeper, or until prior thereto be thence delivered by due course of law," and due and legal return make of the proceedings had on this execution.

Witness (name of judge or judicial officer) Judge of the said (title of court) Court, this day of A. D. 19 , at

.....
(Signature and title of clerk or court or judicial officer.)

C. 2:72A-18. Recovery of costs.

18. The costs recoverable in any proceeding instituted under this act shall be such as are prescribed in the statute imposing the penalty, and shall be recovered by the plaintiff if the judgment is rendered against the defendant.

C. 2:72A-19. Docketing money judgment.

19. Any money judgment rendered in proceedings instituted under this act in any court other than the court of common pleas, if not less than ten dollars ($10.00), excluding costs, remains due thereon may be docketed in the court of common pleas of the county in which the judgment was rendered.

(1) If the judgment was rendered in a district court, or in a court for the trial of small causes, said judgment shall be docketed in the same manner as other judgments of said courts are docketed and shall be of like effect.

(2) If such judgment is rendered in any court or before any judicial officer other than a court of common pleas, a district court, or a court for the trial of small causes, the procedure for docketing the same shall be as follows:

(a) There shall be filed with the clerk of the court of common pleas a statement signed

by the court or judicial officer before whom the judgment was recovered, under his hand and seal, which shall state the name of the officer and his official title or that of the court before which such judgment was rendered; the parties for and against whom the judgment was rendered; the amount and date of the judgment; and the date of issuance and return of execution, if any, and;

(b) With said statement shall be filed an affidavit of the plaintiff or his attorney setting forth the amount then due and unpaid upon the judgment.

(c) The clerk of the court of common pleas shall keep a docket in which shall be entered a copy of the statement, certified as aforesaid, and a note of the amount due as shown by said affidavit, which entry, lawfully made, shall have the same force as a judgment of the court of common pleas.

(d) The court or judicial officer issuing the said statement shall be entitled to be paid for issuing the same, the sum of fifty cents ($0.50), and the clerk of the court of common pleas shall be entitled to be paid for filing said statement the sum of twenty-five cents ($0.25).

(e) The clerk of the court of common pleas shall make a complete alphabetical index to the docket in which such judgments are entered, and said docket shall be a public record to which all persons shall have access.

(f) If any such judgment shall be removed by appeal or certiorari in the manner required by law and proper surety given, if required, and such judgment shall be docketed as herein provided either before or after such removal, execution from the court of common pleas shall be stayed and suspended until the final determination of such appeal or certiorari.

(g) After a judgment shall be docketed in the court of common pleas no execution shall issue thereon out of the court in which the

same was rendered nor shall any proceeding be had therein except with respect of the taking of an appeal if an appeal be authorized, or with respect to a writ of certiorari.

(h) If any judgment docketed as hereinbefore provided shall be reversed upon certiorari or appeal, the clerk of the court of common pleas shall enter in the margin of the docket opposite the entry of such judgment, in short form, the substance of such determination upon the appeal or certiorari upon the filing with him of a duly certified transcript of the judgment of any court other than said court of common pleas wherein such appeal may have been determined or of the judgment upon certiorari.

C. 2:72A-20. Clerk may issue process.

20. The clerk of the court in which the proceedings are instituted may sign, seal and issue any process required to be issued under this act, except a warrant of commitment.

C. 2:72A-21. To have effect of conviction.

21. Payment of a money penalty by a defendant after proceedings begun and before judgment, shall have the effect of a judgment of conviction for the violation complained of in establishing the status of the defendant as a second or subsequent violator in any subsequent proceeding.

C. 2:72A-22. Process valid.

22. If the statute imposing the penalty provides that proceedings may be instituted on any day of the week including Sunday or upon a holiday, the institution of such proceedings on Sunday or on a holiday shall be no bar to the successful prosecution of the same, and any process issued or served on Sunday or upon a holiday shall be as valid as if issued or served on any other day.

C. 2:72A-23. Suit brought in name of State.

23. When the statute imposing the penalty does not specify at whose suit the proceeding shall be brought, they shall be brought in the name of the State of New Jersey.

C. 2:72A-24. Disposition of money.

24. If a money judgment is rendered against a defendant, payment shall be made to the court and shall be remitted to the State Treasurer of New

Jersey, unless other disposition is provided for in the statute imposing the penalty.

C. 2:72A-25. Procedure upon appeal.

25. If the statute imposing the penalty provides for an appeal to the court of common pleas of the county in which the proceedings were had, the procedure upon such appeal shall be as follows:

(1) The party appealing shall, within ten days after the judgment is rendered,

(a) Serve, upon the opposite party and file with the court in which judgment is rendered, a written notice of appeal, signed by him or on his behalf, briefly describing the judgment and stating that he appeals therefrom to the court of common pleas, and,

(b) If the appeal be taken from a judgment imposing a penalty upon the appellant, deliver to the court, in which said judgment was rendered, a deposit in cash or a bond to the opposite party with at least one sufficient surety, in double the amount of the judgment, or if no money penalty or if imprisonment with a money penalty is imposed by the judgment, then in such sum not exceeding five hundred dollars ($500.00) as shall be fixed by said court, conditioned to prosecute the appeal and to stand to and abide by such further order or judgment as may be made against the appellant.

(2) Upon the taking of such appeal and the delivery of such deposit or bond, the court in which the judgment appealed from was rendered shall forthwith order the release of the appellant, if he be committed or in custody and thereafter no execution shall issue upon said judgment and such appeal shall operate as a stay of any execution theretofore issued thereon.

(3) The court in which the judgment appealed from was rendered shall send a transcript of the proceedings and judgment in the said cause, under the hand and seal of the said court, together with

the bond or deposits, if any, to the clerk of the court of common pleas to which such appeal is taken, within ten days after the perfecting of such appeal as aforesaid.

(4) Such appeal shall be noticed for trial by the appellant at the first day of the next term of the court of common pleas after said appeal is taken, unless said appeal shall be taken less than twenty days before said next term, in which case such notice shall be given for one of the first twenty days of said term, by serving such notice upon the opposite party at least fifteen days before the day fixed in said notice, and filing the same in the office of the clerk of the court of common pleas at least ten days before the day fixed therein, and in default thereof, the court, unless good cause be shown, shall dismiss such appeal and enter judgment in the same terms as the judgment appealed from, with costs of such appeal, if costs are allowed.

(5) The court of common pleas shall hear and determine such appeal de novo and in a summary manner and shall give judgment thereon with costs of such appeal if costs are allowed.

(6) Any judgment entered upon such appeal may be proceeded upon in the same manner as though the original proceedings had been instituted in said court of common pleas, and if judgment shall be given in favor of the appellant upon such appeal, any cash deposit made by the appellant on taking such appeal shall be returned to him and any such bond given by him shall be canceled.

(7) The procedure hereinbefore provided for appeal shall be available to one or any number of defendants against whom the judgment appealed from was rendered.

C. 2:72A-26. Court defined.

26. As used in this act except where the context clearly indicates a contrary or different intent, the word "court" shall include any court, magistrate or other judicial officer having jurisdiction over any proceedings to be prosecuted by the procedure prescribed in this act.

C. 2:72A-27. Short title.

27. This act shall be known as "The Penalty Enforcement Law."

28. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 254

AN ACT providing for the retirement on pension of clerks of recorders' courts in cities of the second class which are in counties of the first class, and supplementing chapter twelve of Title 43 of the Revised Statutes.

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

C. 43:12-1.4. Pension authorized.

1. A person who has served as clerk of a recorders' court in any city of the second class which is in a county of the first class for a period of twenty years, and who has attained the age of sixty-five years, may, in the discretion of the governing body of such city, be retired from service upon a pension equal to one-half of his annual salary at the time of his retirement. Such person having the qualifications for retirement in this act provided, shall make and file with the city clerk a certificate stating that he desires to take advantage of the provisions of this act, and upon the filing of such certificate and upon and after the adoption of a resolution of the governing body of such city providing for his retirement pursuant to the provisions of this act he shall be entitled to have and receive from such city a pension in the amount herein provided, payable in the same manner and in the same installments in which his salary was payable. The governing body of any such city shall thereupon make provision in its budget, or otherwise, for the payment of the aforesaid pension.

2. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 255

AN ACT concerning boxing, wrestling and sparring exhibitions, and supplementing chapter two of Title 5 of the Revised Statutes.

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

1. The provisions of chapter two of Title 5 of the Revised Statutes shall not apply with respect to a boxing, wrestling or sparring exhibition or performance in which school pupils only are participants; *provided, however,* that this exemption shall apply only to a performance or exhibition conducted under the direct supervision and control of the board of education of a school district, or the person in authority of a teachers' training school or other institution under the control of the Commissioner of Education and the State Board of Education, or the board, body or person in authority of a duly constituted private or parochial school.

C. 5:2-20. Provisions not to apply.

Proviso.

2. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 256

AN ACT to amend "An act relating to the licensing, regulation and supervision of insurance agents, insurance brokers and insurance solicitors, supplementing chapters twenty-two, thirty-two and thirty-six of Title 17 of the Revised Statutes, and repealing sections 17:22–1, 17:22–2, 17:22–3, 17:22–4, 17:22–5, 17:23–3, 17:32–6 and 17:32–11 of the Revised Statutes and section one of 'An act concerning the licensing of agents for insurance companies in certain cases, supplementing chapter twenty-two of Title 17, and amending section 17:33–1 of the Revised Statutes,' approved May sixteenth, one thousand nine hundred and forty-one (P. L. 1941, c. 118),"approved April twentieth, one thousand nine hundred and forty-four (P. L. 1944, c. 175).

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

Section amended.

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

C. 17:22-6.18. Not to pay commission or brokerage unlicensed person, etc.

18. No insurance company shall pay any money or commission or brokerage or give or allow any valuable consideration (except compensation to salaried employees or to supervising general agents, of any insurance company lawfully authorized to transact business in this State), to any person, partnership, association or corporation, other than a duly licensed agent or broker as herein defined, for or because of service rendered or performed in this State in negotiating or effecting in this State a contract of insurance on any property, or insurable interests, or business activities located within or transacted within this State (except reinsurance); *provided, however,* that any insurer

Proviso.

participating in a plan for assignment of automobile bodily injury and property damage liability insurance, which plan has been approved in writing by the commissioner, may pay a commission or service fee to a duly qualified agent who is authorized to act as agent for any insurer participating in such plan when such agent is designated by the assured as the producer of record under such plan and pursuant to which a policy is issued; nor shall any insurance company effect or issue any such contract of insurance unless it is countersigned or an appropriate countersignature endorsement (except as provided in section fifteen of this act) is signed by a duly licensed agent as herein defined.

2. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 257

AN ACT concerning the civil service status of certain employees of fire and police departments in certain municipalities.

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

1. All members of the fire and police departments of any municipality, heretofore appointed after the date of the filing of a petition for the adoption of subtitle three of Title 11 of the Revised Statutes, in such municipality, but before the date of the adoption of such subtitle in such municipality, shall continue to hold their offices or employments and shall not be removed therefrom except in accordance with the provisions contained in such subtitle relative to the removal of persons in the competitive class of the civil service and shall be subject in all respects to the provisions of

C. 11:21-5.1. Given tenure.

such subtitle as fully as though they had been appointed after the adoption of said subtitle by said municipality.

2. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 258

AN ACT authorizing the board of chosen freeholders of any county to make an appropriation not exceeding six thousand dollars ($6,000.00) each year to be paid to the trustees or managers of any duly incorporated children's home located in such county or of any duly incorporated charitable institution in such county having for its object the care, management and support of orphans, half orphans and destitute children and of affording them moral and useful training.

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

C. 40:23-8.8. Authorized to make appropriation.

1. The board of chosen freeholders of any county of this State wherein any child or children shall have been or may hereafter be lawfully committed to the care and control of the trustees or managers of any duly incorporated children's home located in said county or of any duly incorporated charitable institution in said county, having for its object the care, management and support of orphans, half orphans and destitute children and of affording them moral and useful training, may make an appropriation of a sum of money not exceeding six thousand dollars ($6,000.00) each year, in the same manner that appropriations for other county purposes are made, which sum so appropriated shall be included in the annual tax levy of such county,

and collected in the same manner and at the same time as other county taxes and shall be paid to the trustees or managers of such children's home or charitable institution for the board, maintenance and education of such child or children so committed during their continuance in said home or institution until they arrive at the age of eighteen years; *provided,* that the sum so appropriated shall be in lieu and instead of any sum per week for each and every child so committed to such home or institution. Proviso.

2. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 259

AN ACT to provide for exemption from taxation in certain cases, and supplementing chapter four of Title 54 of the Revised Statutes.

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

C. 54:4-3.30. Dwelling house and lot, of paraplegic veterans, tax exempt.

1. The dwelling house and the lot or curtilage whereon the same is erected, of any citizen and resident of this State, now or hereafter honorably discharged or released under honorable circumstances, from active service, in time of war, in any branch of the armed forces, who has been or shall be declared by the United States Veterans Administration or its successors to have a service-connected disability from paraplegia or permanent paralysis of both legs and lower parts of the body resulting from traumatic injury to the spinal cord or brain, or from total blindness, or from the amputation of both arms or both legs, shall be exempt from taxation, on proper claim made therefor, and such exemption shall be in addition to any other exemption of such person's real and personal prop-

erty which now is or hereafter shall be prescribed or allowed by the Constitution or by law but no taxpayer shall be allowed more than one exemption under this act.

C. 54:4-3.31. Exemptions allowed by assessor, statement.

2. All exemptions from taxation under this act shall be allowed by the assessor upon the filing with him of a claim in writing under oath, made by or on behalf of the person claiming the same, showing the right to the exemption, briefly describing the property for which exemption is claimed and having annexed thereto a certificate of the claimant's honorable discharge or release under honorable circumstances, from active service, in time of war, in any branch of the armed forces and a certificate from the United States Veterans Administration or its successors, certifying to a service-connected disability of such claimant of the character described in section one of this act. Such exemptions shall be allowed and prorated by the assessor for the remainder of any taxable year from the date the claimant shall have acquired title to the real property intended to be exempt by this act.

C. 54:4-3.32. May return taxes previously paid.

3. The governing body of each municipality, by appropriate resolution, may return all taxes collected on property which would have been exempt had proper claim in writing been made therefor in the manner provided by this act; *provided, however,* that such refunds shall not be made for any year or portion thereof prior to the effective date of this act.

Proviso.

C. 54:4-3.33. Dwelling house, defined.

4. "Dwelling house," as used in this act, shall mean any one-family building or structure owned and occupied by a claimant as his legal residence in this State, and includes any outhouses or appurtenances belonging thereto or usually enjoyed therewith.

5. This act shall take effect immediately.

Approved July 21, 1948.

CHAPTER 260

AN ACT concerning the designations and salaries of chiefs of county detectives and the salaries of county detectives and special county investigators in counties having a population of not less than seventy-four thousand and not more than eighty-two thousand inhabitants.

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

C. 2:181-24. Chief, county detectives, appointment, salary.

1. The prosecutor of the pleas of any county having a population not less than seventy-four thousand and not more than eighty-two thousand inhabitants, as ascertained by the last preceding Federal census, may designate one of the county detectives or special county investigators, appointed or to be appointed in said county, as chief of county detectives, who shall receive an annual salary of not more than five thousand dollars ($5,000.00) payable, in semimonthly installments by the county treasurer, upon the certification of the prosecutor of the pleas, and the judge of the court of quarter sessions, of the county.

C. 2:181-25. Salary, county detective.

2. The salary of any person, appointed or to be appointed in any such county as county detective or special county investigator, may be increased by the judge of the court of quarter sessions of the county and the prosecutor of the pleas of the county to not more than four thousand dollars ($4,000.00) per annum, to be paid upon certification of the prosecutor of the pleas and the judge of the court of quarter sessions by the county treasurer.

3. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 261

AN ACT concerning elections, and amending section 19:13–20 of the Revised Statutes.

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

Section amended.

1. Section 19:13-20 of the Revised Statutes is amended to read as follows:

Filling vacancies, manner.

19:13–20. In the event of a vacancy, howsoever caused, among candidates nominated at primaries, which vacancy shall occur not later than thirty-seven days before the general election, or in the event of inability to select a candidate because of a tie vote at such primary, a candidate shall be selected in the following manner: In case of an office to be filled by the voters of the entire State or a portion thereof involving more than one county, the candidate shall be selected by the State Committee of the political party wherein such vacancy has occurred; in case of an office to be filled by the voters of an entire county or a portion thereof involving more than one municipality, the candidate shall be selected by the county committee of such political party within the county. When a vacancy occurs in a congressional district lying wholly within a county the county committee of the political party of such county shall select a candidate to fill such vacancy and shall certify the name of the candidate to the chairman of the State Committee, who shall certify such name to the Secretary of State, and in case of an office to be filled by the voters of less than a county (excepting in the case of a congressional district), such vacancy shall be filled by the members of the county committee representing the territory affected by the vacancy; and except that in case of a tie vote the selection shall be made from among those who have thus received the same number of votes at the primary. The selection shall be made no later

than thirty-four days prior to the general election, and a statement of the selection shall be filed as follows: The State Committee, with the Secretary of State, the county committee or subdivision thereof with the county clerk. Such statement shall not be filed later than thirty-four days prior to the general election. It shall state the residence and post-office address of the person so selected, and shall certify that the person so selected is qualified under the laws of this State to be a candidate for such office, and is a member of the political party filling the vacancy. Accompanying the statement the person endorsed therein shall file a certificate stating that he is qualified under the laws of this State to be a candidate for the office mentioned in the statement, that he consents to stand as a candidate at the ensuing general election and that he is a member of the political party named in said statement, and further that he is not a member of, or identified with, any other political party or any political organization espousing the cause of candidates of any other political party, that he has not voted in a primary election of any other political party in the last two primary elections, or contributed to the campaign funds of any other political party within one year prior to the last primary election. The person so selected shall be the candidate of the party for such office at the ensuing general election.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 262

AN ACT to amend "An act relating to the creation of local housing authorities, including the definition of their functions and powers, and to public housing projects undertaken by public bodies, and adding a new chapter to the Revised Statutes, to be known as chapter fourteen A of Title 55," approved March eighth, one thousand nine hundred and thirty-eight (P. L. 1938, c. 19).

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

Section amended.

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

C. 55:14A-3. May create housing authority.

4. Any governing body may, by resolution in the case of counties, or ordinance in the case of municipalities, create a body corporate and politic to be known as the "Housing Authority of ...." inserting the name of the municipality or county creating such authority. Such authority shall constitute an agency and instrumentality of the municipality or county creating it. The authority shall consist of six members who shall be appointed and hold office for the terms as hereinafter provided. The governing body shall appoint five commissioners of the authority. These commissioners first appointed by the governing body shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners so appointed shall hold office for a term of five years, except that all vacancies shall be filled for the unexpired term. The director shall, on receipt of notification of the creation of a housing authority, appoint one member thereof who shall hold office at his pleasure. The governing body of two or more municipalities may by joint action or

Regional housing authority.

ordinances create a public body corporate and politic to be known as " ..... Regional Housing Authority," with such additional designation as may be provided in the joint ordinances. Such regional authority shall constitute an agency and instrumentality of the municipalities creating it. Upon the adoption of a joint ordinance as aforesaid, a copy thereof certified by the clerk of each of the municipalities shall be filed with the director. The authority shall consist of six members who shall be appointed and hold office for the terms as hereinafter provided. Thereupon the respective clerks shall promptly notify the respective governing bodies of such adoption. Upon receiving such notice, each governing body shall appoint two commissioners of the regional authority for a term of five years except that all vacancies shall be filled for the unexpired term. The governing body of the municipality which has the greatest population of any of the municipalities creating the regional authority shall appoint one additional commissioner of the authority for a like term. The clerks of the governing bodies shall file with the director the names of persons appointed as commissioners. The director shall, on receipt of notification of the creation of said housing authority, appoint one member thereof who shall hold office at his pleasure. The said person appointed by the director shall be entitled to vote as a member of the housing authority and shall be entitled to all other privileges of membership on such authority. The director may remove such person and designate a new one at any time or may fill the vacancy caused by the death or resignation of such person. No municipality which has created an authority pursuant to this section shall thereafter join in the creation of a regional authority. No municipality which has been included with its consent within the area of operation of a county housing authority shall thereafter create an authority or join the creation of a regional authority. Where there is no housing authority in existence in any municipality of a

county, the governing body of said county may create a housing authority; *provided,* the director shall certify that there is a need for housing within said county; thereafter, no municipality within said county shall create an authority or join in the creation of a regional authority without the consent of the governing body of said county and without the consent of the county housing authority.

Section amended.

2. Section seven of the act of which this act is amendatory is amended to read as follows:

C. 55:14A-6. Authority, commissioners, powers, removal.

7. Authority; commissioners; misconduct; removal. Not more than one commissioner of any authority may be an officer or employee of the municipality or county for which the authority is created. All commissioners shall hold office until their successors have been appointed and have qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses, including traveling expenses incurred in the discharge of his duties. The powers of each authority shall be vested in the commissioners thereof in office from time to time. Four members shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of the majority of the commissioners present, unless in any case the by-laws of the authority shall require a larger number. The authority shall select a chairman and a vice-chairman from among its commissioners, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon any chief law officers of the municipality, municipalities

or the county, as the case may be, or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers and duties as it may deem proper. No commissioner or employee of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in the project nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in a housing project he immediately shall disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such property. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the appointing authority which made the original appointment, but a commissioner shall be removed only after he shall have been given a copy of the charges at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

3. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 263

AN ACT authorizing a conveyance of certain lands, now the property of the State Department of Conservation, Division of Fish and Game, situate in the township of Jackson, county of Ocean and State of New Jersey, in exchange for other lands, for the use of the State Department of Conservation, Division of Fish and Game.

Preamble. WHEREAS, The Department of Conservation may be possessed of certain lands situate in the township of Jackson, in the county of Ocean, known as the Four-Mile Survey, which said lands are no longer required; and

Preamble. WHEREAS, Stanley Switlik is the owner of certain lands at Colliers Mills, known as the Turn Mill pond, and also another tract of fifty-three and five tenths acres in the townships of Jackson and Plumsted, which lands would be particularly useful and advantageous to the uses of said Department of Conservation; and

Preamble. WHEREAS, The Department of Conservation and Stanley Switlik mutually desire to make an exchange of said lands, and on July ninth, one thousand nine hundred and forty-six, the Department of Conservation entered into an agreement to exchange the lands above mentioned; and

Preamble. WHEREAS, It is believed that it is to the best interest of the State that an exchange of said lands should be made; therefore

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

Authorized to exchange lands. 1. It shall be lawful for the State Department of Conservation, Division of Fish and Game, to

convey by good and sufficient deed in the name of the State of New Jersey to Stanley Switlik, of the township of Jackson, county of Ocean and State of New Jersey, all of its right, title and interest, if any in certain lands, not exceeding two hundred eighty acres, in the township of Jackson, in the county of Ocean and State of New Jersey, within the area bounded on the north by the Monmouth road, bounded on the west by the Hawkin road, bounded on the south by the Prospertown-Francis Mill road, and bounded on the east by the Francis Mill and Monmouth road.

In exchange for a conveyance by Stanley Switlik and P. Wanda Switlik, his wife, to the State of New Jersey, for the use of the State Department of Conservation, Division of Fish and Game, of all their right, title and interest in and to certain lands consisting of two hundred ten acres, being a part of a tract of two hundred forty-four and seventy-one hundredths acres known as the Cumberland Neck Tract, in the township of Jackson, county of Ocean and State of New Jersey, which said certain part lies in the beds of and is covered by waters of the ponds and lakes at Colliers Mills, known as the Turn Mill pond, Slough Bog pond, and Forty-Acre pond as the same now exists, the entire tract being described as follows:

Description.

Beginning on the third corner of a tract of 50.19 acres returned to John Collier on the 4th day of April 1838 and recorded in Book S-22 Page 87 thence (1) north 46 degrees east 10 chains thence (2) north 87 degrees east 14 chains thence (3) south 31 degrees east 7 chains 50 links thence (4) south 15 chains 50 links thence (5) south 54 degrees east 7 chains thence (6) south 11 degrees east 15 chains thence (7) south 82 degrees east 10 chains thence (8) north 68 degrees east 8 chains thence (9) south 78 degrees east 22 chains thence (10) north 47 degrees east 9 chains thence (11) south 35 degrees east 10 chains thence (12) south 2 degrees west 5 chains thence (13) south 46 degrees west 15 chains and 50 links thence (14) south

87 degrees west 10 chains 20 links thence (15) south 24 degrees west 12 chains thence (16) north 70 degrees west 40 chains 50 links thence (17) north 24 degrees west 47 chains thence (18) north 9 degrees west 8 chains to the place of beginning.

And also all the right, title and interest of the said Stanley Switlik and P. Wanda Switlik, his wife, in all that certain tract of fifty-three and five-tenths acres lying west of the division line between the townships of Jackson and Plumsted, within the limits of Plumsted township and situate on the west side of Hawkin road, said tract being described as follows:

Description.

Beginning at a pine tree the beginning corner of the 70.16 acre tract and runs along said tract north 11 degrees west 8 chains to a pine corner thence north 45 degrees west 14 chains and 39 links to a stake corner to Montgomery's land thence along the same south 66 degrees west 25 chains thence south 35 degrees and 30 minutes east 10 chains to a pine then south 63 degrees east 24 chains and 80 links to a pine thence north 30 degrees east 13 chains to the beginning.

Deed recorded.

2. The State Department of Conservation, Division of Fish and Game, upon the receipt of an appropriate deed or deeds from the said Stanley Switlik and his wife conveying title to the above lands to the State of New Jersey, free and clear of any encumbrances, shall cause the said to be recorded, and thereafter keep the same in the custody of the State Treasurer as now provided by law.

3. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 264

AN ACT relating to local county district courts and municipal courts and the jurisdiction, functions, powers and duties of such courts and of the judges and the magistrates thereof; establishing county district courts in certain counties; providing for the establishment of municipal courts in certain municipalities and for municipal courts for two or more municipalities in certain cases; providing for the transfer of certain existing courts to such municipal courts; providing for the abolition of the office and terms of justices of the peace and providing for the abolition of the small cause courts.

WHEREAS, The Constitution of 1947 provides for the vesting of judicial power in certain constitutional courts and further for the establishment, alteration or abolition by the Legislature of other courts of limited jurisdiction; and Preamble.

WHEREAS, Such courts of limited jurisdiction should be so established, altered or abolished in the interest of a simplified and thoroughly competent administration of local justice for the good and convenience of the people of the State; and Preamble.

WHEREAS, The Supreme Court established by the Constitution of 1947 is vested with power and responsibility to make rules governing the administration of all courts in the State and, subject to law, the practice and procedure in all such courts, and the chief justice of that court, is constituted as the administrative head of all the courts in the State; and Preamble.

Preamble.

WHEREAS, The mandate of the people so given, in the interest of establishing responsibility for the true administration of justice, requires implementation by legislation to eliminate the present confusing, inefficient and frequently condemned system of local courts, and to create a simplified, modernized and acceptable structure and system of local courts; therefore,

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

C. 2:8A-1. Courts of jurisdiction.

1. The local county district courts and municipal courts shall have and exercise the limited civil and criminal jurisdiction prescribed by this act.

C. 2:8A-2. Courts continued.

2. All existing civil district courts are continued. In any county not now having a city district court or a district court of a judicial district or a district court held by the common pleas judge of the county, there is established a county district court, to be held by the common pleas judge of the county, which county district court shall be provided for and shall function in the same manner and to the same effect as though the board of chosen freeholders of such county had adopted the provisions of sections 2:8–49 to 2:8–53, both inclusive, of the Revised Statutes.

County district courts established.

C. 2:8A-3. Name.

3. The name of the said county district courts so established by the preceding section and the name of every county district court, after December thirty-first, one thousand nine hundred and forty-eight shall be the ..... district court.

(insert name of county)

C. 2:8A-4. Territorial jurisdiction.

4. The territorial jurisdiction of every county district court shall be coextensive with the territory of the county in which the district court is located.

C. 2:8A-5. Additional jurisdiction.

5. The jurisdiction of every county district court after December thirty-first, one thousand nine hundred and forty-eight, shall be as theretofore and, also such additional jurisdiction as is conferred by this act.

C. 2:8A-6. To exercise jurisdiction concurrently.

6. After December thirty-first, one thousand nine hundred and forty-eight, the county district courts shall have and exercise concurrently with the municipal courts the criminal jurisdiction conferred upon said courts by this act.

C. 2:8A-7. Existing judges to continue.

7. Every judge of a civil district court, in office upon the effective date of this act, shall continue in such office for the balance of his then existing term and until his successor is appointed and qualified.

C. 2:8A-8. Not to affect tenure or civil service status.

8. This act shall not of itself affect the tenure, term, civil service status or compensation of any person holding any office, position or employment in any civil district court upon the effective date of this act, and all such persons shall continue to exercise their respective functions and perform their respective duties in such district courts.

C. 2:8A-9. May divide court.

9. Wherever any county district court shall exercise its criminal jurisdiction pursuant to this act, such court may be divided into civil and criminal parts for the greater convenience in separately hearing civil and criminal matters.

C. 2:8A-10. Stated regular sessions.

10. The county district courts shall hold regular stated sessions at the place of its principal location but shall also from time to time hold sessions at other convenient places in the county as shall be prescribed by rules.

C. 2:8A-11. Fines paid to municipality.

11. Fines and penalties assessed and collected by a county district court for violations of municipal ordinances shall be paid to the municipality wherein the violation occurred.

C. 2:8A-12. Cost paid by county.

12. The compensation of county district court judges and their clerks and other personnel and the expense of maintenance of the court shall be paid by the county wherein the court is located.

C. 2:8A-13. Intermunicipal courts.

13. Any municipality having a population of not less than one thousand, or any two or more contiguous municipalities having in the aggregate a population of not less than one thousand entering into an intermunicipal agreement as hereinafter provided, may, by ordinance or ordinances, establish a municipal court. The name of any municipal

court so established shall be the "Municipal Court of (insert name of municipality or municipalities)."

C. 2:8A-14. Seal.

14. Each municipal court shall have a seal which shall bear the impress of the name of the court.

C. 2:8A-15. Courts to continue.

15. The existing police, magistrate's or recorder's courts, by whatever name called, shall be continued until the expiration of the term of office of the police judge, magistrate, or recorder in office upon the effective date of this act, or until December thirty-first, one thousand nine hundred and forty-eight, whichever is later, unless prior thereto the municipality has established a municipal court in accordance with the provisions of this act.

C. 2:8A-16. Compensation paid by municipality.

16. The compensation of municipal court magistrates, and clerks and other personnel, shall be paid by the municipality wherein the court is located, or if the court is for more than one municipality, shall be fixed and paid in accordance with the agreement entered into by the respective municipalities.

C. 2:8A-17. Intermunicipal courts.

17. Two or more contiguous municipalities having in the aggregate a population of not less than one thousand may, by similar ordinances, enter into an inter-municipal agreement to establish a single municipal court with jurisdiction coextensive with the territory of the municipalities party to the agreement. Upon the taking effect of the ordinances establishing such a municipal court, all police courts, magistrate's courts and recorder's courts, by whatever name called, theretofore existing in the respective municipalities shall be abolished and their functions, powers and duties, records, property, and pending cases shall be transferred to the municipal court so established.

Courts abolished.

C. 2:8A-18. Magistrates, terms, appointment.

18. Each municipal court shall have a magistrate having the qualifications set forth in this act. He shall serve for a term of three years from the date of his appointment and until his successor is appointed and qualified. Each magistrate of a municipal court of a single municipality shall be appointed by the governing body of the municipality. Each

magistrate of a municipal court of two or more municipalities shall be nominated and appointed by the Governor with the advice and consent of the Senate.

C. 2:8A-19. Provides for additional magistrate.

19. In every municipality now or hereafter having a population of more than two hundred thousand, the governing body of such municipality may provide for the appointment, as the need may appear, of one or two additional magistrates of a municipal court of such municipality.

C. 2:8A-20. Magistrate, qualifications.

20. Every municipal court magistrate shall be a resident of this State, and shall be an attorney-at-law, or a person who has had actual experience as a recorder, police judge or justice of the peace or who is qualified under any rule of court. A magistrate of a municipal court who is an attorney-at-law need not be a resident of the municipality or municipalities to which the jurisdiction of the court extends.

C. 2:8A-21. Oath.

21. Each magistrate of any municipal court shall, before entering upon the duties of his office, take and subscribe an oath in substantially the same manner as provided in section 2:212–7 of the Revised Statutes.

C. 2:8A-22. Magistrate's salary.

22. Magistrates of municipal courts shall be compensated by an annual salary, which shall be fixed by ordinance adopted by the governing body of the municipality, and where the court's jurisdiction extends to two or more municipalities, the compensation shall be fixed by agreement of the municipalities included in such jurisdiction, which agreement may be evidenced by ordinance or resolution. No magistrate shall practice law in any municipal court in the county nor upon appeals from such courts.

C. 2:8A-23. Clerks.

23. The governing body of a municipality, or the governing bodies of two or more municipalities, as the case may be, for which a municipal court has been established pursuant to this act, may, by ordinance or resolution or by similar ordinances or resolutions provide for a clerk and other necessary clerical and other assistants for the municipal

court of the municipality or municipalities and provide for their compensation. The governing body may by ordinance or resolution designate any officer or employee of the municipality to serve as clerk of the municipal court with or without additional compensation. In all municipalities which have not established municipal courts, the municipal clerk shall serve as the clerk of the county district court in those municipalities in which such court shall sit, except when the regular clerk of the court is in attendance.

C. 2:8A-24. Accommodations provided.

24. The governing body of each municipality, or the governing bodies of two or more municipalities, as the case may be, shall provide for the necessary accommodations and supplies for the municipal court of the municipality or municipalities. Where there is more than one magistrate of a municipal court of a single municipality, the governing body of such municipality may provide separate court rooms and other accommodations for each magistrate.

C. 2:8A-25 Places of holding courts.

25. Where there are two or more magistrates of the municipal court in a single municipality, the court shall sit in parts and such parts may be held in the same or separate buildings or places. In any municipality having more than one magistrate of the municipal court of such municipality, each magistrate may exercise the jurisdiction of the court, and the governing body of the municipality, by resolution, may designate one of such magistrates to be the presiding magistrate of such court. In the event that there is such a presiding magistrate, he shall have the right to designate the times and places for the holdings of the several parts of the court and assign the magistrates thereto.

C. 2:8A-26. Jurisdiction.

26. The territorial jurisdiction of a municipal court of a single municipality shall be the territory embraced within such municipality and of a municipal court for two or more municipalities, the territory embraced within all of the municipalities which joined in the formation of such municipal court. Each municipal court shall have jurisdiction

of the following offenses occurring within its territorial jurisdiction:

a. Violations of the motor vehicle and traffic laws;

b. Violations of the fish and game laws;

c. Violations of the ordinances of the municipality wherein the municipal court is located or of the municipalities to which its jurisdiction extends;

d. Violations of the "disorderly persons law," being subtitle fifteen of Title 2 of the Revised Statutes;

e. Violations of chapter one of Title 44 (Poor) of the Revised Statutes;

f. Violations of chapters six and seventeen of Title 9 of the Revised Statutes (relating to children); and

g. Violations of article four of chapter five of Title 30 of the Revised Statutes (relating to institutions and agencies).

C. 2:8A-27. Concurrent civil jurisdiction.

27. Each municipal court shall also have concurrent civil jurisdiction with the small claims division of the county district courts, provided the defendant resides within the territorial jurisdiction of the court.

C. 2:8A-28. Function, powers and duties transferred.

28. Each municipal court, and the magistrate or magistrates thereof shall also have, possess and exercise all the functions, powers, duties and jurisdiction in civil and criminal cases heretofore exercised by any justice of the peace, police justice, police magistrate, or recorder.

C. 2:8A-29. Committing judge.

29. Each municipal court magistrate shall have and exercise all the authority of a committing judge or magistrate.

C. 2:8A-30. Practice and procedure.

30. The practice and procedure of the said municipal courts shall be substantially as provided by sections 2:220–32 to 2:220–55, both inclusive, of the Revised Statutes, subject to such rules as the Supreme Court shall promulgate and make applicable to the municipal courts which rules shall supersede (so far as they conflict with) statutory and common law regulations theretofore existing.

C. 2:8A-31. Causes and proceedings transferred.

31. Upon the establishment of a municipal court under this act, all causes and proceedings of whatever character, pending in the local police, magistrates' and recorders' courts shall be transferred to the municipal court of the municipality or municipalities wherein said police, magistrates', and recorders' courts are located and shall be continued in the municipal court with the same effect as though they had been commenced therein.

C. 2:8A-32. Personnel transferred.

32. Upon the establishment of a municipal court under this act, all persons holding any office, position or employment in said police, magistrates' or recorders' courts shall be transferred to the municipal court of the municipality wherein they hold such office, position or employment, and they shall continue to exercise their respective functions and perform their respective duties in such municipal court. In the case of a municipal court for two or more municipalities, the said persons shall be transferred to the municipal court in the formation of which the municipality wherein they held such office united.

C. 2:8A-33. Records transferred.

33. The files, papers, dockets, books of account and all data appertaining thereto and any moneys on deposit as bail or for any other purpose of all of said police, magistrates', and recorders' courts shall be transferred to the municipal court of the municipality or municipalities whenever a municipal court is established, pursuant to this act.

C. 2:8A-34. Municipal recorder, powers.

34. In any municipality, the mayor or other chief executive officer of the municipality or the municipal clerk or when so provided by resolution of the governing body of the municipality a recorder provided for and appointed solely for such purpose, shall have the power in criminal cases to hold defendants to appear before the court having jurisdiction to hear the matter by taking recognizances of bail with surety or sureties in such reasonable sum as he may deem fit and to forward the same to the said court before the time of appearance therein mentioned. Any such power shall be exercisable in the same manner and shall be subject

to the same limitations as in the case of the judge of the court before which any such defendant is to appear. Any resolution so providing for a recorder shall fix his compensation and his term shall be three years from the date of his appointment.

C. 2:8A-35. May designate substitute.

35. Whenever any magistrate of a municipal court shall be unable to sit as such magistrate, he may designate any other magistrate of any municipal court or an attorney-at-law to sit for him temporarily and hold the municipal court.

Designation in writing.

Any such designation shall be made in writing and shall be filed in the court and any such person so designated, while sitting temporarily, shall have all of the powers of the magistrate of such court.

C. 2:8A-36. Existing judges, etc., to continue for balance of term.

36. In every municipality wherein a municipal court for a single municipality is established by this act, the police judge, police justice, police magistrate or recorder of such municipality who shall be in office at the effective date of this act, shall become the magistrate or magistrates of the municipal court of the municipality wherein he shall be in such office and shall continue to be the magistrate or magistrates of the said municipal court for a term equal to the balance of his then existing term. The provisions of this act in respect to the qualifications of magistrates of the municipal courts shall not be applicable to judges in office who shall become magistrates of the municipal courts pursuant to this section.

Applications of provisions.

Terms to cease.

In municipalities which unite in the formation of a municipal court for such municipalities, the offices and terms of the local police judges, police justices, police magistrates or recorders in each of such municipalities who shall be in office at the time of the establishment of such municipal court shall cease and determine upon such establishment of such municipal court.

C. 2:8A-37. Office of justice of the peace abolished.

37. On December thirty-first, one thousand nine hundred and forty-eight, the office of justice of the peace shall be abolished and the terms of all of the justices of the peace shall cease and determine and the small cause courts provided for by article two

of chapter nine of Title 2 of the Revised Statutes shall be abolished.

C. 2:8A-38. Ex-officio judges.

38. The judges of the superior court and of the county courts shall be ex-officio judges of the several county district courts and municipal courts and any such judge may be assigned by the Chief Justice of the Supreme Court to hold temporarily a county district court or municipal court, either with or without the judge or magistrate of such court.

C. 2:8A-39. Compensation in lieu of fees.

39. The compensation paid to the magistrates of the municipal courts shall be lieu of any and all other fees.

Disposition of costs and fees.

The costs and fees charged against defendants, when collected, shall become municipal funds and shall be turned over to the custodian or custodians of the funds of the municipality or municipalities wherein the municipal court is located. The amount of any such fees and costs shall be as provided in article three of chapter three of Title 22 of the Revised Statutes, and as to small claims as provided by article twenty-four of chapter thirty-two of Title 2 of the Revised Statutes. The fines and penalties imposed in any municipal court shall be disposed of as provided by law.

In the case of municipal courts of two or more municipalities, the said costs and fees shall be apportioned to the several municipalities to which the courts jurisdiction extends, according to the ratio of the said municipalities' contributions to the total expense of maintaining such court.

C. 2:8A-40. Laws applicable to municipal courts.

40. Except as otherwise provided in this act or by law, the provisions of law, statutory and otherwise, now applicable to police judges, police justices, police magistrates and recorders, shall continue and be applicable to the municipal courts.

C. 2:8A-41. Act effective.

41. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved July 27, 1948.

CHAPTER 265

AN ACT to amend "A supplement to an act entitled 'An act respecting the orphans' court,' approved June fourteenth, one thousand eight hundred and ninety-eight," approved May first, one thousand nine hundred and eleven (P. L. 1911, c. 309).

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

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

2. Any foreign will or a copy thereof, or a copy of the record of the probate of any foreign will, filed, recorded or probated in this State prior to the fourth day of July, anno Domini one thousand nine hundred and twenty-eight, shall be deemed to be valid and effectual in law, notwithstanding the fact that the copy of any such foreign will or the record thereof or the certificate of probate thereon, or the letters granted thereon in any such foreign State, Territory of the United States, District of Columbia or Kingdom, or the exemplification thereof, on which such foreign will was filed or probated in this State, fail to set forth or contain the proofs that the will was made and executed in the manner and with the formalities prescribed by the statute of this State for devises of lands; and all conveyances of such real estate heretofore or hereafter made by any executor or executors, or administrator or administrators, with the will annexed, trustee or trustees, or the survivor or survivors of them, or by any devisee or devisees, or persons claiming under such devisee or devisees, shall be as valid as if said will had been admitted to probate and letters testamentary, or of administration with the will annexed, had been issued in this State upon proofs taken that the said will was Validates probate of foreign wills.

made and executed in the manner and with the formalities prescribed by the statute of this State for devises of lands; and such record of any such proceedings in this State, or certified copies thereof, shall be received in evidence in all courts of this State.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 266

AN ACT providing for the destruction of records, papers and documents of certain corporations of this State in liquidation and dissolution.

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

C. 17:3A-1. Terms defined.

1. As used in this act,

(a) "Corporation" shall mean a corporation organized pursuant to any law of this State, over which the Commissioner of Banking and Insurance or the Department of Banking and Insurance is required or authorized by law to exercise supervisory or regulatory powers;

(b) "Liquidator" means (1) the trustee or trustees in voluntary dissolution of a corporation; (2) the Commissioner of Banking and Insurance in the exercise of his statutory power to take possession of and to liquidate a corporation; (3) the receiver or receivers, or the trustee or trustees appointed by a court of competent jurisdiction to liquidate a corporation; and (4) every person or persons engaged in the liquidation of a corporation in dissolution pursuant to any statute of this State, or by virtue of any lawful order, decree or proclamation of any administrative, executive or judicial officer of this State.

C. 17:3A-2. Application to court for order during liquidation.

2. At any time during the liquidation of a corporation, the liquidator may apply to the Superior Court for an order authorizing the destruction of such of the records, documents and other papers of the corporation, excluding those relating to the liquidation, which, in the opinion of the liquidator, it is unnecessary further to preserve or retain. The court may, in its discretion, order that notice of the application be advertised not less than once a week for three successive weeks, in a newspaper published in the municipality in which the corporation maintained its principal office, or, if there be no such newspaper, then in one published in the county in which such principal office was maintained, or in an adjoining county, and which has a general circulation in such municipality. If the court is satisfied that no rights will be adversely affected by the destruction of such records, documents and other papers, and that their further preservation or retention is unnecessary, it may make an order authorizing the liquidator to destroy them.

C. 17:3A-3a. Destruction of records after liquidation.

3-A. At any time after liquidation of the corporation has been completed and final distribution made, the liquidator may apply to the Superior Court for an order authorizing the destruction of all records, documents and other papers relating to the liquidation, and of all records, documents and other papers of the corporation not previously destroyed pursuant to section two. The court may, in its discretion, order that notice of the application be advertised in the manner provided by section two. If the court is satisfied that the liquidation has been completed and final distribution made, it may make an order authorizing the liquidator to destroy such records, documents and other papers on or after a date to be designated in such order, but in no case shall such destruction take place until after the expiration of one year from the completion of such liquidation and the making of the final distribution.

C. 17:3A-3b. May destroy records without court order.

3-B. At any time after the expiration of five years from the date on which the liquidation of a corporation shall have been completed and final distribution made, the liquidator may, in his discretion, and without leave of court, destroy, or cause to be destroyed, any of the records, documents and other papers of the corporation, including those relating to the liquidation, which, in his opinion, it is unnecessary further to preserve or retain; *provided, however,* that the liquidator shall first give notice of his intention so to do by advertising such notice in the manner provided in section two.

Proviso.

C. 17:3A-4. Liquidator not liable.

4. No liquidator shall be held accountable for any act of destruction authorized in the manner provided by this act.

C. 17:3A-5. Application.

5. The provisions of this act shall apply to all corporations heretofore liquidated; to all corporations in process of liquidation on the effective date of this act; and to all corporations to be liquidated after the effective date of this act.

C. 17:3A-6. Construing.

6. No presumption shall be drawn from the enactment of this act that, prior to its passage, liquidators were without power or authority to destroy the records, documents and other papers of a corporation or those relating to its liquidation.

C. 17:3A-7. Act effective.

7. This act shall take effect September sixteenth, one thousand nine hundred and forty-eight.

Approved July 27, 1948.

CHAPTER 267

AN ACT to validate the merger of charitable corporations and all proceedings taken to effectuate such merger, to confirm title to all properties in the merged corporation, and to validate and confirm deeds of conveyance and other documents of the merged corporation, in cases where such corporations have heretofore merged in fact pursuant to the provisions of chapter two hundred forty of the laws of one thousand nine hundred and thirty-nine, approved July eighteenth, one thousand nine hundred and thirty-nine, notwithstanding that such merger was effected prior to the effective date of the said chapter.

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

1. Any two or more charitable corporations which have heretofore merged in fact pursuant to the provisions of chapter two hundred forty of the laws of one thousand nine hundred and thirty-nine, approved July eighteenth, one thousand nine hundred and thirty-nine, shall be deemed to have validly effected such merger notwithstanding that such merger was effected prior to July fourth, one thousand nine hundred and forty, the effective date of the said statute; and all acts and proceedings of the merging corporations pursuant to such merger taken prior to July fourth, one thousand nine hundred and forty, are hereby ratified, validated and confirmed; and such merged corporation shall be entitled to the same rights, powers and privileges as if the said chapter two hundred forty of the laws of one thousand nine hundred and thirty-nine had become immediately effective upon its approval; and title to all the properties, real and personal, of such merging corporation shall be

Validates merger.

deemed and taken to have been effectually and validly vested in such receiving or merged corporation prior to July fourth, one thousand nine hundred and forty, as though the said chapter two hundred forty of the laws of one thousand nine hundred and thirty-nine had become immediately effective upon its approval; and all deeds of conveyance of lands and all other documents of every kind and nature made and delivered by the said merged corporation are hereby ratified and confirmed and are declared to be valid and to have the same force and effect as though chapter two hundred forty of the laws of one thousand nine hundred and thirty-nine had become immediately effective upon its approval.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 268

AN ACT relating to inheritance and estate taxes, and amending section 54:34–4 of the Revised Statutes.

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

Section amended.

1. Section 54:34–4 of the Revised Statutes is amended to read as follows:

Tax exempt property transfers.

54:34–4. The following transfers of property shall be exempt from taxation:

a. Property passing to or for the use of the State of New Jersey, or to or for the use of a municipal corporation within the State or other political subdivision thereof, for exclusively public purposes.

b. Property passing to a beneficiary or beneficiaries having any present or future, vested, contingent or defeasible interest under any trust deed

or agreement heretofore or hereafter executed by a resident or nonresident decedent, to the extent that the trust fund results from the proceeds of contracts of insurance heretofore or hereafter in force, insuring the life of such decedent, and paid or payable, at or after the death of such decedent, to the trustee or trustees under such trust deed or agreement.

c. Property passing to a trustee or trustees of any trust deed or agreement heretofore or hereafter executed, by virtue of any contract of insurance heretofore or hereafter in force insuring the life of a resident or nonresident decedent and the proceeds of which are paid or payable at or after the death of such decedent to such trustee or trustees for the benefit of a beneficiary or beneficiaries having any present or future, vested, contingent or defeasible interest under such trust deed or agreement.

d. That part of the estate of any decedent which passes to or for the use of any educational institution no part of the net earnings of which inures to the benefit of any private stockholder or other individual or corporation; *provided,* that this exemption shall not extend to transfers of property to such educational institutions of other States, territories and foreign countries which do not grant an equal and like exemption of transfers of property for the benefit of such institutions of this State.

e. That part of the estate of any decedent who has heretofore died, or may hereafter die, received, either heretofore or hereafter, by the legal representative of such decedent, whether directly from the United States or through any intervening estate or estates, by reason of any war risk insurance certificate or policy, either term or converted, or any adjusted service certificate, issued by the United States. Nothing contained in this paragraph (e) shall entitle any person to a refund of any tax heretofore paid on the transfer of property of the nature aforementioned; *and provided fur-*

ther, that the exemption provided for in this paragraph (e) shall not extend to that part of the estate of any decedent composed of property of the nature aforementioned, when such property was received by the decedent before death.

f. The proceeds of any contract of insurance heretofore or hereafter in force insuring the life of a resident or nonresident decedent paid or payable at or after the death of such decedent to any beneficiary or beneficiaries other than the estate or the executor or administrator of such decedent.

g. Any transfer, relinquishment, surrender or exercise at any time or times by a resident or nonresident of any right to nominate or change the beneficiary or beneficiaries of any contract of insurance heretofore or hereafter in force insuring the life of such resident or nonresident irrespective of whether such transfer, relinquishment, surrender or exercise of such right took place or whether the proceeds of such policy were paid or payable, before or after the taking effect of this act.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 269

AN ACT relating to workmen's compensation, and amending section 34:15–43 of the Revised Statutes.

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

Section amended.

1. Section 34:15–43 of the Revised Statutes is amended to read as follows:

Entitled to compensation.

34:15–43. Every employee of the State, county, municipality or any board or commission, or any

other governing body, including boards of education, and also each and every active volunteer fireman doing public fire duty under the control or supervision of any commission, council or any other governing body of any municipality or any board of fire commissioners of such municipality or of any fire district within the State, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article two of this chapter (sections 34:15–7 et seq.), but no person holding an elective office shall be entitled to compensation. Nor shall any former employee who has been retired on pension by reason of injury or disability be entitled under this section to compensation for such injury or disability; *provided, however;* that such employee, despite retirement, shall, nevertheless, be entitled to the medical, surgical and other treatment and hospital services as set forth in section 34:15–15 of the Revised Statutes. Proviso.

Every active volunteer fireman shall be deemed to be doing public fire duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section, if such control or supervision is provided for by statute, or if the fire company of which he is a member receives contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district or if such fire company has been or hereafter shall be designated by ordinance as the fire department of the municipality. Volunteer firemen.

Nothing herein contained shall be construed as affecting or changing in any way the provisions of any statute providing for sick, disability vacation or other leave for public employees or any provision of any retirement or pension fund provided by law. Construing.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 270

AN ACT fixing the compensation of the Chief Justice of the Supreme Court, the Associate Justices of the Supreme Court and the judges of the Superior Court.

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

C. 2:1A-1. Salaries.

1. The Chief Justice of the Supreme Court shall receive an annual salary of twenty-five thousand dollars ($25,000.00). Each Associate Justice of the Supreme Court shall receive an annual salary of twenty-four thousand dollars ($24,000.00). Each Judge of the Superior Court shall receive an annual salary of twenty thousand dollars ($20,000.00).

C. 2:1A-2. Act effective.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved July 27, 1948.

CHAPTER 271

AN ACT to amend the title of "An act to provide for compensation to certain municipalities for loss of tax revenue by reason of exemption from taxation of certain lands taken for park purposes by county park commissions established pursuant to the provisions of subdivision C of article four of chapter thirty-seven of Title 40 of the Revised Statutes, by the county, and supplementing said chapter of the Revised Statutes," approved July third, one thousand nine hundred and forty-seven (P. L. 1947, c. 382), so that the same shall read "An act to provide for compensation to certain municipalities for loss of tax revenue by reason of exemption from taxation of certain lands taken for park purposes by county park commissions established pursuant to the provisions of subdivision C of article five of chapter thirty-seven of Title 40 of the Revised Statutes, by the county, and supplementing said chapter of the Revised Statutes," and to amend the body of said act.

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

Title amended.

1. The title of "An act to provide for compensation to certain municipalities for loss of tax revenue by reason of exemption from taxation of certain lands taken for park purposes by county park commissions established pursuant to the provisions of subdivision C of article four of chapter thirty-seven of Title 40 of the Revised Statutes, by the county, and supplementing said chapter of the Revised Statutes," approved July third, one thousand nine hundred and forty-seven, is amended to

New title.

read "An act to provide for compensation to certain municipalities for loss of tax revenue by reason of exemption from taxation of certain lands taken for park purposes by county park commissions established pursuant to the provisions of subdivision C of article five of chapter thirty-seven of Title 40 of the Revised Statutes, by the county, and supplementing said chapter of the Revised Statutes."

Section amended.

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

C. 40:37-101.4. Compliance with provisions before acquiring additional land.

1. When any park commission established pursuant to the provisions of subdivision C of article five of chapter thirty-seven of Title 40 of the Revised Statutes (R. S. 40:37–96 et seq.) shall have acquired land in any municipality amounting in the aggregate to thirty-five per centum (35%) of the total area of such municipality, said park commissioners may acquire additional lands in such municipality only upon compliance with the provisions of this act.

Section amended.

3. Section two of the act of which this act is amendatory is amended to read as follows:

C. 40:37-101.5. Assessor's certificate of area.

2. The assessor of any municipality, in which any such park commissioners shall have acquired lands exceeding in area thirty-five per centum (35%) of the total area of the municipality, shall file with the county board of taxation, in each year, with his assessment list, a certificate that the area of the land, acquired by such park commissioners in such municipality, exceeds in the aggregate thirty-five per centum (35%) of the total area of the municipality, briefly describing the same and stating the value of the lands acquired in excess of such percentage of the total area of the municipality, with any buildings and improvements thereon, at the time they, or the respective parcels thereof, were acquired.

Section amended.

4. Section three of the act of which this act is amendatory is amended to read as follows:

C. 40:37-101.6. Amount of tax included in budget.

3. The county board of taxation shall in each year calculate the sum of money which the mu-

nicipality would have derived during said year as tax revenue for local purposes from such lands, buildings and improvements in excess of said thirty-five per centum (35%) of the total area of the municipality, valued as aforesaid, if the same had not been so taken and were not exempt from taxation, as soon as practicable after the receipt of such certificate and shall forthwith certify such amount to the clerk of the municipality and to the park commission and an appropriation equal to said amount shall be included by the park commission in its budget submitted to the board of chosen freeholders, and by the board of chosen freeholders in its budget, for the following year and shall be payable to the municipality on or before the first day of July of that year and said amount shall be included by the municipality in its budget for said year as anticipated revenue and when paid to the municipality shall be used by the municipality for general municipal purposes.

5. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 272

AN ACT validating the sale of certain lands, tenements, hereditaments or real estate made under any decree, judgment or order of any court of this State or any execution or other process issued thereon.

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

1. No sale of any lands, tenements, hereditaments or real estate heretofore made by virtue of any decree, order or judgment of any court of this State or any execution or other process issued

Validates sale of land.

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

Proviso.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 273

AN ACT concerning fees for the services of sheriffs, and amending sections 22:4–7, 22:4–8 and 22:4–9 of the Revised Statutes.

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

1. Section 22:4–7 of the Revised Statutes is amended to read as follows: Section amended.

22:4–7. Fees and mileage of sheriffs and other officers. For the services hereinafter enumerated sheriffs and other officers (including coroners in cases where coroners are authorized by law to perform such services) shall receive the following fees: Schedule of fees.

In addition to the mileage allowed by law, for serving every subpœna, attachment or any mesne process issuing out of the court of chancery, every summons, complaint in ejectment or any mesne process issuing out of the Supreme Court, any Circuit Court or court of common pleas, every citation, attachment or mesne process issuing out of the prerogative court or orphans' court or issued by the surrogate of any county, the sheriff or other officer serving such process shall, for the first defendant or party on whom such process is served, be allowed four dollars and fifty cents ($4.50), and, for service on the second defendant named therein, four dollars ($4.00), and for serving such process on any other defendant or defendants named therein, one dollar and fifty cents ($1.50) each, and no more. If a man and his wife be named in such process they shall be considered as one defendant, except where they are living separate and apart.

Serving capias ad respondendum, capias ad satisfaciendum, warrant of commitment, writ of ne exeat, in addition to mileage, ten dollars ($10.00).

Serving venire facias or distringas and return, one dollar and fifty cents ($1.50).

Serving every execution against goods or lands and making an inventory and return, in addition to mileage, seven dollars and fifty cents ($7.50).

Serving citation in divorce proceedings, in addition to mileage, six dollars and fifty cents ($6.50).

For returning every writ twenty-five cents ($0.25).

Executing every writ of partition, swearing the jury and making return of the writ, three dollars ($3.00), but if the execution of such writ shall occupy more time than one day, then in addition to such three dollars ($3.00), at the rate of one dollar and fifty cents ($1.50) a day for every day more that he shall attend such jury.

Executing every writ of possession and return, in addition to mileage, six dollars and fifty cents ($6.50).

Executing every writ of inquiry, summoning the jury and returning the inquisition, four dollars ($4.00).

Executing every writ of attachment, sequestration or replevin issuing out of any of the courts, in addition to mileage, six dollars and fifty cents ($6.50).

For serving each out-of-State paper, in addition to the mileage allowed by law, six dollars and fifty cents ($6.50).

For serving or executing any process or papers where mileage is allowed by law, the officer shall receive mileage actually traveled to and from the courthouse, at the rate per mile of six cents ($0.06).

The mileage charge for all writs served in an ejectment action shall not exceed the total sum of three dollars ($3.00) and no mileage shall be charged on writs of fieri facias, partition, restitution, seizin venire facias, distringas or inquiry served in connection with such action.

For summoning a special jury, four dollars ($4.00).

Summoning a jury of view when not a special jury, two dollars ($2.00).

Attending a jury of view, each day, two dollars ($2.00).

For service of notices on grand and petit jurors the same fees allowed by law for the service of a summons issued out of the court of common pleas.

For producing the jury list and attending the judge within the county, two dollars and seventy cents ($2.70); and for attending the judge outside the county the sheriff shall receive an additional sum for each mile from the courthouse of his county to the place of attendance, such mileage to be at the rate per mile of twenty cents ($.20).

For attending the regular terms of the courts of the county for each day, three dollars ($3.00).

In all claims of property the sheriff shall receive and pay to each of the jurors summoned to try the same, per day, three dollars ($3.00).

Issuing an affidavit of nonresidence, two dollars ($2.00).

Every person committed to prison, twenty-five cents ($0.25).

Discharging every person from prison, twelve cents ($0.12).

Victualing a prisoner, per day, fifteen cents ($0.15).

Attending with a prisoner before a judge on his being surrendered by or in discharge of his bail, and receiving him into custody, one dollar and fifty cents ($1.50).

The sheriff shall be entitled to retain out of all moneys collected or received by him on a forfeited recognizance, whether before or after execution, or from amercements, or from fines and costs on conviction, on indictment or otherwise, whether such moneys are payable to the State or to the county treasurer of the county wherein conviction was had, five per centum (5%).

For transporting each offender to the State Prison, per mile, but not less than three dollars ($3.00) for each offender, to be certified by the

keeper of the prison and the certificate to be delivered to the county treasurer of the county where the conviction was had, twenty-three cents ($0.23).

EXECUTION SALES

Execution sales, fees.

When a sale is made by virtue of an execution the sheriff shall be entitled to charge the following fees: On all sums not exceeding one thousand dollars ($1,000.00), four per centum (4%); on all sums exceeding one thousand dollars ($1,000.00), on such excess, two and one-half per centum (2½%); the minimum fee to be charged for a sale by virtue of an execution, five dollars ($5.00).

When the execution is settled without actual sale and such settlement is made manifest to the officer, the officer shall receive one-half of the amount of percentage allowed herein in case of sale.

Making statement of execution, sales and execution fees, one dollar and fifty cents ($1.50).

Advertising the property for sale, provided the sheriff or deputy sheriff attend in pursuance of the advertisement, five dollars ($5.00).

For the crier of the vendue, when the sheriff proceeds to sell, for every day he shall be actually employed in such sale, one dollar and fifty cents ($1.50).

Every adjournment of a sale, but no more than one adjournment shall be allowed, and if the sheriff shall have several executions against a defendant, he shall only be allowed for advertising, attending and adjourning, as if he had but one execution, one dollar and fifty cents ($1.50).

Drawing and making a deed to a purchaser of real property, twelve dollars and fifty cents ($12.50).

Drawing and making a bill of sale to the purchaser of personal property when such bill of sale is required or demanded, nine dollars and fifty cents ($9.50).

When more than one execution shall be issued out of the Supreme Court upon any judgment, each sheriff to whom such execution shall be directed

and delivered shall be entitled to collect and receive from the defendant named in such execution the fees allowed by law for making a levy and return and statement thereon, or for such other services as may be actually performed by him, and the sheriff who shall collect the amount named in said execution or any part thereof, shall be entitled to the legal percentage upon whatever amount may be so collected by him, but in case any such judgment shall be settled between the parties and the amount due thereon shall not be collected by either sheriff, then the percentage on the amount collected which would be due the sheriff thereon in case only one execution had been issued shall be equally divided among the several sheriffs in whose hands an execution in the same cause may have been placed.

The sheriff shall file his taxed bill of costs with the clerk of the court out of which execution issued, at the term next after the sale of the property, or, in default thereof, he shall not be entitled to any costs. If any sheriff shall charge in such bill of costs for services not done, or allowed by law, or shall take any greater fee or reward for any services by him done than is or shall be allowed by law he shall pay to the party aggrieved thirty dollars ($30.00), to be recovered by an action at law, with costs.

Section amended.

2. Section 22:4–8 of the Revised Statutes is amended to read as follows:

Schedule of fees.

22:4–8. Sheriffs, constables and other officers. Sheriffs, undersheriffs, deputy sheriffs, coroners, constables, court attendants and other officers authorized by law to perform any of the services enumerated below shall receive therefor the following fees:

Serving notice on a defaulting juror, to be paid by the juror, one dollar ($1.00).

For making return when served with a writ of habeas corpus, two dollars ($2.00).

For producing a prisoner held in custody on capias respondendum before a judge or commissioner taking bail, two dollars ($2.00).

For taking a bond and inventory pursuant to an act concerning insolvent debtors, to be paid by the defendant, fifty cents ($0.50).

For all services of the sheriff or other officer pursuant to a claim of exemption on execution or other civil process for seizure of property, five dollars ($5.00). This fee includes one dollar ($1.00) apiece to be paid by the sheriff to each of three appraisers appointed.

Section amended.

3. Section 22:4–9 of the Revised Statutes is amended to read as follows:

Mileage fees, compulsory process.

22:4–9. Mileage of sheriffs, constables and other officers for service of compulsory process. Sheriffs, constables and other authorized officers shall receive mileage for every mile actually traveled in serving and executing any bench warrant, state warrant, capias ad testificandum or other compulsory process issued by any court of record or justice of the peace of this State. Such mileage shall be computed from the courthouse or office of the justice of the peace issuing such process and shall be at the rate per mile of six cents ($0.06).

For transporting a prisoner taken on such process, per mile, six cents ($0.06).

4. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 274

AN ACT concerning the fees of county clerks and registers of deeds and mortgages, and amending section 22:4–4 of the Revised Statutes.

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

1. Section 22:4–4 of the Revised Statutes is amended to read as follows: Section amended.

22:4–4. Registers of deeds and mortgages and, in counties not having such office, the county clerk shall charge for the services herein enumerated the following fees: Schedule of fees.

For recording deeds, mortgages, bills of sale, chattel mortgages, notices of lis pendens or judgments by confession, and all instruments of the nature of those enumerated in Title 46, Property, and all other instruments for which no specific fee is provided by law: When written in whole, per folio, twenty cents ($0.20); when written and printed or typewritten in whole or in part with type of eight-point face and with not less than four-point space between lines, or when written and printed or typewritten in whole or in part with type of more than eight-point face, per folio, twenty cents ($0.20); when printed or typewritten in whole or in part with type of less than eight-point face with less than four-point space between the lines, in broken measure, tabular, schedule or figure work, per folio, twenty-five cents ($0.25).

For official copies and abstracts of such instruments from the records and files of the respective recording offices, per folio, twenty-five cents ($0.25).

For preparing and transmitting to the assessor, collector or other custodian of the assessment map of any taxing district, the abstract of an instrument evidencing title to realty, as required by section 54:4–31 of the Title Taxation, fifty cents ($0.50).

For entering the marginal notation of an order, decree, statement or warrant discharging or annulling a notice of lis pendens, and for filing such order, decree or statement, sixty cents ($0.60).

For entering the marginal notation of a discharge, assignment, postponement, extension, cancellation or release of a mortgage, sixty cents ($0.60).

For preparing and forwarding an abstract of a discharge, cancellation or release of a building and loan mortgage, as required by section 46:18–8 of the Revised Statutes, twenty-five cents ($0.25), additional.

For filing and entering statement of satisfaction of conditional sale and noting the cancellation of the contract and date thereof on the margin of the page upon which the contract was entered thirty cents ($0.30).

For registering each and every mortgage, one dollar ($1.00), if the description and boundaries of the real estate therein described shall not contain in excess of one folio; and for all excess of description over and above one folio, at the rate of twenty cents ($0.20) per folio.

For registering abstract of a mortgage, fifty cents ($0.50).

For every receipt for a mortgage, fifteen cents ($0.15).

For a marginal notation of the discharge of a mortgage in counties where mortgages are indexed under a system requiring a duplication of indices and description, one dollar ($1.00).

For filing and recording notices of Federal tax liens or certificates discharging such liens, two dollars and fifty cents ($2.50).

For filing and entering or refiling conditional sale contract or copy, one dollar and twenty-five cents ($1.25).

For furnishing a certified copy of an honorable discharge of a veteran, fifty cents ($0.50).

For filing each map, plat, plan or chart filed pursuant to chapter twenty-three of the Title Property

(§46:23–1 et seq.), to be paid by the party delivering same (except that there shall be no charge when the same is presented by the State or some one of its agencies), six dollars ($6.00).

Recording tax sales, two dollars and fifty cents ($2.50).

Recording redemption or assignment of sales, two dollars and fifty cents ($2.50).

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 275

AN ACT concerning the adoption of ordinances to establish codes dealing with the maintenance, repair and control of the plumbing, ventilation and drainage of buildings and the connection thereof with an outside sewer, cesspool or other receptacle, and regulating the practice and the issuance of licenses to practice plumbing, and supplementing chapter three of Title 26 of the Revised Statutes.

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

C. 26:3-31.1. Local boards of health, plumbing codes.

1. Local boards of health may enact, amend or supplement ordinances to establish, amend or supplement rules and regulations affecting the installation, maintenance, repair and control of the plumbing, ventilation and drainage of buildings and the connection thereof with an outside sewer, cesspool or other receptacle, regulating the practice of plumbing, or dealing with the issuance of licenses to practice plumbing, by reference to such rules and regulations in any such ordinance and without the inclusion of the text thereof therein, if the rules and regulations to be adopted are printed or otherwise

reproduced in book form as a code or as a part of a code of such rules and regulations; *provided,* that a copy of such printed code, so marked as to indicate plainly what portion thereof, if less than the whole, is intended to be adopted, is annexed to such ordinance; that said code or such portion thereof as is intended to be adopted is so described in said ordinance as to identify it and there is indicated in said description the common or trade name, if any, of such code of rules and regulations and that it is stated in the ordinance that three copies of said code, similarly marked, have been placed on file in the office of the municipal clerk, upon the introduction of said ordinance and will remain on file there until final action is taken on said ordinance, for the use and examination of the public.

Proviso.

C. 26:3-31.2. Not required to publish.

2. It shall not be necessary to publish any such rules and regulations, so to be adopted, as part of said ordinance, notwithstanding that a printed copy thereof is annexed thereto, either before or after the final passage of such ordinance; *provided,* that said printed copies are filed as aforesaid, and, if said ordinance is adopted, the said copies shall remain on file in said office so long as said ordinance is in effect, and three copies shall be placed on file, and shall so remain on file, in the office of the body or department having charge of the enforcement of said ordinance, so long as said ordinance is in effect, for the use and examination of the public.

Proviso.

C. 26:3-31.3. Proof of ordinance, code attached.

3. For the purpose of proof of any such ordinance or the receipt thereof in evidence in all courts and places, such copy of said code, so marked and so annexed to such ordinance, shall be construed to be part of said ordinance as fully as though it had been set forth at length therein.

4. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 276

AN ACT to amend "An act concerning municipalities, and supplementing chapter forty-nine of Title 40 of the Revised Statutes," approved March nineteenth, one thousand nine hundred and forty-six (P. L. 1946, c. 21).

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

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

1. Any municipality may enact, amend or supplement ordinances, establishing, amending or supplementing rules and regulations affecting the construction, reconstruction or repair of buildings, ordinances for fire prevention and ordinances establishing fire prevention codes, and health ordinances establishing, amending or supplementing rules and regulations affecting the installation, maintenance, repair and control of the plumbing, ventilation and drainage of buildings and the connection thereof with an outside sewer, cesspool or other receptacle, regulating the practice of plumbing, or dealing with the issuance of licenses to practice plumbing, by reference to such rules and regulations in any such ordinance and without the inclusion of the text thereof therein, if the rules and regulations to be adopted are printed or otherwise reproduced in book form as a code or as a part of a code of such rules and regulations; *provided,* that a copy of such printed code, so marked as to indicate plainly what portion thereof, if less than the whole, is intended to be adopted, is annexed to such ordinance; that said code or such portion thereof as is intended to be adopted is so described in said ordinance as to identify it and there is indicated in said description the common or trade name, if any, of such code of rules and C. 40:49-5.1. Amending building codes. Proviso.

regulations; and that it is stated in the ordinance that three copies of said code, similarly marked, have been placed on file in the office of the municipal clerk, upon the introduction of said ordinance and will remain on file there until final action is taken on said ordinance, for the use and examination of the public.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 277

AN ACT concerning the compensation of the first deputy of the register of deeds and mortgages and any executive clerk or chief clerk in the office of the register of deeds and mortgages in any county, and amending section 40:39–21 of the Revised Statutes.

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

Section amended.

1. Section 40:39–21 of the Revised Statutes is amended to read as follows:

Salaries.

40:39–21. The register shall select and employ the necessary deputies, chief clerks and all other employees, who shall receive such compensation as shall be recommended by him and approved by the board of chosen freeholders of the respective counties. The annual compensation of the first deputy of the register of deeds and mortgages shall not exceed three-fourths of the annual compensation of the register and the annual compensation of any executive clerk or chief clerk in the office of the register shall not exceed three-fifths of the annual compensation of the register. The compensation so fixed shall be paid semimonthly by the proper county disbursing officer on warrants approved by

the register; *provided,* that nothing herein shall be construed to reduce the salary of any executive clerk or chief clerk now holding such position. Proviso.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 278

AN ACT concerning the compensation of the first deputy county clerk and any executive clerk or chief clerk in the office of the county clerk in any county, and amending section 40:38–28 of the Revised Statutes.

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

1. Section 40:38–28 of the Revised Statutes is amended to read as follows: Section amended.

40:38–28. The county clerk shall select and employ the necessary deputies, chief clerks and all other employees, who shall receive such compensation as shall be recommended by him and approved by the board of chosen freeholders of the respective counties. The annual compensation of the first deputy county clerk shall not exceed three-fourths of the annual compensation of the county clerks and the annual compensation of any executive clerk or chief clerk in the office of the county clerk shall not exceed three-fifths of the annual compensation of the county clerk; *provided,* that nothing herein shall be construed to reduce the salary of any executive clerk or chief clerk now holding such position. The compensation so fixed shall be paid semimonthly by the proper county disbursing officer on warrants approved by the county clerk. Salaries. Proviso.

2. This act shall take effect immediately.

Approved July 27, 1948.

New Jersey State Library

CHAPTER 279

AN ACT concerning the compensation of the first deputy surrogate and any executive clerk or chief clerk in the surrogate's office in any county, and amending section 2:7–32 of the Revised Statutes.

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

Section amended.

1. Section 2:7–32 of the Revised Statutes is amended to read as follows:

Salaries.

2:7–32. The surrogates shall select and employ the necessary deputies, chief clerks and all other employees, who shall receive such compensation as shall be recommended by the surrogates and approved by the board of chosen freeholders of the respective counties. The annual compensation of the first deputy surrogate shall not exceed three-fourths of the annual salary of the surrogate and the annual compensation of any executive clerk or chief clerk in the surrogate's office shall not exceed three-fifths of the annual salary of the surrogate;

Proviso.

provided, that nothing herein shall be construed to reduce the salary of any executive clerk or chief clerk now holding such position. The compensation so fixed shall be paid semimonthly by the proper county disbursing officer on warrants approved by the surrogates.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 280

AN ACT vesting the title to real property of which Andrew Stolz, also known as Andrew Stoltz, died seized, and which is alleged to have escheated to the State of New Jersey in the year one thousand nine hundred and nineteen, in the township of Bernards, in the county of Somerset, a municipal corporation of the State of New Jersey.

Preamble.

WHEREAS, Andrew Stolz, also known as Andrew Stoltz, late of the township of Bernards, in the county of Somerset and State of New Jersey, departed this life on the fifteenth day of March, one thousand nine hundred and nineteen, seized of certain lots, tracts or parcels of land and premises in the township of Bernards, in the county of Somerset and State of New Jersey, described as follows:

Description lot No. 1.

Lot No. 1 butted and bounded as follows: Beginning at a stone a corner of land late of George Collyer, deceased, and in the line of the Barkalow lands; thence running along the Collyer line North three and three-fourths degrees East ten chains twelve links to the middle of a ditch, a tributary stream of the Passaic; thence along the course of the said ditch North seventy-five degrees twenty minutes East four chains thirty-five links to the Westerly end of the bridge; thence South seventeen and one-half degrees East one chain fifty-seven links to the middle of another ditch, which empties into the former one; thence up the course thereof South four degrees West eight chains sixty-six links to the line first mentioned; thence by this line South seventy-six degrees fifty minutes West four chains seventy-three links to the place of begin-

ning, containing four and sixty-seven hundreds acres be the same, more or less.

Description lot No. 2.

Lot No. 2 beginning in the line of land of Bradner McMurtry at a stone and running North six degrees West two chains eighty-nine links to his corner; thence North forty-seven and three-fourths degrees West four chains fifty-eight links to his corner in the line of the Collyer lands; thence North seventy-nine degrees thirty-three minutes East seven chains sixty-two links to an oak tree, a corner of Frederick Drevis' land; thence along his line North seventy-eight and one-fourth degrees East four chains sixty-seven links to his corner; thence South nine degrees West six chains sixty-two links to a stone; thence running South seventy-six degrees fifty-three minutes West eight chains to the place of beginning, containing six acres of land.

Being the same premises conveyed to the said Andrew Stolz by deed of Frederic C. Dreves, widower, dated June 6, 1905, and recorded in the Somerset County Clerk's Office in Book N No. 10 of Deeds for said County, on pages 107, etc.; and

Preamble.

WHEREAS, Said township assessed taxes against said property in the names of the supposed heirs of the said Andrew Stolz and, said taxes becoming due and remaining unpaid, sold said property so assessed for such unpaid taxes to itself, at public sale, as provided by law, acquiring thereby title to the tax lien upon said property, by the tax sale certificate from its tax collector, dated October sixteenth, one thousand nine hundred and twenty-four, and recorded in the Somerset county clerk's office in Book P No. 10 of mortgages for said county, on pages 3, et cetera, and thereafter, the time for the redemption of said tax sale certificate prescribed by law having elapsed, said township sought to acquire title to said property by proceedings in the Court of

Chancery of New Jersey to foreclose said tax title certificate, which resulted in a final decree of said court, dated May sixteenth, one thousand nine hundred and thirty-one, and recorded in said county clerk's office on May twenty-sixth, one thousand nine hundred and thirty-one, in Book J No. 22 of deeds for said county, on pages 134, et cetera, purporting to vest title to said property in said township; and

Preamble. WHEREAS, The said Andrew Stolz left no person or persons capable of inheriting the said land and premises; and

Preamble. WHEREAS, The request and proper notice of intention to apply for the passage of this act has been given and duly published; now, therefore,

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

Title vested in Bernards township. 1. All the estate, right, title and interest of every kind and character of which it is alleged the State of New Jersey is seized in and to certain real property heretofore belonging to Andrew Stolz, also known as Andrew Stoltz, more particularly described in the preamble to this act, are hereby vested in the township of Bernards, in the county of Somerset, a municipal corporation of the State of New Jersey; such title so as aforesaid vested under the provisions of this act is validated and confirmed.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 281

AN ACT to amend "An act concerning the government of cities of the second class and authorizing the creation of a municipal board of public works and a municipal water board in any such city, and defining the powers and duties of such boards and relating to the municipal affairs and departments of such cities placed under the control and management of such boards and providing for the maintenance of such boards," approved April ninth, one thousand nine hundred and thirteen (P. L. 1913, c. 326), as the same was amended by chapter one hundred thirty-three of the laws of one thousand nine hundred and thirty-one.

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

Section amended.

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

Question submitted to vote.

13. The provisions of this act shall not become operative in any such city which has not heretofore adopted it, either as originally enacted or as subsequently amended, until the same shall have been adopted by vote of the legal voters thereof as hereinafter provided. The question of the adoption of this act shall be submitted to vote in any such city at any general election hereafter to be held, when a petition therefor, signed by at least five per centum (5%) of the qualified electors of such city, as evidenced by the total number of votes cast at the then next preceding general election, held for the election of all of the members of the General Assembly in such city, shall have been filed with the clerk of said city, of which submission the same notice shall be given as is required by law to be given of said general election, and the legal voters of said city may, at such election, decide upon the

acceptance or rejection of this act in the following manner: There shall be printed on each official ballot, underneath the names of the candidates, the following:

If you favor the proposition printed below make an × mark in the square opposite the word YES. If you are opposed thereto, make an × mark in the square opposite the word NO. Question.

	Yes	Shall the act entitled "An act concerning the government of cities of the second class and authorizing the creation of a municipal board of public works and a municipal water board in any such city and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such boards, and providing for the maintenance of such boards," be adopted?
	No	

The said ballots so cast for or against this act shall be counted and the result thereof returned by the election officers, and a canvass of such election had in the same manner and at the same time as in case of ballots for city candidates voted for at such election, and the acceptance or rejection of this act so determined shall be declared in the same manner as the general result of said election for city officers, and if there shall be a majority of all votes entitled by law to be counted as votes, either for or against such proposition in favor of the adoption of this act, but not otherwise, this act shall immediately become operative in such city. Canvass.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 282

AN ACT concerning the salaries to be paid to the mayor or other chief executive officer and members of governing bodies in municipalities, and amending sections 40:46–23 and 40:46–26 of the Revised Statutes.

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

Section amended.

1. Section 40:46–23 of the Revised Statutes is amended to read as follows:

Salaries.

40:46–23. The governing body may, by ordinance, notwithstanding any maximum or minimum limitation fixed by statute, fix and determine the salaries, wages or compensation to be paid to each officer and employee of the municipality who, by law, is entitled thereto, except the members of the governing body and mayor or other chief executive officer therein, whose salaries shall, except as otherwise provided in section 40:46–26 of this chapter, be fixed (1) by vote of the legal voters as hereinafter provided, or (2) in municipalities in counties of the third class and fifth class having a population over eighty thousand by ordinance, subject, however, to referendum to the legal voters as provided by section 40:46–26 of this chapter, and except all such officers whose salaries shall have been adopted or determined by a referendum vote, which salaries shall not be changed except by another and further referendum vote thereon. In case any officer is re-elected to succeed himself after having served one full term, his salary may be once increased during the term for which he is so re-elected.

Section amended.

2. Section 40:46–26 of the Revised Statutes is amended to read as follows:

Salaries, governing body.

40:46–26. The legal voters of any municipality may, by vote at a general election held in such mu-

nicipality, fix and determine the salary or other compensation to be paid the members of the governing body. They may in the same manner fix the salary or other compensation to be paid the mayor, except in municipalities having a population of more than twenty thousand, in which municipalities the governing body shall fix the salary of the mayor by ordinance. In case the mayor of any municipality is re-elected to succeed himself after having served one full term in such office his salary may be increased not more than once during such term for which he is so re-elected.

Limitation.

In any municipality in counties of the third class and fifth class having a population over eighty thousand in which the legal voters have not fixed and determined the salaries of the mayor or other chief executive officer or members of the governing body in the manner aforesaid, the governing body may, by ordinance, fix the annual salary to be paid the mayor or other chief executive officer and members of the governing body, but any such salary shall not be in excess of six hundred dollars ($600.00) per annum in municipalities having a population not in excess of nine thousand, or one thousand dollars ($1,000.00) per annum in municipalities having a population in excess of nine thousand but not in excess of fourteen thousand, or two thousand five hundred dollars ($2,500.00) per annum in municipalities having a population in excess of fourteen thousand. Any such ordinance shall become operative in ten days after the publication thereof after its final passage, unless within said ten days, a petition, signed by the voters of such municipality equal in number to at least fifteen per centum (15%) of the entire vote cast in the last preceding general election protesting against the passage of such ordinance, be presented to the governing body, in which case such ordinance shall remain inoperative unless and until a proposition for the ratification thereof shall be adopted at the next general election by a majority of the qualified voters voting on said proposition.

Construing.

This section shall not be construed to prevent the payment of a per diem compensation, pursuant to section 40:146–14 of this Title, to members of a township committee who are not paid a salary.

Application of section.

This section shall not apply to municipalities governed by the provisions of subtitle four (40:70–1 et seq.) or subtitle five (40:79–1 et seq.) of this Title or boroughs in counties of the fourth or of the sixth class, in which boroughs such salaries may be fixed by ordinance pursuant to section 40:87–60 of this Title, or townships having a population in excess of nine thousand and not in excess of fourteen thousand, in which townships such salaries are fixed by section 40:146–15 of this Title, or to townships in counties of the sixth class bordering on the Atlantic ocean, in which townships such salaries are fixed by chapter two hundred one, laws of one thousand nine hundred and forty-six, or to cities of the fourth class in counties of the sixth class having councilmanic form of government, in which cities the members of the governing body are hereby empowered, by ordinance, to fix the compensation for each of the members thereof at a sum not to exceed five hundred dollars ($500.00) per annum.

3. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 283

AN ACT concerning district courts, and supplementing chapter eight of Title 2 of the Revised Statutes.

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

1. The clerk of any district court of any county, city or judicial district may, when so ordered by the president judge, or judge, of said court, destroy the affidavits filed in all landlord and tenant cases wherein judgment has been or shall have been entered, in said court, for a period of at least six years, together with the jackets containing the same. C. 2:8-62. May destroy affidavits.

2. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 284

AN ACT concerning juvenile delinquency, and amending section 9:18–12 of the Revised Statutes.

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

1. Section 9:18–12 of the Revised Statutes is amended to read as follows: Section amended.

9:18–12. The juvenile and domestic relations court shall have exclusive jurisdiction to hear and determine all cases of juvenile deliquency. Jurisdiction.

Juvenile delinquency is hereby defined as the commission by a child under eighteen years of age of any act, except as hereinafter excepted, which Juvenile delinquency defined.

when committed by a person of the age of eighteen years or over would constitute:

(a) A felony, high misdemeanor, misdemeanor, or other offense, or

(b) The violation of any penal law or municipal ordinance, or

(c) Any act or offense for which he could be prosecuted in the method partaking of the nature of a criminal action or proceeding, or

(d) Being a disorderly person,

And also the following acts on the part of a child under the age of eighteen years:

(e) Habitual vagrancy, or

(f) Incorrigibility, or

(g) Immorality, or

(h) Knowingly associating with thieves or vicious or immoral persons, or

(i) Growing up in idleness or delinquency, or

(j) Knowingly visiting gambling places, or patronizing other places or establishments, his admission to which constitutes a violation of law, or

(k) Idly roaming the streets at night, or

(l) Habitual truancy from school, or

(m) Deportment endangering the morals, health or general welfare of said child.

Motor vehicle violation not deemed delinquency.

The commission of an act which constitutes a violation of the provisions of chapters three or four of Title 39, Motor Vehicles, of the Revised Statutes, or of any supplement thereof, by a child of or over the age of seventeen years, who is the holder of a valid license to operate a motor vehicle under the laws of this or any other State, shall not constitute juvenile delinquency as defined in this section.

May refer case to prosecutor.

If it shall appear to the satisfaction of the court that the case of any person between the ages of sixteen and eighteen years should not be dealt with by the court, either because of the fact that the person is an habitual offender, or has been charged with an offense of a heinous nature, under circumstances which may require the imposition of a sentence rather than the disposition permitted by

this chapter for the welfare of society, then the court may refer such case to the prosecutor of the pleas of the county wherein the court is situate.

Procedure

Such case will thereafter be dealt with in exactly the same manner as any other criminal case involving an adult offender.

May demand jury trial.

Any offender between the ages of sixteen and eighteen years may demand a presentment and trial by jury and, in such case, when this fact is made known to the court, such case shall be referred to the prosecutor of the pleas and dealt with in exactly the same manner as any other criminal case involving an adult offender. Every case so referred shall be accompanied by all documents pertaining thereto.

C. 9:18-12.1. Fingerprints destroyed.

2. Any person of or over the age of seventeen years and under the age of eighteen years, who shall have been arrested and charged with the commission of any offense which, except for the provisions of the act to which this act is a supplement, would be an indictable offense, may be fingerprinted, but in case such person is found not to be guilty of such offense or such charge is dismissed, the State Bureau of Identification or any police department having possession of the same shall deliver such fingerprints to a judge of the court having jurisdiction of said proceedings, upon demand, and they thereupon shall be destroyed.

3. This act shall take effect immediately.

Approved July 27, 1948.

CHAPTER 285

AN ACT concerning vital statistics, and amending sections 26:8–56, 26:8–60 and 37:1–12 of the Revised Statutes.

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

Section amended.

1. Section 26:8–56 of the Revised Statutes is amended to read as follows:

Fees for registering births and deaths.

26:8–56. The local registrar shall be paid fifty cents ($0.50) for each birth or death certificate properly executed, registered, recorded, and promptly returned to the State Registrar. A local registrar shall not receive such fee if compensated by a fixed salary as provided in section 26:8–29 of this Title.

Section amended.

2. Section 26:8–60 of the Revised Statutes is amended to read as follows:

Fee for transmittal of marriage certificate.

26:8–60. Each local registrar and the clerk of the county board of health upon receiving a certificate from the State Registrar of the whole number of certificates of marriages transmitted as required by section 26:8–41 of this Title, shall be entitled to receive from the proper disbursing officer of the municipality or county the sum of fifty cents ($0.50) for each marriage certificate so transmitted, the receipt for which shall be attached to the certificate of the State Registrar. No credit shall be given or certificate issued by the State Registrar for any certificate of marriage which is transmitted later than ten days after the end of the calendar month in which the marriage occurred.

Salary in lieu of fees.

In any city, the body appointing local registrars may, in lieu of fees, provide that officers performing the above service shall receive a fixed compensation to be determined by such body.

3. Section 37:1–12 of the Revised Statutes is amended to read as follows: Section amended.

37:1–12. For issuing a marriage license, the licensing officer shall be entitled to receive from the applicants the sum of three dollars ($3.00). All fees so received by the city clerk in cities of the first class shall be paid into the treasury of such city to be used for the relief of its poor. Fee for marriage license.

4. This act shall take effect immediately.

Approved August 9, 1948.

JOHN M. SUMMERILL, JR.,
Senate President,
Acting Governor.

CHAPTER 286

AN ACT concerning public utilities, and amending section 48:3–31 of the Revised Statutes.

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

1. Section 48:3–31 of the Revised Statutes is amended to read as follows: Section amended.

48:3–31. Nothing in this title shall be construed to prevent the issue by any steam railroad, street railway, traction, canal, express, telephone or telegraph companies or other common carriers, of free passes or franks to their employees, officers, agents, surgeons, physicians, attorneys-at-law, and their families, and the interchange between said public utilities and common carriers, of passes or franks for their employees, officers, agents, surgeons, physicians, attorneys-at-law, and their families. The term "employees" as used in this section, shall include furloughed, pensioned, and superannuated employees. May issue free passes. Employee.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 287

AN ACT concerning education, and amending sections 18:7–27 and 18:7–28 of the Revised Statutes.

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

Section amended.

1. Section 18:7–27 of the Revised Statutes is amended to read as follows:

Voters' qualifications.

18:7–27. Every citizen of the United States who has the qualifications required for electors for the General Assembly and whose name appears on the signature copy register shall be entitled to vote at any annual or special school election.

No person shall be permitted to vote at any school election unless his name appears on the signature copy register mentioned in section 18:7–28 of this Title, as having been registered to vote, and for the purpose of said school election no person shall be entitled to vote unless he shall be registered at least forty days prior to the date of said school election.

Section amended.

2. Section 18:7–28 of the Revised Statutes is amended to read as follows:

Signature copy registers.

18:7–28. The school district clerk shall forward a written notice to the commissioner of registration for his county, at least ten days before any school election, setting forth the election districts to be included in such school election. The said commissioner of registration shall thereupon prepare the signature copy registers to be used therein to contain the names and addresses of all persons duly registered in the election districts affected who are entitled to vote at the school election, and shall deliver the said signature copy registers to the school district clerk on the day preceding or on the day of such school election. All such signature copy registers so delivered to the school district clerk must be returned by him to the commissioner

of registration not later than three o'clock in the afternoon of the day succeeding said school election.

3. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 288

AN ACT concerning county bridge commissions heretofore or hereafter created by counties of this State, and amending the title of "An act authorizing county bridge commissions to issue bonds and other obligations, and amending sections 27:19–26, 27:19–27, 27:19–28, 27:19–31, 27:19–32, 27:19–33, 27:19–34, 27:19–36, 27:19–38, 27:19–39, and supplementing article one of chapter nineteen of Title 27 of the Revised Statutes," approved May seventh, one thousand nine hundred and forty-six (P. L. 1946, c. 318), so that the same shall read "An act concerning the powers and duties of county bridge commissions, and amending sections 27:19–26, 27:19–27, 27:19–28, 27:19–31, 27:19–32, 27:19–33, 27:19–34, 27:19–36, 27:19–38, 27:19–39, and supplementing article two of chapter nineteen of Title 27 of the Revised Statutes," and amending section 27:19–28, and supplementing article two of chapter nineteen of Title 27, of the Revised Statutes.

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

1. The title of "An act authorizing county bridge commissions to issue bonds and other obligations, and amending sections 27:19–26, 27:19–27, 27:19–28, 27:19–31, 27:19–32, 27:18–33, 27:19–34, 27:19–36, Title amended.

27:19–38, 27:19–39, and supplementing article one of chapter nineteen of Title 27 of the Revised Statutes," approved May seventh, one thousand nine hundred and forty-six, is amended to read "An act concerning the powers and duties of county bridge commissions, and amending sections 27:19–26, 27:19–27, 27:19–28, 27:19–31, 27:19–32, 27:19–33, 27:19–34, 27:19–36, 27:19–38, 27:19–39, and supplementng article two of chapter nineteen of Title 27 of the Revised Statutes."

New title.

Section amended.

2. Section 27:19–28 of the Revised Statutes is amended to read as follows:

Power to construct bridges and approaches.

27:19–28. The commission may acquire or construct approaches, and a drawbridge or bridges over any channel or channels, thoroughfare or thoroughfares, small streams, creeks or rivers, or bodies of water, within the limits of the county or counties for which such commission is created and also within the limits of any other contiguous county which may, by resolution of its board of chosen freeholders, consent thereto and also within the limits of any other State contiguous to such county or counties. When any such commission shall have adopted a resolution authorizing the construction or acquisition of a bridge over, under or around any obstacle, neither the State or any agency or subdivision thereof nor any other person, partnership or corporation shall thereafter construct or acquire any bridge over, under or around such obstacle unless, (1) such bridge and every part thereof is not less than ten miles or more distant from every part of the bridge so authorized by such commission, or (2) such commission shall, by resolution adopted subject to and in compliance with every contract or agreement of the commission, permit and consent to the construction or acquisition of such bridge.

C. 27:19-32.2. Bonds legal investments.

3. The bonds, notes or other evidences of indebtedness of such commissions are hereby made securities in which, notwithstanding any restriction contained in any other law, the State and all public officers, municipalities, counties, political sub-

divisions and public bodies, and agencies thereof, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control, and any such bonds, notes or other evidences of indebtedness shall be authorized security for any and all public deposits.

4. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 289

AN ACT to authorize a conveyance of certain State lands situate in the township of Hopewell, Mercer County.

WHEREAS, On or about July 8, 1946, Herbert Thompson Atkinson and Gertrude Atkinson, his wife, Allan Littlewood and Lena Littlewood, his wife, conveyed to the State of New Jersey, by deed of that date, certain lands and premises, described therein as parcel 5 B 1 as indicated on a plan entitled "New Jersey State Highway Department, General Property Key Map, Route 30, section 2 A, Trenton to Pennington, showing existing right of way and parcels to be acquired in Townships of Ewing and Hopewell, Mercer County, September 1945" and as containing about one acre and three hundred one-thousandths of an acre; and Preamble.

Preamble. WHEREAS, By mutual mistake of the parties thereto, said deed contained a provision as follows:

> Parcel #5B–1, including specifically all the land and premises owned or controlled by the grantors herein, lying between the existing westerly right of way line of the road from Trenton to Pennington and the new westerly right of way line of State Highway Route 30, Section 2A, Trenton to Pennington, as laid down on the aforesaid plan, extending from the northerly line of Parcel 5B–2B, as laid down on said plan, and from lands now or formerly of Richard Flannery at about Station 221+01 on the south lands now or formerly of Sherman and Harold Gould at about Station 226+39 on the north;
>
> whereby said deed apparently conveyed to the State of New Jersey the lands and premises hereinafter described which form no part of said parcel 5B–1 as indicated upon said plan; and

Preamble. WHEREAS, Title to the lands and premises hereinafter described as Tract No. 1 has since vested in Herbert Thompson Atkinson and Gertrude Atkinson, his wife, and title to the lands and premises hereinafter described as Tract No. 2 still remains in Herbert Thompson Atkinson and Allan Littlewood; therefore

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

Authorized to make conveyance. 1. The State Highway Commissioner hereby is authorized to grant, convey, release and confirm, by good and sufficient deeds of conveyance, in the name of the State of New Jersey—

Location, tract No. 1. a. To Herbert Thompson Atkinson and Gertrude Atkinson, his wife, their heirs and assigns forever, all those lands and premises situate, lying and being in the township of Hopewell, in the county

of Mercer and State of New Jersey, more particularly as follows:

Tract No. 1— Description, tract No. 1.

Beginning at a point in the westerly line of the Trenton-Pennington Road at the northeast corner of lands of Richard Flannery and running thence (1) S. 82° 51′ W, along the northerly line of said lands of Richard Flannery, 247.85 feet to its point of intersection with the easterly line of Parcel 5B–1 as laid down on a certain plan entitled "New Jersey State Highway Department, General Property Key Map, Route 30, section 2 A, Trenton to Pennington, showing existing right of way and parcels to be acquired in townships of Ewing and Hopewell, Mercer county, September 1945; thence (2) along said easterly line, N. 7° 09′ W 229.44 feet to a point in the southerly line of lands of Herbert T. Atkinson and Alan Littlewood; thence (3) N. 82° 51′ E, along said line of lands of Herbert T. Atkinson and Allan Littlewood, 230.73 feet to a point in the westerly line of the Trenton-Pennington Road; thence (4) S 11° 25′ 15″ E, along the westerly line of said road, 230.08 feet to the point and place of beginning.

b. To Herbert Thompson Atkinson and Allan Littlewood, their heirs and assigns forever, all those lands and premises situate, lying and being in the township of Hopewell, in the county of Mercer and State of New Jersey, more particularly described as follows: Location, tract No. 2.

Tract No. 2— Description, tract No. 2.

Beginning at a point in the westerly line of the Trenton-Pennington Road distant 200 feet, more or less, southerly, measured along said road line, from the southeast corner of lands of Sherman & Harold Gould and being also the point of intersection of said westerly line with the southerly line of Parcel 5B–1 as laid

on a certain plan entitled "New Jersey State Highway Department, General Property Key Map, Route 30, section 2 A, Trenton to Pennington, showing existing right of way and parcels to be acquired in townships of Ewing and Hopewell, Mercer county, September 1945" and running thence (1) S 11° 25′ 15″ E, along the westerly line of the Trenton-Pennington Road, 15 feet, more or less, to the northeast corner of land of Herbert T. Atkinson and wife; thence (2) S 82° 51′ W, along the northerly line of said land of Herbert T. Atkinson and wife, 230.73 feet to a point in the easterly line of said Parcel 5B–1; thence (3) along said easterly line N 7° 09′ W 15 feet more or less, to its point of intersection with the southerly line of Parcel 5B–1; thence (4) along said southerly line, N 82° 51′ E 229.6 feet, more or less, to the point and place of beginning.

Said lot being designated as 5B2B on the aforesaid plan.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 290

AN ACT concerning taxation, and amending section 54:4–3.9 of the Revised Statutes.

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

Section amended.

1. Section 54:4–3.9 of the Revised Statutes is amended to read as follows:

Exempt from taxation.

54:4–3.9. Graveyards and burial grounds used or intended to be used for the interment of bodies of the dead or the ashes thereof not exceeding ten acres of ground, and cemeteries and buildings for

cemetery use erected thereon, and all mausoleums, vaults, crypts or structures intended to hold or contain the bodies of the dead or the ashes thereof, and solely devoted to or held for that purpose shall be exempt from taxation under this chapter.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 291

AN ACT concerning institutions and agencies, and amending sections 30:4–98 and 30:4–100 of the Revised Statutes.

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

1. Section 30:4–98 of the Revised Statutes is amended to read as follows: Section amended.

30:4–98. The State Board shall have power to: Powers of State board.

a. Assign to each institution the industries, occupations, vocations and labor to be operated or performed by the inmates thereof, but no industry shall be expanded and no new industry shall be assigned to any institution except by consent of the State House Commission;

b. Establish for each institution and for each industry, occupation and vocation, hours and days of labor, determine the rate of compensation to be paid therein and pay or cause the same to be paid to the worker or his dependents, or apportion the pay between the worker and his dependents;

c. Procure and install in each institution the machinery and equipment and furnish the tools, supplies, raw materials, seeds, fertilizers and articles necessary for the operation of the assigned industries and the performance of the assigned occupations and vocations with relation to the determined standards of quality and quantity;

d. Establish standards of machinery, equipment, tools, supplies, raw materials; adopt in conjunction with the Division of Purchase and Property in the State Department of Taxation and Finance, styles, patterns, designs and qualities of finished products; determine the cost of production and fix the selling price thereof;

e. Establish a uniform system of accounting and cost of production for materials and labor including maintenance and wage payments;

f. Prepare and issue a catalogue containing a description and price list of all articles manufactured or produced by all the institutions within its jurisdiction;

g. Assign any number of the inmates of any institution to the performance of labor outside the usual limits of the institution of which they are inmates, of whatever character and wherever, within the boundaries of this State, may be determined by the State Board; *provided,* such labor shall only be employed in enterprises of a public nature or connected with the public welfare or in such work in such places as may be necessary to meet any emergency arising from scarcity of labor on farms. Such labor shall be performed under the direct supervision of an officer or officers authorized by the commissioner;

h. Pay from the working capital account or any other funds at its disposal, for the transportation of such laborers to and from the place of detention to the place of assigned labor, and for the proper clothing, maintenance, guarding and medical attention of the assigned laborers;

i. Determine the amount to be charged for the labor of such inmates as may be assigned to any work for any other department or branch of the State Government not included within the jurisdiction of this department, and contract and agree with the chief executive officer thereof as to the performance of the work, the rate to be paid therefor, the number of inmates to be assigned and such other details as may be necessary and proper;

j. Determine and apportion between the institution furnishing the labor and the institution receiving the benefit thereof the cost of such labor and the expenses incident thereto, when such labor is assigned from one institution to another within the jurisdiction of the department;

k. Detail keepers, guards or attendants from the employees of any institution as guards for the inmates thereof when out of the institution on assigned labor or to hire additional keepers or guards as may be necessary, paying therefor from the working capital account of such institution and including the cost thereof in the calculated cost of such labor;

l. Perform as an independent contractor, with the labor of the inmates of the institutions within its jurisdiction, any public work, either upon the lands of the State or elsewhere; and

m. Employ the inmates of any or all of the institutions within its jurisdiction upon any work for the United States Government or any department thereof, upon such terms as the State Board may determine.

Section amended.

2. Section 30:4–100 of the Revised Statutes is amended to read as follows:

Working capital.

30:4–100. The Legislature shall annually appropriate to the department a sum for working capital, which may be allotted by the State Board among the several institutions, which the State Treasurer shall, upon the Comptroller's warrant of the State Commissioner of Taxation and Finance, as directed by rule or order of the State Board, advance to the several officers of the respective institutions designated as the custodians of the working capital thereof. Settlements between institutions, departments, boards and other State agencies shall not be made in cash, but by debits and credits on the Comptroller's books. The custodian of working capital funds of an institution shall, on or before the tenth day of each month, file with the State House Commission a statement showing all deliveries made by such institution during the month

immediately preceding. Delivery shall be considered to have been made only when the producing institution shall have received and submitted, with its monthly report, the acknowledgment of receipt from the receiving institution, board, commission or other State agency, or in event of sales in the open market, acknowledgment of receipt by the purchaser. A separate report to be submitted with the report of deliveries shall show all products sold, acknowledgment of delivery of which has not been received. All receipts from sales shall be credited to the working capital appropriation for the then current fiscal year and thereafter, from year to year, as replacement thereof, without further appropriation and shall not lapse into the unappropriated funds of the State treasury except that any excess of assets over liabilities, in said working capital fund, or more than one million dollars ($1,000,000.00) at the end of any fiscal year shall pass into the general unappropriated funds of the general treasury of the State. The value of the assets of said working capital fund shall be determined by inventory of the department, taken at cost, which shall be taken as of July first, one thousand nine hundred and forty-eight, and of the end of each fiscal year thereafter, and shall be filed with the State Department of Taxation and Finance. The proceeds of the sale of any articles or products, the cost of which is properly chargeable to maintenance, during any fiscal year, shall be credited to the maintenance account of the producing institution.

3. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 292

AN ACT concerning the teachers' pension and annuity fund, and supplementing article three of chapter thirteen of Title 18 of the Revised Statutes.

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

May retire, amount of allowance.

1. Any person who in the year one thousand nine hundred and fourteen entered the employ of any city board of education, and who for a period of more than thirty years has been a member of the "retirement system" may, at any time in the year one thousand nine hundred and forty-nine, retire or be retired from the school system, and thereupon shall be entitled to receive an allowance from the "retirement system" equal to thirty-five seventieths of his average annual compensation during his last five years of employment, to be paid as other pensions and allowances are paid from the "retirement fund," provided for by the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 293

AN ACT concerning the filing of plans and specifications in the building departments of the State of New Jersey, and amending section 52:32–3 of the Revised Statutes.

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

Section amended.

1. Section 52:32–3 of the Revised Statutes is amended to read as follows:

Plans and specifications authenticated.

52:32–3. No department in the State created for the purpose of filing plans and specifications for buildings under the several laws shall receive or file any plans or specifications unless the same bear the seal of a licensed professional engineer or a licensed architect of the State, or in lieu thereof an affidavit sworn to by the person who drew or prepared the same.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 294

AN ACT concerning the filing of plans and specifications in the building departments of municipalities of the State of New Jersey, and amending section 40:55–52 of the Revised Statutes.

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

1. Section 40:55–52 of the Revised Statutes is amended to read as follows: Section amended.

40:55–52. No department in a municipality, created for the purpose of filing plans and specifications for buildings, shall receive or file any plans or specifications unless they bear the seal of a licensed professional engineer or a licensed architect of the State of New Jersey, or in lieu thereof an affidavit sworn to by the person who drew or prepared them. Plans and specifications authenticated.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 295

AN ACT concerning the salaries of the clerks of the district courts, and amending section 2:8–23 of the Revised Statutes.

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

Section amended.

1. Section 2:8–23 of the Revised Statutes is amended to read as follows:

Salaries, district court clerks.

2:8–23. The annual salaries of the clerks of the district courts, which shall be in lieu of all fees whatsoever, shall be as follows:

a. In counties of the first class:

(1) In cities having more than thirty thousand inhabitants, not less than four thousand dollars ($4,000.00) nor more than five thousand dollars ($5,000.00);

(2) In cities having between thirty thousand and twenty thousand inhabitants, not less than one thousand eight hundred dollars ($1,800.00) nor more than two thousand five hundred dollars ($2,500.00);

(3) In judicial districts having more than one hundred thousand inhabitants, not less than four thousand dollars ($4,000.00) nor more than five thousand dollars ($5,000.00);

(4) In judicial districts having more than fifty-five thousand inhabitants and less than one hundred thousand inhabitants, not less than two thousand eight hundred dollars ($2,800.00) nor more than three thousand five hundred dollars ($3,500.00);

(5) In judicial districts having less than fifty-five thousand inhabitants, not less than one thousand five hundred dollars ($1,500.00) nor more than two thousand five hundred dollars ($2,500.00).

This subsection shall not be operative in counties of the first class to increase the annual salaries of the clerks of the district courts above the amounts which they shall be receiving upon the effective date of this act unless the governing body of the city or the board of chosen freeholders of the county, as the case may be, shall, by resolution, authorize such increase to an amount authorized by this act.

b. In counties other than counties of the first class and counties having between two hundred thousand and five hundred thousand inhabitants:

(1) In cities having two hundred thousand or more inhabitants, three thousand three hundred dollars ($3,300.00);

(2) In cities having between two hundred thousand and forty-five thousand inhabitants, three thousand dollars ($3,000.00);

(3) In cities having between forty-five thousand and twenty-five thousand inhabitants, two thousand four hundred dollars ($2,400.00).

(4) In cities having between twenty-five thousand and twenty-three thousand inhabitants, one thousand eight hundred dollars ($1,800.00);

(5) In cities having between twenty-three thousand and seventeen thousand inhabitants, one thousand five hundred dollars ($1,500.00);

(6) In cities of the fourth class situate on the Atlantic ocean and having more than fifty thousand inhabitants, three thousand dollars ($3,000.00);

(7) In judicial districts having one hundred thousand or more inhabitants, except as set forth in section ten of this paragraph, two thousand eight hundred dollars ($2,800.00);

(8) In judicial districts having between one hundred thousand and forty-five thousand inhabitants, except as set forth in section ten of this paragraph, two thousand five hundred dollars ($2,500.00);

(9) In judicial districts having a population of forty-five thousand or less, one thousand five hundred dollars ($1,500.00); except in such judicial districts in which the courts shall be held at more than one place in the district at stated periods, in which districts it shall be two thousand dollars ($2,000.00);

(10) In any judicial district having more than sixty-five thousand inhabitants, and where there shall be no other district court in such county, not less than two thousand eight hundred dollars ($2,800.00) nor more than three thousand dollars ($3,000.00).

c. In counties having between two hundred thousand and five hundred thousand inhabitants:

(1) In judicial districts having less than forty-five thousand inhabitants, not less than one thousand eight hundred dollars ($1,800.00) nor more than two thousand three hundred dollars ($2,300.00);

(2) In judicial districts having between forty-five thousand and eighty thousand inhabitants, not less than two thousand five hundred dollars ($2,500.00) nor more than three thousand dollars ($3,000.00);

(3) In judicial districts having eighty thousand or more inhabitants, not less than three thousand dollars ($3,000.00) nor more than three thousand five hundred dollars ($3,500.00);

(4) In judicial districts in counties having more than three hundred twenty-five thousand and less than three hundred seventy-five thousand inhabitants in which all district courts are district courts of judicial districts, not less than one thousand eight hundred dollars ($1,800.00) nor more than three thousand five hundred dollars ($3,500.00).

Except as provided by section 2:8–30 of this Title, the amount of the salary to be paid to each clerk of a district court shall, between the minimum and maximum amounts prescribed by this section, be fixed by the judge of the district court to which the clerk is or may be appointed, at any time during the term of office of such clerk.

The salaries of the clerks of the district courts shall be paid by the cities in which such courts are or may be established, and by the county treasurer of the counties in which a judicial district has been or may be incorporated, in semimonthly installments, to be computed from the date of the appointment of such clerks, or their increase in salary, if any.

Section not to apply.

This section shall not affect the salaries of clerks of district courts in judicial districts where the clerk is serving in the dual capacity of district court clerk and county clerk.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 296

AN ACT concerning the State Highway Commissioner; modifying Route 29A and making an appropriation for the construction of a part thereof.

Preamble.

WHEREAS, The Legislature in one thousand nine hundred and forty-seven by the provisions of Assembly Concurrent Resolution No. 2 did provide:

> "The State Highway Commissioner shall, within one year from the date of this resolution, and in conformity with the procedure set forth in Title 27 of the Revised Statutes, arti-

cle one, chapter seven, amend and modify the prevailing rules and regulations of the State Highway Department, to the end that Route 29A shall include a sixty-foot right-of-way along the present roadbed, parallel to the Delaware river and the Pennsylvania Railroad, but not to cross the Pennsylvania Railroad at any point along its said course, which right-of-way when determined, shall have constructed thereon a durable roadbed of standard specifications for normal and light traffic, in the place and stead of full concrete construction,'' therefore

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

Appropriation.

1. There is hereby appropriated the sum of sixty thousand dollars ($60,000.00), when the same shall be included in any annual appropriation act, for the construction of that portion of Route No. 29A which lies between Byram Station and the end of the improved concrete roadway running along the Delaware river below Frenchtown in the county of Hunterdon according to prevailing rules and regulations of the State Highway Department, as amended pursuant to said Assembly Concurrent Resolution.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 297

AN ACT to validate sales or exchanges of land by the several municipalities or counties of this State in certain cases.

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

1. All sales or exchanges heretofore made of lands and premises by any municipality or county, whether such sales or exchanges of land and premises by such municipality or county shall have been made at public auction or at private sale, and all proceedings had in connection therewith, are hereby validated and confirmed, and any conveyances of said lands so as aforesaid heretofore sold or exchanged by such municipality or county to the purchaser or purchasers thereof heretofore or hereafter made in pursuance of any such sale, shall be construed in all courts of this State to have conveyed all the right, title and interest of any such municipality or county of, in and to said lands and premises; *provided,* such sales or exchanges shall have been or shall be confirmed by resolution of the governing body of such municipality or the board of chosen freeholders of the county, as the case may be; *and further provided,* that such sale or exchange shall have taken place five years or more before the passage of this act. Validates sales or exchanges of land. Proviso. Proviso.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 298

AN ACT making it a misdemeanor to require that policies of insurance or renewals thereof incidental to certain financial transactions shall be obtained from or through particularly designated insurance agents or brokers.

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

C. 2:142-3. Practice a misdemeanor.

1. Any person, firm or corporation engaged in the business of financing the purchase, rehabilitation or retention of real or personal property, or of lending money on the security of real or personal property, and any agent or employee of any such person and any officer, trustee, director, agent or employee of any such firm or corporation, who shall directly or indirectly impose or require as a condition of any such financing or loaning of money, whether the financing or the security to be taken, shall be in the form of a mortgage, conditional sale, contract, pledge or otherwise, or as a condition of the doing of any other act in connection with any such transaction, that the person, firm or corporation with whom any such transaction shall be conducted, shall negotiate for or obtain any policy of insurance or renewal thereof, covering the property involved in the transaction from or through a particularly designated insurance agent or broker, shall be guilty of a misdemeanor.

C. 2:142-4. Construing.

2. This act shall not be deemed to prevent the exercise of the right to approve or disapprove the sufficiency of any policy or renewal thereof of insurance or of the underwriting company or agency issuing such policy or renewal which may be negotiated for or tendered in connection with any such transaction by the person, firm or corporation seek-

ing or obtaining the financing or loan involved in such transaction.

C. 2:142-5. Act operative.

3. This act shall take effect immediately but it shall be inoperative for a period of thirty days after its effective date.

Approved August 9, 1948.

CHAPTER 299

AN ACT concerning the salaries of the prosecutors of the pleas and the county prosecutors of certain counties, and supplementing chapter one hundred eighty-two of Title 2 of the Revised Statutes.

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

C. 2:182-10.2. Salary of prosecutor.

1. The annual salary of the prosecutor of the pleas and the county prosecutor, respectively, of any county of the fourth class, having a population of more than forty thousand inhabitants according to the last Federal census, may be increased by resolution of the board of chosen freeholders of the county to not more than five thousand dollars ($5,000.00).

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 300

AN ACT concerning the salaries of judges of the court of common pleas of certain counties, and supplementing chapter six of Title 2 of the Revised Statutes.

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

C. 2:6-16.2. Salary of common pleas judges.

1. The annual salary of the judge of the court of common pleas of any county of the fourth class, having a population of more than forty thousand inhabitants according to the last Federal census, may be increased by resolution of the board of chosen freeholders of the county to not more than six thousand dollars ($6,000.00).

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 301

AN ACT concerning the salaries of surrogates of certain counties, and supplementing chapter seven of Title 2 of the Revised Statutes.

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

C. 2:7-20.3. Salary of surrogates.

1. The annual salary of the surrogate of any county of the fourth class, having a population of more than forty thousand inhabitants according to the last Federal census, may be increased by resolution of the board of chosen freeholders of the county to not more than five thousand dollars ($5,000.00).

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 302

AN ACT concerning the salaries of sheriffs of certain counties, and supplementing chapter forty-one of Title 40 of the Revised Statutes.

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

1. The annual salary of the sheriff of any county of the fourth class, having a population of more than forty thousand inhabitants according to the last Federal census, may be increased by resolution of the board of chosen freeholders of the county to not more than five thousand dollars ($5,000.00). C. 40:41-7.2. Salary of sheriffs.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 303

AN ACT concerning the salaries of county clerks in certain counties, and supplementing chapter thirty-eight of Title 40 of the Revised Statutes.

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

1. The annual salary of the county clerk of any county of the fourth class, having a population of more than forty thousand inhabitants according to the last Federal census, may be increased by resolution of the board of chosen freeholders of the county to not more than five thousand dollars ($5,000.00). C. 40:38-6.3. Salary of county clerks.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 304

AN ACT authorizing and empowering any municipality of this State to make an award of damages to policemen or firemen who are permanently disabled in the performance of their duties.

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

C. 40:47-12.10. May allow damages during period of disability.

1. It shall be lawful for the governing body of any municipality of this State in its discretion to provide by ordinance, upon the recommendation of the department, board or committee having charge of the department in which policemen or firemen are employed, and upon the certification of a physician appointed by the governing body as to the probable permanency of such disability for the awarding of damages to policemen or firemen who are permanently disabled through injuries received in the performance of their duties, and to fix the amount of such award in lump sum or annual allowance during such disability and the manner of payment thereof; *provided, however,* that such award plus any pension paid and award under Workmen's Compensation, Title 11, of the Revised Statutes shall not exceed the amount paid any such person when employed in the municipal service.

Proviso.

C. 40:47-12.11. Amount included in budget.

2. The governing body of a municipality providing any award pursuant to this act shall include in the budget and tax levy of the municipality, and cause to be raised by taxation, a sum sufficient to pay such award.

3. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 305

AN ACT concerning zoning, and amending sections 40:55–30, 40:55–31, 40:55–33, 40:55–35, 40:55–36 and 40:55–39 of the Revised Statutes.

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

1. Section 40:55–30 of the Revised Statutes is amended to read as follows: Section amended.

40:55–30. Any municipality may by ordinance, limit and restrict to specified districts and may regulate therein, buildings and structures according to their construction, and the nature and extent of their use, and the nature and extent of the uses of land, and the exercise of such authority, subject to the provisions of this article, shall be deemed to be within the police power of the State. Such ordinance shall be adopted by the governing body of such municipality, as hereinafter provided, except in cities having a board of public works, and in such cities shall be adopted by said board. Zoning, general purposes and powers.

The authority conferred by this article shall include the right to regulate and restrict the height, number of stories, and sizes of buildings, and other structures, the percentage of lot that may be occupied, the sizes of yards, courts, and other open spaces, the density of population, and the location and use and extent of use of buildings and structures and land for trade, industry, residence, or other purposes.

2. Section 40:55–31 of the Revised Statutes is amended to read as follows: Section amended.

40:55–31. For any or all of said purposes the governing body or board of public works may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this article, and it may regulate and restrict the erection, construction, re- Creating districts.

construction, alteration, repair, or use of buildings or other structures, and the nature and extent of the uses of land, within such districts.

Regulations uniform.

All such regulations shall be uniform for each class or kind of buildings or other structures or uses of land throughout each district, but the regulations in one district may differ from those in other districts.

Section amended.

3. Section 40:55–33 of the Revised Statutes is amended to read as follows:

Zoning commission.

40:55–33. Hereafter, prior to the adoption of any zoning ordinance the governing body or board of public works shall appoint a commission of citizens of the municipality, to be known as the zoning commission, or a planning board in accordance with sections 40:53–3, 40:55–4 and 40:55–6 of the Revised Statutes, and empower such commission or planning board to recommend the boundaries of the various districts and appropriate regulations to be enforced therein. Such commission or planning board thus empowered shall make a preliminary report and thereafter hold public hearings thereon before submitting its final report, and the governing body or board of public works shall not hold public hearing or public hearings, or adopt such zoning ordinance, until it has received the final report of such commission or planning board. The provisions of this section shall not apply to an amendment or repeal of any zoning ordinance.

Section amended.

4. Section 40:55–35 of the Revised Statutes is amended to read as follows:

Changes in zoning plan.

40:55–35. Such regulations, limitations and restrictions may be amended, changed, modified, or repealed, and the boundaries of such districts may be changed, by ordinance, but no amendment or change shall become effective unless the ordinance proposing such amendment or change shall first have been submitted to the planning board, when such board exists, for approval, disapproval or suggestions, and the planning board shall have a reasonable time, not less than thirty days, for consideration and report, and in the case of an

unfavorable report by the planning board such amendment shall not become effective except by a favorable vote of two-thirds of the governing body.

In case of a protest against such proposed change signed by the owners of twenty per centum (20%) or more either of the area of the lots or land included in such proposed change, or of the lots or land in the rear thereof extending one hundred feet therefrom, or of the lots or land on either side thereof or directly opposite thereto extending one hundred feet therefrom (exclusive of street space), such change shall not become effective except by the favorable vote of two-thirds of all the members of the governing body or board of public works of such municipality.

Section amended.

5. Section 40:55–36 of the Revised Statutes is amended to read as follows:

Board of adjustment.

40:55–36. The governing body or board of public works shall provide for the appointment of a board of adjustment, which shall consist of five members who shall not hold any elective office or position under the municipality, each to be appointed for such term as the governing body or board of public works may prescribe and be removable for cause by the governing body or board of public works upon written charges and after public hearing. The governing body or board of public works shall provide for the filling of vacancies resulting from the unexpired term of any member.

Section amended.

6. Section 40:55–39 of the Revised Statutes is amended to read as follows:

Powers.

40:55–39. The board of adjustment shall have power to:

a. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning ordinance.

b. Hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which

such board is authorized by any such ordinance to pass.

c. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under the act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

d. Recommend in particular cases and for special reasons to the governing body of the municipality the granting of a variance to allow a structure or use in a district restricted against such structure or use. Whereupon the governing body or board of public works may, by resolution, approve or disapprove such recommendation. If such recommendation shall be approved by the governing body or board of public works then the administrative officer in charge of granting permits shall forthwith issue a permit for such structure or use.

7. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 306

AN ACT to amend "An act concerning the rate of mileage reimbursement allowance to officers or employees of the State in certain cases," filed April thirteenth, one thousand nine hundred and forty-three (P. L. 1943, c. 188).

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

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

1. All mileage in lieu of actual expenses of transportation allowed an officer or employee of the State traveling by his own automobile on official business away from his designated post of duty or official station shall be at the rate of seven cents ($0.07) per mile. C. 52:14-17.1. Mileage allowance.

2. This act shall take effect immediately.

Approved August 9, 1948.

CHAPTER 307

AN ACT concerning certain employees of the Department of Conservation, and supplementing subtitle two of Title 11 of the Revised Statutes.

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

1. The Commissioner of the Department of Conservation is hereby authorized to certify to the Civil Service Commission the names of all those employees now employed in the said department who were on July first, one thousand nine hundred and forty, in the employ of the State. To certify names to civil service commission.

To classify employees.

2. When the Commissioner of the Department of Conservation has certified the names of the aforesaid employees, the Civil Service Commission shall classify the employees so certified in the competitive class of civil service, without examination, and such employees shall thereafter be subject to all the provisions of Title 11 of the Revised Statutes with respect to tenure, classification and compensation.

3. This act shall take effect immediately.

Approved August 12, 1948.

CHAPTER 308

AN ACT concerning certain fees in second-class counties having a population of over four hundred thousand, and supplementing article two of chapter four of Title 22 of the Revised Statutes.

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

C. 22:4-4.1. Fee for recording.

1. In all second-class counties having a population of over four hundred thousand which now have or hereafter may adopt pursuant to law the photographic, photostatic or any similar system of recording instruments, the register of deeds, and, in said counties not having such office, the county clerk, shall charge for recording or registering instruments which may be recorded or registered by law, the sum of three dollars ($3.00) for the first page of such instrument or part thereof, and the sum of fifty cents ($0.50) for each additional page or part thereof.

C. 22:4-4.2. Act effective.

2. This act shall become effective on August first, one thousand nine hundred and forty-eight.

Approved August 12, 1948.

CHAPTER 309

AN ACT concerning certain townships; authorizing the creation of the office of deputy clerk therein and the prescribing of his powers and duties.

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

C. 40:145-32. Deputy township clerk.

1. In every township of this State now or hereafter having a population of more than twenty-four thousand inhabitants, as ascertained by the preceding Federal census, the governing body is authorized to create by ordinance the office of deputy township clerk and to fix the term and compensation, and to prescribe the duties, of such official.

2. This act shall take effect immediately.

Approved August 12, 1948.

CHAPTER 310

AN ACT to provide for the creation, setting apart, maintenance and administration of a county employees' pension fund in counties having a population of from three hundred thousand to three hundred twenty-five thousand inhabitants.

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

C. 43:10-18.50. Terms defined:

1. As used in this act:

Service;

"Service" shall always, unless otherwise stated, be considered as continuous or in the aggregate.

Salary;

"Salary" or "compensation" when used solely for the purpose of fixing benefits under this act means the average annual salary or compensation

earned by a member during his or her five years of service, or during his or her entire length of service if such service totaled less than five years as a county employee immediately preceding death or retirement; *provided, however,* that five thousand dollars ($5,000.00) shall be the maximum amount of the annual salary of any employee which shall be considered for any purpose under this act; *provided further, however,* that as to any employee who, at the time of the adoption of this act, is a member of any retirement system in operation in the county under and by virtue of articles one, two, five, six and nine of chapter ten and chapter nine of Title 43 of the Revised Statutes and of sections 40:37–157 to 40:37–174, inclusive, of the Revised Statutes, and of "An act providing for the retirement of persons employed in the department of weights and measures of any county in this State, and providing a pension for such persons so retired," filed June twenty-first, one thousand nine hundred and thirty-eight (P. L. 1938, c. 397), the total annual salary received by such employee during the year immediately prior to his death or retirement shall be considered for pension or other purposes under this act.

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Pension fund; "Pension fund" or "fund" means the fund referred to in section sixteen of this act, and is the fund from which pensions provided for in this act shall be paid.

State; "State" shall, unless otherwise stated, mean the State of New Jersey.

His; "His" shall be construed to mean both sexes.

County employee; "County employee" or "employee" means and includes all employees and officers in service in any county of this State having a population of from three hundred thousand to three hundred twenty-five thousand inhabitants and shall mean and include all employees and officers of any county board, body or commission, maintained out of county funds in any such county, and shall also mean and include employees and officers appointed by such county to employment on intercounty

bridges, but the term "county employee" or "employee" does not include office holders elected by the voters of the county, or their appointed assistants or deputies, or members of the judiciary, or any laborers, unless the labor work is paid on an hourly, daily, monthly, or annual salary basis for a continuous employment thereof and recognized as permanent appointees, it being the intent to exclude transient labor from the operation of this act. The pension commission shall determine whether or not the employment of an employee is permanent within the meaning of this act. Notwithstanding the provisions of any other statute of this State, any person hereafter accepting any employment in the county under the age of forty years shall be eligible to join as a "county employee" or "employee" as hereinabove defined, and except as herein otherwise provided, any such person of the age of forty years or over shall be ineligible to join; *provided, however,* that any employee who, at the time of the adoption of this act, is a member of any retirement system in operation in such county under and by virtue of articles one, two, five, six and nine of chapter ten and chapter nine of Title 43 of the Revised Statutes, and of sections 40:37–157 to 40:37–174, inclusive, of the Revised Statutes, and of "An act providing for the retirement of persons employed in the department of weights and measures of any county in this State, and providing a pension for such persons so retired," filed June twenty-first, one thousand nine hundred and thirty-eight (P. L. 1938, c. 397).

"Population" of a county shall mean the population of a county according to the Federal census of one thousand nine hundred and forty. Population;

"Widow" or "widower" means the surviving spouse of a county employee who married such employee prior to the retirement of such employee and prior to the time when such employee reached the age of fifty years. No such surviving spouse shall be eligible for any benefit hereunder who was or shall be more than fifteen years younger than Widow;

the employee at the time of their marriage, if such marriage occurs hereafter while the employee is a member of this retirement system.

Minor child; "Minor child" means a child under the age of eighteen years born in lawful wedlock, and shall include children adopted, and shall not include children born of marriages occurring outside the age limits prescribed under this act.

Permanent and total disability; "Permanent and total disability" means physical or mental incapacity of an employee any longer to perform the duties of his position or office.

Employees' retirement system. "Employees' retirement system of (name of county)," shall be the name of the retirement system provided under the provisions of this act. By that name all of its business shall be transacted, its funds invested, warrants for money drawn and payments made and all of its cash and securities and other property held.

C. 43:10-18.51. Employees' pension fund created. 2. In each county of this State having a population of from three hundred thousand to three hundred twenty-five thousand inhabitants a county employees' pension fund shall be created, set apart, maintained and administered, in the manner prescribed in this act, for the benefit of employees of such county and of the widows, widowers, and children of such employees, and of all contributors to, participants in, and beneficiaries of any pension fund in operation in such county at the time this act shall come in force and effect in such county, under and by virtue of articles one, two, five, six and nine of chapter ten and chapter nine of Title 43 of the Revised Statutes and of sections 40:37–157 to 40:37–174, inclusive, of the Revised Statutes and of "An act providing for the retirement of persons employed in the department of weights and measures of any county in this State, and providing a pension for such persons so retired," filed June twenty-first, one thousand nine hundred and thirty-eight (P. L. 1938, c. 397).

C. 43:10-18.52. Pension commission. 3. There shall be authorized to carry out the provisions of this act and charged with the duty of administering the pension fund herein provided

for, a pension commission composed of five members, consisting of the county supervisor or similar officer of the county, the treasurer of the county, two county employees, and a citizen of the county who is not a public office holder in the county or any municipality therein and who shall be selected by the other four members of the commission. The two county employee members of the pension commission shall be elected within sixty days after the passage of this act at a meeting held by the county employees affected by this act after thirty days' written notice of the time and place thereof has been given by the county supervisor or similar county officer to all such employees. Nominations shall be made only by written petitions filed with the secretary of the pension commission at least fifteen days prior to such election and each containing at least fifty signatures of county employees. The county supervisor shall provide suitable method of balloting whereby secrecy shall be assured. Ballots shall be distributed among the county employees affected by this act at least seven days prior to the election and the voted ballot shall be returned to the secretary of the pension commission at any time prior to twelve o'clock noon of the day fixed for the holding of the meeting and election. Employees who become members of the retirement system created by this act or who are members of any of the county employees' retirement systems referred to in this act and merged thereunder shall be eligible to participate in such nomination and election of the two county employee members of the pension commission. The two county employees shall hold office until their successors are elected in the same manner as aforesaid at a meeting of the employees held on the third Wednesday of December of the second year following the adoption of this act. Thereafter two county employees shall be elected as members of the pension commission, in the same manner, on the third Wednesday of December every second year, for a term of two years commencing January first following their election.

Vacancy.

In case of vacancy for any cause, the commission may fill it until the next election. Any member of said pension commission who shall leave the service of the county shall automatically cease to be a member of said commission.

Meetings.

The commission shall hold its annual meeting between the first and fifteenth days of January in each year and elect its president and such other officers as it deems advisable. The commission shall serve without compensation, but shall be reimbursed for any necessary expenditures and shall suffer no loss of salary or other wages through service on such commission. The treasurer of the county, who shall be treasurer of the commission, shall appoint the secretary of this commission, who shall be some person chosen by him from among persons employed by such county who is versed in the affairs of the said treasurer's office and said treasurer shall fix the compensation of such appointee, subject to approval of the board of chosen freeholders. The commission shall secure the services of such physicians as shall be necessary to make the medical examinations required by this act.

Legal officer.

The chief legal officer of the county shall be the legal advisor of and attorney for the said pension commission.

Powers.

The pension commission shall have control and management of the funds and of the retirement of the county employees. The commission shall, from time to time, subject to the limitations of this act, establish rules and regulations for the transaction of its business and the administration of this act. Under the direction of the pension commission, the head of each county department shall furnish such information and shall keep such records as the commission may require for the discharge of its duties.

The pension commission may require each employee of the county to file a statement or statements, in such form as the said commission shall direct, concerning his service or other matters covered by this act.

The commission shall have power to compel witnesses to attend and testify before it upon any matter concerning the retirement system and allow fees not in excess of three dollars ($3.00) to any such witness for such attendance upon any one day. The president and other members of the said pension commission are empowered to administer oaths to such witnesses. All retirements shall be made and pensions allowed by the pension commission in accordance with the provisions of this act.

Name.

The pension commission shall be known as the "Pension Commission of the Employees' Retirement System of (name of county)."

C. 43:10-18.53. Moneys paid to treasurer.

4. All moneys belonging to the retirement system shall be received and paid over to the treasurer of the retirement system whose official bond as county treasurer shall cover the same. All moneys paid out of the retirement system shall be paid by the treasurer of the fund upon warrants signed by the president and secretary of the pension commission or such officers as the pension commission designates.

C. 43:10-18.54. Deposits and investments.

5. The pension commission shall deposit the funds in any of the banks or trust companies in the county. All moneys not needed for immediate payment of the pensions shall be invested by the pension commission in interest-bearing bonds of any municipality in this State or in any other interest-bearing securities in which savings banks of this State are authorized to invest their funds.

C. 43:10-18.55. Members, qualifications:

6. The members and certain conditions of membership in the retirement system created by this act shall be as follows:

Age, service;

(a) All persons who shall hereafter become employees before they become forty years of age, shall, after they complete three months of service, and be found physically and mentally fit to the satisfaction of the pension commission herein provided for, become members of the county employees' retirement system created under this act, and shall receive no pension or retirement allowance from any other pension or retirement system sup-

ported wholly or in part by the county, nor shall they be required to make contributions to any other pension or retirement system of said county, anything to the contrary notwithstanding.

Prior service; Such persons shall not be given credit for pension purposes hereunder for any prior service;

Proviso: *provided, however,* that where any such employee has had prior service as an employee in any State, county or municipal position, such employee shall be given credit for pension purposes hereunder for such prior service upon written application therefor to the pension commission within one year after becoming a member of this retirement system and upon payment into the retirement system herein provided, for a period of time equal to the length of prior service for which credit is allowed, of a sum of money equal in amount to five per centum (5%) of salary, said five per centum (5%) of salary being based upon the salary received by such employee at the time of the making of said application. Said sum of money may be paid in one lump sum or by semimonthly deductions from salary, whichever method the applicant may elect, together with the regular deductions provided by this act,

Proviso; until completed; *provided, however,* that such prior service shall be credited only as paid for. Upon such payment or payments being made, the county shall annually pay into the retirement system herein provided a sum of money equal in amount to the employee's principal payment, or payments. All payments aforesaid by the employee shall be made together with interest thereon at a rate to be determined by the pension commission.

Application before January 1, 1949. (b) All employees at the time of the adoption of this act, who were under the age of forty years at the time of their appointment, and are not members of any retirement system supported wholly or in part by the county, may become members of the retirement system created under this act upon written application made to the pension commission before January first, one thousand nine hun-

dred and forty-nine, under the following two plans (B1) and (B2):

Plans.

(B1) To receive credit for service rendered to the county prior to joining this retirement system such employee shall pay into this retirement system a sum of money equal to three per centum (3%) of salary received either since June first, one thousand nine hundred and thirty-seven, or since August first, one thousand nine hundred and thirty-eight, depending upon which of the said two dates such employee first became eligible to membership in the county employees' retirement system of such county established under "An act to provide for the maintenance of old faithful servants of the several counties of the State of New Jersey" (P. L. 1918, c. 164); or article one of chapter ten and chapter nine of Title 43 of the Revised Statutes of one thousand nine hundred and thirty-seven; or since the date of his entrance into county service, if he became an employee after June first, one thousand nine hundred and thirty-seven. Such payment may be made either (1) in one sum, or (2) by equal semimonthly installments to be deducted together with each regular deduction from his salary, whichever method the applicant may elect, for the retirement system provided for under this act; *provided, however,* that in case an employee chooses to pay for such prior county service by method (2) aforesaid, that is by equal semimonthly installments, such employee shall receive credit for so much of such prior county service as is thus paid for, and no more. Upon such payment or payments being made, the county shall annually pay into the retirement system herein provided for a sum of money equal in amount to the employee's principal payment. All payments aforesaid by the employee shall be made together with interest therein at a rate to be

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determined by the pension commission. Any such employee who elects to become a member of this retirement system under the aforesaid plan shall, upon his application to the pension commission prior to January first, one thousand nine hundred and forty-nine, be given credit for pension purposes hereunder for any prior service or services rendered as an employee of the State, and of any municipalities or other political subdivisions of the State, upon payment into the retirement system herein provided, for a period of time equal to the length of prior service for which credit is allowed, of a sum of money equal in amount to three per centum (3%) of salary, said three per centum (3%) of salary being based upon the salary received by such employee at the time of the making of said application. Said sum of money may be paid in one lump sum or by semimonthly deductions from salary, whichever method the applicant may elect, together with the regular deductions provided by this act, until completed; *provided, however,* that such prior service shall be credited only as paid for. Upon such payment or payments being made, the county shall annually pay into the retirement system herein provided for, a sum of money equal in amount to the employee's principal payment or payments. All payments aforesaid by the employee shall be made together with interest thereon at a rate to be determined by the pension commission.

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(B2) The regular deductions from the salary of any employee electing to become a member under this plan (B2) shall commence upon the filing of such written application and such employee shall not receive credit for any service rendered theretofore in any State, county, or municipal office or position.

(c) All employees who, at the time of the adoption and approval of this act, are members of any of the following retirement systems in effect in said county:

County detectives in counties of the first, second, third, and fifth classes (article two of chapter ten of Title 43 of the Revised Statutes);

Probation officers of counties of over eighty-three thousand inhabitants (article five of chapter ten of Title 43 of the Revised Statutes);

Sheriff's employees in counties of the first and second classes (article six of chapter ten of Title 43 of the Revised Statutes);

County superintendents of weights and measures and assistant county superintendents of weights and measures ("An act providing for the retirement of persons employed in the department of weights and measures of any county in this State, and providing a pension for such persons so retired," filed June twenty-first, one thousand nine hundred and thirty-eight (P. L. 1938, c. 397));

County park police in counties of more than two hundred thousand population (sections 40:37–157 to 40:37–174, inclusive, of the Revised Statutes);

Court interpreters in counties of the second class (article nine of chapter ten of Title 43, of the Revised Statutes);

shall on January first, one thousand nine hundred and forty-nine, automatically become members of the county employees' retirement system provided for by this act and all such employees shall be deemed to agree and consent to the transfer of such membership unless they, or any one or more of them shall, before January first, one thousand nine hundred and forty-nine, by written notice to the pension commission of their respective retirement

systems operating in such county, elect to withdraw therefrom their contributions theretofore made, without interest. Any such members electing to withdraw from such membership shall thereafter be ineligible for membership in any retirement system of such county, or for any pension payable, in whole or in part, by funds of such county under the provisions of any statute of this State except sections 43:4–1 to 43:4–5, inclusive, of the Revised Statutes.

All such employees who become members of the county employees' retirement system provided for by this act shall be given credit for pension purposes hereunder for all services, including services performed in any elective office, rendered to the county prior to January first, one thousand nine hundred and forty-nine; *provided, however,* that where any such employee had theretofore agreed, under the provisions of article one of chapter ten of Title 43 of the Revised Statutes, to pay for any part or all of such service rendered to the county prior to January first, one thousand nine hundred and forty-nine, the transfer of such employee's membership into this system shall include the transfer to this system of all the conditions and obligations of such prior agreement made by such employee and such employee shall be deemed to agree and consent to the transfer to this system of such conditions and obligations until the conditions of such agreement have been fully complied with.

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Except as otherwise provided by section eight of this act, where any such employee's membership shall be transferred to this retirement system on January first, one thousand nine hundred and forty-nine, such employee shall be given credit for pension purposes hereunder for any prior service or services rendered as an employee of the State and of any municipalities or other political subdivisions of the State, upon application therefor to the pension commission within one year after the transfer of such membership, and upon payment

into the retirement system herein provided, for a period of time equal to the length of prior service for which credit is allowed, of a sum of money equal in amount to three per centum (3%) of salary, said three per centum (3%) of salary being based upon the salary received by such employee at the time of the making of said application. Said sum of money may be paid in one lump sum or by semimonthly deductions from salary, whichever method the applicant may elect, together with the regular deductions provided by this act, until completed; *provided, however,* that such prior service shall be credited only as paid for. Upon such payment or payments being made, the county shall annually pay into the retirement system herein provided a sum of money equal in amount to the employee's principal payment or payments. All payments aforesaid by the employee shall be made together with interest thereon at a rate to be determined by the pension commission. Proviso.

(d) Any person who at the time of the adoption of this act shall be a county employee and not a member of this retirement system and who became a county employee prior to such employee reaching the age of forty-five years may become a member of this retirement system upon written application made to the pension commission within one year after the adoption of this act upon such employee complying with all of the following conditions.

(D1) Submit to a medical examination and be found mentally and physically fit to the satisfaction of the pension commission.

(D2) Pay into this retirement system, in addition to the regular deductions provided by this act, a sum of money equal to five per centum (5%) of salary received by such employee for the period of time elapsing since such employee became forty-five years of age, said five per centum (5%) of salary being based upon the salary received by such employee at the time of the making of application

for membership in this system. Said sum of money must be paid in one lump sum, together with interest thereon at a rate to be determined by the pension commission, and upon the same being paid, the county shall, within a reasonable time thereafter, pay into this retirement system a sum of money equal in amount to such employee's principal payment. Upon making the aforesaid payment, such employee shall be given credit for pension purposes for such period of prior service rendered to the county since he became forty-five years of age.

C. 43:10-18.56. To replace present county pension plans.

7. It is the intention of this act that the retirement system herein provided for shall on January first, one thousand nine hundred and forty-nine, and thereafter, supersede and take the place of any county retirement system which shall be in operation in such county under and by virtue of the Revised Statutes, as follows:

County detectives in counties of the first, second, third and fifth classes (article two of chapter ten of Title 43 of the Revised Statutes);

Probation officers of counties of over eighty-three thousand inhabitants (article five of chapter ten of Title 43 of the Revised Statutes);

Sheriff's employees in counties of the first and second classes (article six of chapter ten of Title 43 of the Revised Statutes);

County superintendents of weights and measures and assistant superintendents of weights and measures ("An act providing for the retirement of persons employed in the department of weights and measures of any county in this State, and providing a pension for such persons so retired," filed June twenty-first, one thousand nine hundred and thirty-eight) (P. L. 1938, c. 397);

County park police in counties of more than two hundred thousand population (sections 40:37–157 to 40:37–174, inclusive, of the Revised Statutes);

Court interpreters in counties of the second class (article nine of chapter ten of Title 43 of the Revised Statutes);

and that such other county retirement systems shall be merged into and become part of the retirement system herein provided for and which shall be construed to be a continuation of such other county retirement systems; *provided, however,* that prior to such merger becoming effective, all such other county retirement systems shall be administered in accordance with the provisions of their respective statutes. If any of such other county retirement systems, created and maintained under and by virtue of said statutes, shall be in operation in any such county at the time of the adoption of this act, all moneys, appropriated and set aside by the board of chosen freeholders for pension purposes under such systems, securities and other assets of such other systems shall be transferred, on January first, one thousand nine hundred and forty-nine, by the trustees of such systems, or the board of chosen freeholders, as the case may be, to the pension commission of the retirement system created by this act, which pension commission is hereby empowered to receive them, and the same shall become the property of and be placed in the retirement system herein provided for, and such other county retirement systems shall then cease to exist as separate retirement systems. If it shall not be possible or practicable for the trustees of any of such other county retirement systems to transfer all moneys, securities and other assets of such systems to the said pension commission on January first, one thousand nine hundred and forty-nine, all such moneys, securities and other assets shall be transferred to said pension commission as soon as possible and practicable

Proviso.

after such day, and any such transfer shall be made as of such day.

All pensions and other benefits allowed prior to January first, one thousand nine hundred and forty-nine, under the statutes governing such other retirement systems shall thereafter be paid by the pension commission herein provided for from the retirement system herein provided for, according to the statute under which such pension or other benefits were allowed.

C. 43:10-18.57. Pending claims and pensions transferred.

8. All claims for pensions or other benefits from such other county retirement systems which are pending or ungranted on January first, one thousand nine hundred and forty-nine, shall be allowed or disallowed by the pension commission herein provided for according to the provisions of the statutes governing such other retirement systems, and those which shall be allowed shall be paid from the retirement system herein provided for.

The widow, so long as she remains unmarried, or widower, so long as he remains unmarried, or minor children up to eighteen years of age, of any employee in the service of the county, who prior to January first, one thousand nine hundred and forty-nine, is a member of any of the following retirement systems:

County detectives in counties of the first, second, third and fifth classes (article two of chapter ten of Title 43 of the Revised Statutes);

Probation officers of counties of over eighty-three thousand inhabitants (article five of chapter ten of Title 43 of the Revised Statutes);

Sheriff's employees in counties of the first and second classes (article six of chapter ten of Title 43 of the Revised Statutes);

Court interpreters in counties of the second class (article nine of chapter ten of Title 43 of the Revised Statutes);

and who shall at any time lose his life in the performance of his duty or shall die from any cause, or any such employee who shall, at any time, become permanently and totally disabled, shall receive a pension equal to one-half of such employee's salary at the time of such death or disability, regardless of the length of service or age of such employee, it being the intent of this act to secure to such employees the continuation of a similar present and prospective benefit of the retirement system of which he was a member prior to January first, one thousand nine hundred and forty-nine, together with all the benefits provided for in this act; *provided, however,* that in case any of such employees, shall, on January first, one thousand nine hundred and forty-nine, have less than twenty years of service as a public employee of the county, or shall have less than twenty years in the aggregate, of service, as a public employee of the county and of the State, and of any municipalities or other political subdivisions of the State thereof, the county treasurer shall deduct from every payment of salary to any such employee and pay to the retirement system created under this act, one per centum (1%) of the amount of salary of such employee, said deduction to continue to be made only until the total length of service, as aforesaid, of such employee shall have reached twenty years, at which time said one per centum (1%) deductions shall cease. Said deductions shall be in addition to the regular deductions provided for in section ( ) of this act. Upon such payment or payments being made or completed, the county shall annually pay into the retirement system herein provided a sum of money equal in amount to the employee's payment or payments.

Proviso.

9. Subject to the other provisions of this act, any county employee who shall have served or who shall hereafter have served in the employ of such county continuously or in the aggregate for a period of twenty years, and who shall have attained the age of fifty-five years, or who shall regardless

C. 43:10-18.58. Retired upon application, conditions.

of age have served in the employ of such county continuously or in the aggregate for a period of thirty-five years, shall, upon his application, be retired on half pay. Upon and after the death of such employee or pensioner, said retirement pension shall be paid to the surviving widow, so long as she remains unmarried, surviving widower, so long as he remains unmarried, or minor children up to eighteen years of age, as the case may be.

C. 43:10-18.59. Retirement on disability arising out of employment.

10. Subject to the other provisions of this act, any county employee who shall have served or who shall hereafter have served in the employ of such county continuously or in the aggregate for a period of one year and shall become permanently and totally disabled as the result of injury or illness not arising out of and in the course of his employment shall, upon his application, be retired on pension equal to two and one-half per centum (2½%) of his salary, and for each additional year of service more than one year the amount of said pension shall be increased to the extent of two and one-half per centum (2½%) of said salary, not exceeding in any event fifty per centum (50%) of said salary. Upon and after the death of such employee while on such pension the said pension shall be paid to the surviving widow, so long as she remains unmarried, surviving widower, so long as he remains unmarried, or minor children up to eighteen years of age, as the case may be.

To determine disability.

The pension commission shall determine as provided in section eleven whether or not such employee has become permanently and totally disabled.

C. 43:10-18.60. Retired on half pay for disability.

11. Subject to the other provisions of this act, any county employee who shall become permanently and totally disabled as a result of injury, accident or sickness arising out of and in the course of his employment shall, upon his application and approval thereof by the pension commission be retired on half pay. Upon and after the death of such employee or upon and after the death of any employee who dies as a result of any disability,

injury or disease arising out of and in the course of his employment, a pension of one-half the salary of such employee shall be paid to the surviving widow, so long as she remains unmarried, surviving widower, so long as he remains unmarried, or minor children up to eighteen years of age, as the case may be.

The pension commission shall have power to determine whether or not any employee is permanently and totally disabled and whether or not a disability, or death of an employee is the result of an injury, accident or sickness arising out of and in the course of the employee's employment. The claimant shall have the right to present physicians, witnesses or other testimony in his behalf before the commission. The president or any other member of the pension commission may administer oaths to any physicians or other persons called before the commission regarding the employee's disability or death. The commission shall decide, by resolution, whether the applicant is entitled to the benefits of this act.

C. 43:10-18.61. May require medical and physical examination.

12. Once each year the pension commission may, and upon his application, shall, require any member retired for disability who is under the age of fifty-five years to undergo medical examination by a physician or physicians designated by the commission. The examination shall be made at the residence of the beneficiary or any other place mutually agreed upon. If the physician or physicians thereupon report and certify to the commission that the disability beneficiary is not permanently and totally incapacitated either physically or mentally for the performance of duty and that he is engaged in a gainful occupation, and if the commission concurs in the report, then the amount of his pension shall be reduced to an amount which, when added to the amount then being earned by him, shall not exceed the amount of the compensation received by him at the time of his retirement. If subsequent medical examination of such a beneficiary shows that his earnings have changed since the date of his last

examination, then the amount of his pension may be further altered but the new pension shall not exceed the amount of the pension originally granted nor shall the new pension when added to the amount then being earned by the beneficiary exceed the salary or compensation received by him at the time of his retirement.

Not construed as earnings.

No pension or compensation received by any person honorably discharged from any branch of the armed services of the United States shall be considered or construed as earnings.

C. 43:10-18.62. Widow to receive pension.

13. Subject to the other provisions of this act, upon and after the death of any county employee who shall have served or who shall hereafter have served in the employ of the county continuously or in the aggregate for a period of one year, there shall be paid to the surviving widow, so long as she remains unmarried, surviving widower, so long as he remains unmarried, or minor children up to the age of eighteen years, as the case may be, two and one-half per centum (2½%) of the salary of such employee, and for each additional year of service more than one year, the amount of said pension shall be increased to the extent of two and one-half per centum (2½%) of said salary, not exceeding in any event fifty per centum (50%) of said salary.

C. 43:10-18.63. Dependents to receive benefits.

14. If an employee or pensioner dies leaving dependent children under eighteen years of age and he or she is, at death, a widower or widow, the benefits of this article which a widow or dependent widower would otherwise be entitled to receive shall be paid to the guardian of such children for their exclusive use and benefit. If one child survives, such benefits shall cease when such child attains eighteen years of age. If more than one child survives, the benefits shall be divided proportionately among all of such children under the age of eighteen years.

C. 43:10-18.64. Application of provisions.

15. The following provisions shall apply to all members of the retirement system:

(a) No pension shall be paid to the surviving husband of a deceased member of the retirement

system unless he is and continues to remain dependent upon the income which the member was receiving at the time of her death, nor unless he is and continues to remain physically or mentally incapable of pursuing a gainful occupation. No pension shall be paid to a minor child under the age of eighteen years of a female member unless the child is and continues to remain dependent upon the income which the member was receiving at the time of her death. The pension commission shall determine the question of the dependency of the surviving husband or minor children as well as the ability of a surviving husband to pursue a gainful occupation.

(b) Where a husband and a wife are each receiving a pension as a retired employee from any retirement system supported wholly or in part by the county, upon the death of either the husband or the wife, if the survivor is entitled to receive another pension on account of such death, said survivor shall elect to accept one or the other of the two pensions but in no case shall a beneficiary receive more than one pension at the same time.

(c) Any employee or other beneficiary receiving a pension under the provisions of this act who shall be appointed to any position or office, including elective, and be entitled to a salary which is paid from public funds, shall, during such employment, receive no payments of pension or other benefits under this act.

(d) Where any employee or other beneficiary is entitled to receive two pensions under the provisions of this act, or under the provisions of this and any other State act, such employees or other beneficiary shall elect to receive one or the other of the two pensions and in no case shall receive more than one pension.

(e) The rights of any employee or beneficiary to receive any payments under the workmen's compensation act of New Jersey shall not be affected or impaired by any of the provisions of this act.

(f) Where the service of an employee is terminated by reason of imposition of a sentence upon him of actual commitment to a penal institution on account of conviction of an indictable offense involving moral turpitude, no pension under this act shall be paid to any such employee; *provided, however,* that no member of this retirement system who shall have served honorably as a county employee for a period of twenty years and shall have attained the age of fifty-five years shall be deprived of his pension privileges because of any violation of the rules and regulations established for the government of such county employment, but he may be fined, reprimanded or discharged.

(g) Where any pension or other benefit shall be payable from the pension fund herein provided to any retired employee or other beneficiary who is or shall be confined in a penal institution as the result of a conviction of a crime involving moral turpitude, the pension commission may pay such pension or any part of it or other benefit to the wife, husband, minor children, mother or father of the confined person if it determines the same is necessary for their maintenance during such confinement.

(h) All payments of pensions shall be made semimonthly. Payments of pensions, refunds or other benefits under this act shall be made without interest.

(i) Upon and after the adoption of this act the benefits hereunder shall not extend to the widow or widower of any county employee who shall remarry, or shall have married such employee after such employee has retired or attained the age of fifty years, nor to any children of such marriage. No such widow or widower shall be eligible to benefits hereunder who was or shall be more than fifteen years younger than the employee at the time of their marriage if such marriage occurs hereafter while the employee is a member of this retirement system, nor shall any children of such marriages be eligible for said benefits.

(j) Persons who may become entitled to pensions under this act shall be paid on the first and fifteenth day of each month, or at the same time as all persons permanently employed by the county.

16. A fund to pay pensions under this act shall be created as follows:

C. 43:10-18.65. Fund created: deductions from salary.

(a) The county treasurer shall deduct from every payment of salary to any county employee who is or becomes a member of this retirement system and pay to the fund, five per centum (5%) of the amount of said salary. Such deductions shall be continued to be made during the entire period of employment of the member and until the death or retirement of said member; *provided, however,* that such deductions shall be continued for a period of at least twenty-five years, and in the event that such death or retirement occurs before the completion of the twenty-five-year period, the five per centum (5%) deduction shall thereafter be continued to be made upon the amount of pension payments resulting from such death or retirement until the end of such twenty-five-year period shall have been reached. The period during which any employee contributed to any county retirement system which under this act is merged into the retirement system herein provided for or the period of prior service for which any employee contributes to this retirement system, shall be considered as part of the twenty-five-year period herein referred to.

Proviso.

The deductions provided herein for pension purposes shall not be construed as reduction in the salary or compensation of any member of this retirement system.

Every employee to whom this act applies who shall continue in the service after the adoption and approval of this act, as well as every person to whom this act applies who may hereafter be appointed to a position or place, shall be deemed to consent and agree to the deductions made and provided for herein and payment with such deductions, for service, shall be a full and complete discharge and acquittance of all claims and demands what-

soever for all services rendered by such person during the period covered by such payment except his or her claim to the benefits to which he or she may be entitled under the provisions of this act.

County's share.

(b) The board of chosen freeholders shall annually raise in the county budget and contribute annually to the fund an amount equal to five per centum (5%) of all of such county employees' salaries or pension payments as the case may be. Such payment shall be continued to be made during and until the death or retirement of each member; *provided, however,* that such payments shall be continued in each case for a total period of at least twenty-five years and in the event that a member dies or retires before the completion of the twenty-five-year period, the five per centum (5%) payments shall thereafter be continued to be made upon the amount of pension payments resulting from such death or retirement until the end of such twenty-five-year period shall have been reached.

Proviso.

All moneys donated for the purpose of the funds shall be deposited in the fund.

Interest credited to fund.

(c) All interest earned on investments of moneys of this retirement system shall be credited to this pension fund.

Raising county's share of contributions.

(d) All moneys required to meet the county contributions provided for in this and all other sections of this act shall be raised annually in the county budget by the board of chosen freeholders and if at any time there is not sufficient money to meet these requirements and pay the pensions, the board of chosen freeholders shall, from time to time, include in any tax levy a sum sufficient to meet the requirements of the retirement system.

Deficits.

(e) If in any one year the expenditures required to be made from the fund created under this act are in excess of the moneys received by said fund during that year under the provisions of subsections (a), (b) and (c) of this section, the board of chosen freeholders of the county may, in its discretion, appropriate, raise by taxation and pay over to said fund a sum or sums of money sufficient to

partially or wholly reimburse said fund for the amount so expended in excess of moneys received for that year.

C. 43:10-18.66. Administrative expenses.

17. The pension commission shall estimate and certify, annually, to the board of chosen freeholders of the county, a reasonable amount required to defray the administrative expenses of this retirement system in the ensuing year, and the board of chosen freeholders shall pay such amount to the pension commission as other expense funds of the county are paid.

C. 43:10-18.67. Member may withdraw.

18. From and after January first, one thousand nine hundred and forty-nine, any employee who is or becomes a member of this retirement system may not withdraw therefrom and shall not be entitled to a refund of any moneys theretofore and thereafter deducted from his salary hereunder; *provided, however,* that any employee who separates from the county service through his discharge, resignation, or for any other reasons other than retirement shall be entitled to a refund of seventy-five per centum (75%) of all moneys theretofore deducted from his salary for the retirement system established hereunder; *and provided further,* that where the service of an employee is terminated by death of the employee, if such employee leaves no widow, widower, or children under eighteen years of age, seventy-five per centum (75%) of all moneys theretofore deducted from his salary for the retirement system established hereunder shall be paid to such employee's parent or parents if any survive and, if none survive, seventy-five per centum (75%) of all moneys theretofore deducted from his salary for the retirement system established hereunder, not exceeding in any event three hundred dollars ($300.00) shall be paid to the estate of the deceased employee to defray burial expenses.

Proviso.

Proviso.

C. 43:10-18.68. Rights restored upon resumption of employment.

19. (A) Whenever a member of this retirement system becomes separated from the county service because of a lay-off or leave of absence without pay for a cause other than sickness or disability

for a period longer than two months, or because of abolishment of position, or, except as provided in subsection "B" hereof, for any other reason other than retirement or entry into military or naval service of the United States, re-enters the service of the county within five years after such separation, all the rights and benefits hereunder enjoyed by such employee prior to such separation shall be restored upon payment of all refunds given to him upon his separation from the service; *provided, however,* that such employee shall not be entitled to receive credit for pension purposes for the time elapsing during such separation period unless he shall pay into this retirement system, in the manner in subsection (C) hereof provided, a sum of money equal in amount to all accrued deductions from his salary which would have been made had such employee continued to be a member of the retirement system since the date of his separation therefrom.

Proviso.

Rights and benefits to continue.

(B) Whenever a member of this retirement system becomes separated from the county service because of (a) a lay-off or leave of absence for a period of time not in excess of two months, (b) a leave of absence with pay, or (c) a leave of absence because of sickness or disability, all the rights and benefits of such member hereunder shall continue, except that such employee's pension benefits hereunder shall be computed by excluding the period of time of such separation period unless he shall pay into this retirement system, in the manner in subsection (C) hereof provided, a sum of money equal in amount to all accrued deductions from his salary which would have been made during the period of time of such separation.

Payment.

(C) Such payment may be made either (1) in one sum, or (2) by equal semimonthly installments over a period of not more than five years, whichever method the member may elect, but in no event to extend beyond the date upon which such employee attains the age of fifty-five years, such installments to be deducted in addition to other

regular deductions from his salary for this retirement system; *provided, however,* that only so much of the said period will be credited as the employee has paid for. Upon such payment being completed, the county shall pay into the retirement system a sum of money equal to such employee's payment, exclusive of the employee's repayment, if any, of refunds.

C. 43:10-18.69. Military service not to impair rights.

20. Any member of this retirement system or of any county retirement system referred to in section seven of this act and merged into this retirement system by this act, who, heretofore and subsequent to July first, one thousand nine hundred and forty, entered, or hereafter, in time of war, shall enter the active military or naval service of the United States or the active service of the Merchant Marine or the active service of the Women's Army Auxiliary Corps, the Women's Reserve of the Naval Reserve or any similar organization authorized by the United States to serve with the army or navy including any member of this system while serving in the foreign service of the American Red Cross outside continental United States, shall not suffer the loss or impairment of any of the rights, benefits or privileges accorded by the provisions of this act; *provided, however,* that in the event of the death or disability of such person while in such service the pension to be paid such person or his or her dependents shall be based upon the salary which such person would have been entitled to receive at the time of his or her death or disability had he or she continued in county employment up to the time of his or her death or disability. The benefits granted hereunder to any such person who dies or is disabled while he or she is in any of the services described in this section shall not be reduced or affected by the payment of any Federal pension, compensation or insurance to such person or his or her beneficiaries.

Proviso.

During the period beginning with the time of the entry of such person into such service and ending at the earliest of (a) three months after the time

of such person's discharge from such service or (b) the time such person resumes such county employment or (c) the time of such person's death or disability while in such service, the proper officer of the county shall contribute or cause to be contributed to the pension fund provided hereunder the amount required by the terms of this act based upon the amount of compensation received by such person prior to his or her entry into such service and during the period first mentioned in this paragraph any such person receiving compensation from the county shall continue to contribute the amount required by this act to be paid by members of this retirement system and during the period first mentioned in this paragraph any such person not receiving compensation from the county shall not be required to contribute the amount required by this act to be paid by members of this retirement system but said amount shall be contributed for such person by the county.

C. 43:10-18.70. Annual report.

21. The pension commission shall report annually on the condition of the retirement system and the manner in which its funds are invested. The report shall be filed with the board of chosen freeholders of the county and a copy thereof furnished to the head of each department of the county for use of the employees and the public.

C. 43:10-18.71. Fund and pension tax exempt.

22. All funds created under this act and all pensions granted under this act shall be exempt from any State, county, or municipal tax, levy and sale, garnishment or attachment, or any other process and shall be unassignable.

C. 43:10-18.72. False statements, penalty.

23. Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud such system as a result of such act, shall be guilty of a misdemeanor, and shall be punishable therefor under the laws of the State of New Jersey. Should any change in the records or any mistake in records result in any member of beneficiary receiving from the retirement system more or less than he or she would have

been entitled to receive had the records been correct, then, on the discovery of any such error, the pension commission shall correct such error, and, so far as practicable, shall adjust the payments which may be made for and to such person in such a manner that the equivalent of the benefit to which he or she was correctly entitled shall be paid.

C. 43:10-18.73. Provision severable.

24. In case for any reason any section or part of any section or any provision of this act shall be questioned in any court and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or part of any section or provision of this act.

C. 43:10-18.74. Repealer.

25. This act shall take effect immediately and all acts or parts of acts insofar as they conflict with this act are hereby repealed.

Approved August 12, 1948.

CHAPTER 311

AN ACT fixing the compensation of court attendants in certain counties in this State, and amending section 2:16–40 of the Revised Statutes.

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

Section amended.

1. Section 2:16–40 of the Revised Statutes is amended to read as follows:

Salaries, court attendants.

2:16–40. In each county having a population between one hundred and seventy-five thousand inhabitants and three hundred thousand inhabitants, according to the last Federal census, the court attendants engaged in attending the Circuit Court, court of oyer and terminer, court of common pleas, court of quarter sessions, and criminal judicial district court, shall receive and be paid monthly by the county treasurer of the county, in lieu of all

fees, an annual salary as follows: two thousand dollars ($2,000.00) for the first year of service; two thousand one hundred dollars ($2,100.00) for the second year of service; two thousand two hundred dollars ($2,200.00) for the third year of service; two thousand three hundred dollars ($2,300.00) for the fourth year of service; two thousand four hundred dollars ($2,400.00) for the fifth year of service; two thousand five hundred dollars ($2,500.00) for the sixth year of service; two thousand six hundred dollars ($2,600.00) for the seventh year of service; two thousand seven hundred dollars ($2,700.00) for the eighth year of service; two thousand eight hundred dollars ($2,800.00) for the ninth and each succeeding year of service.

In each county having a population between three hundred thousand and four hundred and seventy thousand inhabitants, according to the last Federal census, the court attendants engaged in attending the Circuit Court, court of oyer and terminer, court of common pleas, court of quarter sessions, and criminal judicial district court, shall receive and be paid monthly by the county treasurer of the county, in lieu of all fees, an annual salary as follows: two thousand four hundred dollars ($2,400.00) for the first year of service; two thousand six hundred dollars ($2,600.00) for the second year of service; two thousand eight hundred dollars ($2,800.00) for the third year of service; three thousand dollars ($3,000.00) for the fourth year of service; three thousand two hundred dollars ($3,200.00) for the fifth year of service; three thousand four hundred dollars ($3,400.00) for the sixth and each succeeding year of service.

Construing.

This section shall not be construed as reducing the annual compensation of any court attendants engaged, on June second, one thousand nine hundred and forty-seven, in any courts affected by the terms of this section.

Prior service considered.

In all cases where any court attendant has already been serving, the time served shall be considered in fixing the salary to be paid to each court attendant respectively.

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

3. This act shall take effect immediately.

Approved August 16, 1948.

CHAPTER 312

AN ACT concerning the salaries of commissioners of juries in certain counties, and amending section 2:87–7 of the Revised Statutes.

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

1. Section 2:87–7 of the Revised Statutes is amended to read as follows: Section amended.

2:87–7. Each jury commissioner, except a jury commissioner who holds the office of sheriff, appointed pursuant to section 2:87–1 of this Title shall receive compensation, payable semimonthly by the board of chosen freeholders of such county as follows: nine hundred dollars ($900.00) per annum in counties of the first class, seven hundred fifty dollars ($750.00) per annum in counties of the second class and counties of the third class having a population in excess of one hundred ninety thousand and five hundred dollars ($500.00) per annum in all other counties. Salaries, jury commissioners.

2. This act shall take effect immediately.

Approved August 16, 1948.

CHAPTER 313

AN ACT concerning the retirement, upon pension, of certain policemen and firemen and providing a pension for the widows, children and sole dependent parents of certain deceased policemen and firemen, and amending sections 43:16–3 and 43:16–4 of the Revised Statutes.

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

Section amended.

1. Section 43:16–3 of the Revised Statutes is amended to read as follows:

Pension to dependents of retired members.

43:16–3. The widow of a member of such police or paid or part-paid fire department, who shall have been retired on a service retirement pension, or who shall have continued in service after becoming eligible for such pension and shall not have lost his life while on duty, or who shall have been retired on a service disability pension, and which member shall have paid into the fund the amount of his annual assessments or contributions required by section 43:16–3 of the Revised Statutes and if he shall have been retired on pension continued so to do after his retirement and until his death, shall, if she married her husband before the date of his retirement and before he reached fifty years of age and did not marry such member while he was suffering from the last illness which resulted in his death, receive a pension for so long as she remains unmarried equal to one-half of the average salary of her deceased husband but not to exceed the sum of one thousand dollars ($1,000.00) annually for the use of herself and the children of her deceased husband, if any, under eighteen years of age, or if no widow but children under eighteen years of age or if widow dies leaving children under eighteen years of age, of the deceased member, the pen-

sion which the widow would have received had she survived shall be paid to such children.

The widow of a member who shall not have been retired but shall die before becoming eligible for a service retirement pension while still employed by the department and shall not have lost his life while on duty, and the widow of a member who shall have been retired on a nonservice disability pension and which member shall have paid into the fund the amount of his annual assessments or contributions required by section 43:16–3 of the Revised Statutes, until his death, shall, if she married her deceased husband before the date of his retirement and before he reached fifty years of age, and did not marry such member while he was suffering from the last illness which resulted in his death, receive a pension, for so long as she remains unmarried, equal to one-half of the average salary of her deceased husband, but not to exceed the sum of one thousand dollars ($1,000.00) annually, for the use of herself and the children of her deceased husband, if any, under eighteen years of age, or if no widow but children under eighteen years of age or if widow dies leaving children under eighteen years of age, of the deceased member, the pension which the widow would have received had she survived shall be paid to such children. The widow of any member who died on or after July first, one thousand nine hundred and forty-four, and who is not receiving at the time this amendment takes effect a pension equal to the amount provided by this amendment, shall, beginning April eleventh, one thousand nine hundred and forty-five, receive a pension in the amount provided by this amendment.

If a member who shall have been retired on a service retirement pension or a member who shall have continued in service after becoming eligible for such pension and shall not have lost his life while on duty or a member who shall have been retired upon a service disability or nonservice disability pension, or a member who dies while still

employed by the department but who shall not have lost his life while on duty, leaves no widow, but leaves a child or children under eighteen years of age, or if such widow dies leaving children of the deceased member, the pension which the widow would have received had she survived shall be paid to those children who have not reached eighteen years of age in equal shares, if there be three or more of them, if there be only two they shall be paid twenty dollars ($20.00) each monthly and if there be only one, the child shall be paid twenty-five dollars ($25.00) monthly, until the age of eighteen years is reached but in no event are the pensions paid to the children to exceed in the aggregate the sum of one thousand dollars ($1,000.00) annually.

If the member dies leaving no widow and no children under eighteen years of age, the pension shall be paid to the dependent parent or parents of the deceased member; but in no event shall any pension paid to a dependent parent exceed five hundred dollars ($500.00) per annum if there be one, or exceed three hundred seventy-five dollars ($375.00) per annum each if there be two.

Section amended.

2. Section 43:16–4 of the Revised Statutes is amended to read as follows:

Pension to dependents on loss of life.

43:16–4. The widow of any member of such police or paid or part-paid fire department, who shall have paid into the fund the full amount of his annual assessments or contributions and shall have lost his life while on duty, shall, if she married her husband before the date of his retirement and before he reached fifty years of age and did not marry such member while he was suffering from the last illness which resulted in his death, receive a pension for so long as she remains unmarried equal to one-half of the member's average salary, but not to exceed the sum of one thousand dollars ($1,000.00) annually. If there be a widow and children of the member, the pension shall be paid to the widow for the use of herself and such children. If there be such children and no widow, or if the widow dies, the pension

which the widow would have received had she survived shall be paid to those children who have not reached eighteen years of age, in equal shares, if there be three or more children; if there be two children, they shall be paid thirty dollars ($30.00) each monthly; if there be but one child, he shall be paid forty dollars ($40.00) monthly; but in no event shall the pensions paid to the children exceed in the aggregate the sum of one thousand dollars ($1,000.00) annually. If there be no widow and no such children under eighteen years of age, the pension shall be paid to the dependent parent or parents of the deceased member; but in no event shall any pension paid to a dependent parent exceed five hundred dollars ($500.00) per annum if there be one, or exceed three hundred seventy-five dollars ($375.00) per annum each if there be two. No widow shall be entitled to a pension who shall have married the member after he shall have reached fifty years of age, or after the date of his retirement, or while he was suffering from the last illness which resulted in his death, and no children of both such widow and member, whether natural or adopted, shall be entitled to a pension. If a widow entitled to a pension remarries, the pension shall cease and shall not be paid to the widow or her children.

3. This act shall take effect immediately.

Approved August 16, 1948.

CHAPTER 314

AN ACT relating to the salaries of certain employees of county clerks in certain counties, and supplementing chapter thirty-eight of Title 40 of the Revised Statutes.

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

C. 40:38-32. Salaries, court clerks.

1. In counties having a population of not less than two hundred thousand and not more than three hundred thousand, and in counties having a population of not less than three hundred twenty-five thousand and not more than four hundred thousand, employees of the county clerk designated and assigned by the county clerk as court clerks for service in the county courts shall be paid a minimum annual salary or compensation of three thousand six hundred dollars ($3,600.00), which shall be increased not less than one hundred twenty dollars ($120.00) annually until a maximum annual salary of four thousand two hundred dollars ($4,200.00) is received.

C. 40:38-33. To paid minimum.

2. Court clerks who are now receiving less than the prescribed minimum annual salary shall be given such minimum annual salary from and after the first day of the month following the effective date of this act but this act shall not be construed as reducing the annual salary of any court clerk.

Construing.

C. 40:38-34. Repealer.

3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

4. This act shall take effect immediately.

Approved August 16, 1948.

CHAPTER 315

AN ACT authorizing the preparation and publication of certain publications by the Law Revision and Bill Drafting Commission and the distribution of the same to the public, with or without charge, and establishing a revolving fund for said purpose.

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

C. 1:9-16. Authorized to prepare publications.

1. The Law Revision and Bill Drafting Commission hereby is authorized to prepare and publish such publications dealing with the Constitution, the statutes and related subject matters as, in its judgment, may be of interest to the public, and to distribute the same to the public, without charge, or by charging therefor such sums as, in the judgment of the commission, shall seem proper.

C. 1:9-17. Law revision commission revolving fund.

2. There is hereby established in the general State treasury the Law Revision Commission Revolving Fund into which shall be paid, from time to time, the receipts obtained from the sales of such publications, which sums hereby are appropriated, and shall be used, to defray the cost of the preparation, printing, mailing and distribution of the same and may be used, from time to time, for said purposes without further appropriation and no part thereof shall pass into the general and unappropriated funds of the State treasury at the end of any fiscal year.

C. 1:9-18. Payments from fund.

3. All sums received for the sale of such publications shall be paid into said fund and shall be expended according to the warrant of the State Commissioner of Taxation and Finance drawn upon the State Treasurer upon the order of the Executive Director of the Law Revision and Bill Drafting Commission.

C. 1:9-19. Authorized to make expenditures.

4. The Law Revision and Bill Drafting Commission hereby is authorized to expend not to exceed the sum of one thousand dollars ($1,000.00) from any sums already or hereafter appropriated to it, for the purpose of defraying the initial cost of preparing, publishing, printing and distributing such publications, which sum, when repaid from the proceeds of the sales thereof into said Law Revision Commission Revolving Fund, may be used for any authorized purposes other than those described in this act.

5. This act shall take effect immediately.

Approved August 16, 1948.

CHAPTER 316

AN ACT for the relief of Joseph W. Cooper.

Preamble.

WHEREAS, Joseph W. Cooper of Lambertville, New Jersey, an employee of the State of New Jersey for a period of sixteen years, received an injury in the course of his employment; and,

Preamble.

WHEREAS, The said Joseph W. Cooper is a member of the State Retirement System but is not compensable thereunder by reason of the fact that his injury occurred shortly prior to his being accepted into the fund; and,

Preamble.

WHEREAS, His injury is of such a nature as to incapacitate him and entitle him to an accident disability allowance; therefore,

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

Authorized to pay disability allowance.

1. There shall be paid to the said Joseph W. Cooper, from the general funds of the State, an annual compensation equal to two-thirds of the sal-

ary he was receiving at the time of said accident. Such disability allowance shall be paid in equal monthly installments by the Treasurer of the State in the same manner as other State compensation is paid.

2. This act shall take effect immediately.

Approved August 16, 1948.

CHAPTER 317

AN ACT concerning lease, consolidation and merger of railroad companies, and amending sections 48:12–126, 48:12–127, 48:12–128, 48:12–129, 48:12–130, 48:12–131, 48:12–132, 48:12–133, 48:12–134, 48:12–135 and 48:12–136 of the Revised Statutes.

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

1. Section 48:12–126 of the Revised Statutes is amended to read as follows: Section amended.

48:12–126. Any railroad company of this State, or any railroad company not a corporation of this State authorized by law to own or operate any railroad in this State, may lease its road or any part thereof to any other railroad company of this or any other State, or may take a lease of the road or any part thereof of any such other railroad company, or may unite or consolidate as well as merge its stock, property, franchises and roads with those of any such other railroad company or companies, or may acquire by merger the stock, property, franchises and road of any such other railroad company or companies, or may do both; *provided, however,* that nothing in this section shall be deemed to authorize any railroad company of Lease, consolidation or merger authorized. Proviso.

this State to be merged into any railroad company that is not a corporation of this State, or of this State and some other State or States, unless the company into which it is proposed to merge such company of this State owns the entire capital stock, or is in possession of and holds under lease all of the railroad and franchises, of such railroad company of this State to be so merged.

After such lease, consolidation or merger the company or companies so acquiring such stock, property, franchises and road may use and operate such road as their own road and collect fares and freight as provided in the case of companies organized under this chapter, but not in excess of the charges on the line of any of the consolidated or merged companies, nor in excess of the rates limited by any special act incorporating such company.

Such leasing, consolidation or merger may be made where the roads of the companies connect either directly or over the intervening line of one or more other railroad companies.

Section amended.

2. Section 48:12–127 of the Revised Statutes is amended to read as follows:

Agreement filed, approval.

48:12–127. No such lease, union, consolidation or merger shall take effect until the parties thereto file in the office of the Secretary of State an agreement surrendering to the State all rights of exemption or contract privileges with respect to taxation in this State and reserving to the State any existing right to take the property of any of the parties nor shall the same be valid unless approved by the Interstate Commerce Commission in any case as to which that commission has jurisdiction, and in any other case by the board of public utility commissioners.

The property and franchises in this State of the lessor and lessee and of such consolidated or acquiring company shall be subject to taxation under the general laws of this State.

3. Section 48:12–128 of the Revised Statutes is amended to read as follows: Section amended.

48:12–128. The directors of the several companies parties to the proposed consolidation or merger may enter into a joint agreement under seal for their consolidation or merger, prescribing: Joint agreements, terms and conditions.

a. The terms and conditions thereof and the mode of carrying the same into effect; and

b. In case of a consolidation, the name of the new corporation, the number, names and places of residence of the first directors and officers, and how and when directors and officers shall be chosen, the location of the principal office in this State which shall be at some point on the line of the road, the number of shares of capital stock of which not more than two-thirds shall be preferred stock, the amount or par value of each share and the manner of converting the capital stock of each company thereby consolidated into the stock or securities of the new company, or of otherwise disposing of the same, with such other details as shall be deemed necessary to perfect such consolidation and new organization; and Consolidation.

c. In case of a merger of one or more companies into another, the price, if any, to be paid and the manner of paying the same by the acquiring company for the stock, property and franchises of the company or companies to be merged and the manner of disposing of such stock, and such other details as shall be deemed necessary to perfect such merger; and setting forth the name of the acquiring company, with the State or States in which it is incorporated, which company shall survive and continue as a corporation of such State or States; but in such case of a merger, where no new company is created, it shall not be necessary to state in such joint agreement the provisions specified in subdivision b of this section with respect to directors and officers, principal office in this State, or the number, amount or par value of shares of capital stock, of the acquiring or surviving company, unless, and then only to the extent that, Merger.

changes in respect of such matters are to be made by such joint agreement.

Section amended.

4. Section 48:12–129 of the Revised Statutes is amended to read as follows:

Agreement submitted to stockholders.

48:12–129. Every agreement of consolidation, merger or lease authorized by this chapter shall be submitted to the stockholders of each of the companies parties to such proposed consolidation, merger or lease at a meeting called for the purpose. Notice of the time, place and object thereof shall be mailed to the residence or post-office address of each stockholder, if known, and published in a newspaper in the city, town or county where such company has its principal office or place of business, at least once a week for at least two weeks.

At such meeting the agreement of consolidation, merger or lease shall be considered and a vote by ballot taken for its adoption or rejection. If two-thirds of the value of all the votes cast at such meeting by stockholders voting in person or by proxy, of each of said companies, shall be for the adoption of said agreement that fact shall be certified thereon by the secretary of each company under its seal.

Section amended.

5. Section 48:12–130 of the Revised Statutes is amended to read as follows:

Filing and recording agreement.

48:12–130. The agreement of consolidation, merger or lease so adopted, with the certificates of adoption thereon, shall be filed and recorded in the office of the Secretary of State. The record or a certified copy thereof shall be evidence of the agreement and in case of consolidation, of the existence of the new corporation and, in case of a merger, of the acquisition of the stock, property, rights and franchises of the merged corporation or corporations by the acquiring corporation.

Section amended.

6. Section 48:12–131 of the Revised Statutes is amended to read as follows:

Effect of agreement of consolidation or merger.

48:12–131. The several parties to any such agreement of consolidation or merger shall, from the time of the recording thereof in the office of

the Secretary of State, be taken to be one railroad company by the name adopted in case of a consolidation or by the name of the acquiring company in case of a merger, possessing within this State all the rights and franchises and subject to all the restrictions, disabilities and duties of the companies of this State, or owning or operating any railroad in this State, so consolidated or merged and in case of a consolidation, if any of the constituent companies so consolidated was a corporation of this State, the new company formed by such consolidation shall be a corporation of this State or of this State and some other State or States.

All the rights, privileges and franchises of each of the companies parties to any such agreement of consolidation or merger and all rights-of-way, real estate and personal property, and all debts, stock subscriptions and other things in action of the companies consolidated or merged shall be taken to be transferred to the new or acquiring company without further act or deed and to be vested in the new or acquiring company as effectually as they were in the former companies.

The new or acquiring company may take land by purchase or condemnation in the same manner and to the same extent as companies organized under this chapter.

All rights of creditors and all liens upon property shall be preserved unimpaired and all debts, liabilities and duties of any of the former companies shall thenceforth attach to the new or acquiring company and be enforced against it to the same extent as if incurred by it.

Section amended.

7. Section 48:12–132 of the Revised Statutes is amended to read as follows:

Dissenting stockholders, procedure.

48:12–132. Any stockholder of any company of this State who shall refuse to convert his stock into the stock or securities of the consolidated or acquiring company or who shall dissent from any merger or lease of the property and franchises of his company to another company, may at any time within thirty days after the adoption of the agree-

ment by the stockholders of his company apply by petition on reasonable notice to the company, or to the consolidated or acquiring company if the consolidation or merger shall have become effective, to the Chancellor or the Supreme Court or one of the justices thereof who shall appoint three disinterested citizens of this State to estimate the damage if any done to the stockholder by such consolidation, merger or lease. Such appraisers shall also separately appraise the shares of the stockholders at the full market value thereof without regard to any depreciation or appreciation thereof in consequence of the consolidation, merger or lease. Their award when filed with the Clerk in Chancery or Clerk of the Supreme Court and confirmed by the Chancellor, court or justice shall be final and conclusive.

The company, or the consolidated or acquiring company if the consolidation or merger shall have become effective, may, at its election, pay to the stockholder the amount of damages so found, if any, or the value of the stock so appraised and determined. Upon the payment of the value of his stock it shall be transferred and belong to the company, or to the consolidated or acquiring company if the consolidation or merger shall have become effective, as the case may be, to be disposed of by the directors or retained.

In case the value of the stock shall not be paid within thirty days after the confirmation of the award and notice to the company, or to the consolidated or acquiring company if the consolidation or merger shall have become effective, the damages so found and confirmed shall have the force and effect of a judgment of the Supreme Court or a decree of the Court of Chancery for such damages against the company or, in the case of a consolidation or merger which shall have become effective, against the consolidated or acquiring company.

8. Section 48:12–133 of the Revised Statutes is amended to read as follows: Section amended.

48:12–133. Any railroad company of this State, formed by consolidation of two or more railroad companies under this article or the acquiring and surviving company in the case of a merger, may issue shares of capital stock at par of an amount equal to the aggregate par value of all the stock of the companies parties to such consolidation or merger and twenty per centum (20%) in addition thereto and may issue preferred stock to an amount not exceeding one-half of its authorized capital. Issuing stocks and bonds.

Such company may exchange its stocks and bonds for the bonds, mortgages, debts and stock of the companies consolidated, on terms agreed upon with the holders thereof and approved as a part of the agreement or it may sell its stock and bonds and use the proceeds to carry out the agreement of consolidation or merger and extend, repair, improve and equip its railroads and furnish all necessary lands, chattels, engines, cars and equipment.

Nothing in this section shall be construed to reduce or restrict the amount of capital stock authorized to be issued by any company under its charter. Construing.

9. Section 48:12–134 of the Revised Statutes is amended to read as follows: Section amended.

48:12–134. In all cases of merger or consolidation under this article, the consolidated or acquiring company may borrow an amount of money, notwithstanding any limitation or restriction in this or any other law of this State, sufficient to cover all the indebtedness of the companies united by such consolidation or merger and complete, extend, repair, improve and equip its railroad and furnish all necessary lands, personal property, engines, cars and equipment, and may issue bonds for the money borrowed, secured by mortgage on its corporate property and franchises or any part thereof. Borrowing money.

Section amended.

10. Section 48:12–135 of the Revised Statutes is amended to read as follows:

Lessor company may borrow money, security.

48:12–135. Any railroad company authorized to lease its railroad may, in addition to its then existing power to borrow money and issue bonds secured by mortgage, borrow money and issue bonds payable not more than one hundred years from the date thereof to an amount sufficient to cover all its indebtedness and for other purposes mentioned in section 48:12–134 of this Title. The company may secure such bonds by mortgage on its property and franchises. The bonds may be given in exchange for or in satisfaction of bonds or other debts of the company upon such terms as may be agreed on with the holders.

Section amended.

11. Section 48:12–136 of the Revised Statutes is amended to read as follows:

Surveys and maps filed.

48:12–136. When railroad companies have consolidated or merged their corporate franchises and property as provided in this article, the new company so created in the case of a consolidation or the acquiring and surviving company in the case of a merger, shall file and record a survey of its line or lines in this State and file a map thereof in the office of the Secretary of State, and therein may relocate any part of its routes not constructed and locate new routes on making the deposit required by section 48:12–8 of this Title.

The line or lines described on such survey or map shall be the line or lines of such railroad company in this State and all other routes, lines or locations in this State not actually built upon shall be deemed to be abandoned.

12. This act shall take effect immediately.

Approved August 16, 1948.

CHAPTER 318

AN ACT concerning unemployment compensation, and amending section 43:21–19 of the Revised Statutes.

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

1. Section 43:21–19 of the Revised Statutes is amended to read as follows: Section amended.

43:21–19. As used in this chapter, unless the context clearly requires otherwise: Terms defined:

(a) (1) "Annual payroll" means the total amount of wages payable by an employer for employment during a calendar year ending with the calendar year one thousand nine hundred and forty-six which are paid prior to January first, one thousand nine hundred and forty-seven, and in respect to the calendar year one thousand nine hundred and forty-seven and each calendar year thereafter means the total amount of wages paid during a calendar year (regardless of when earned) by an employer for employment. Annual payroll;

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three or five preceding calendar years, whichever average is higher; *provided, however,* that only those wages be included on which employer contributions have been paid on or before January thirty-first of the calendar year for which the employer's contribution rate is computed. Average annual payroll; Proviso:

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter, with respect to his unemployment. Benefits;

(c) The term "base year" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year; *provided,* that no calendar quarter shall comprise a part of more than one base year. Base year; Proviso;

Benefit year: (d) "Benefit year" with respect to any individual means the three hundred sixty-four consecutive calendar days beginning with the day on, or as of, which he first files a valid claim for benefits, and thereafter beginning with the day on, or as of, which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with subsection (a) of section 43:21–6 of this Title shall be deemed to be a "valid claim" for the purpose of this subsection if the individual has fulfilled the condition imposed by subsection (e) of section 43:21–4 of this Title.

Commission: (e) "Commission" means the unemployment compensation commission established by section 43:21–10 of this Title, and for purposes of this chapter any transaction or exercise of authority by the executive director shall be deemed to be performed by the commission.

Contributions: (f) "Contributions" means the money payments to the State unemployment compensation fund required by this chapter.

Employing unit; (g) "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January first, one thousand nine hundred and thirty-six, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this chapter. Whenever any employing unit contracts with or has under it any contractor or subcontractor for any employment which is part of its usual trade, occupation, profession, or business, unless the employing unit as well as each such contractor or

subcontractor is an employer by reason of subsection (c) of section 43:21–8 of this Title or subsection (h) of this section, the employing unit shall for all the purposes of this chapter be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which such individual is engaged in performing such employment; except that each such contractor or subcontractor who is an employer by reason of subsection (c) of section 43:21–8 of this Title or subsection (h) of this section, shall alone be liable for the contributions measured by wages payable to individuals in his employ, and except that any employing unit who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer by reason of subsection (c) of section 43:21–8 of this Title or subsection (h) of this section, may recover the same from such contractor or subcontractor. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter, whether such individual was hired or paid directly by such employing unit or by such agent or employee; *provided,* the employing unit had actual or constructive knowledge of the work.

(h) "Employer" means: Employer;

(1) Any employing unit which for some portion of a day, but not necessarily simultaneously, in each of twenty different weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year, has or had in employment four or more individuals (irrespective of whether the same individuals are or were employed in each such day);

(2) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which

at the time of such acquisition was an employer subject to this chapter;

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which together with one or more other employing unit, is owned or controlled (by legally enforcible means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforcible means or otherwise), and which, if treated as a single unit with such other employing unit or interest, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit which, having become an employer under paragraphs (1), (2), (3) or (4), has not, under section 43:21–8 of this Title, ceased to be an employer subject to this chapter; or

(6) For the effective period of its election pursuant to subsection (c) of section 43:21–8 of this Title any other employing unit which has elected to become fully subject to this chapter.

Employment:

(i) (1) "Employment" means service, including service in interstate commerce performed for remuneration or under any contract of hire, written or oral, express or implied.

(2) The term "employment" shall include an individual's entire service, performed within or both within and without this State if:

(A) The service is localized in this State; or

(B) The service is not localized in any State but some of the service is performed in this

State, and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any State in which some part of the service is performed, but the individual's residence is in this State.

(3) Services performed within this State but not covered under paragraph (2) of this subsection shall be deemed to be employment subject to this chapter if contributions are not required and paid with respect to such services under an unemployment compensation law of any other State or of the Federal Government.

(4) Services not covered under paragraph (2) of this subsection, and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other State or of the Federal Government, shall be deemed to be employment subject to this chapter if the individual performing such services is a resident of this State and the commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this chapter; *provided,* written objections on the part of a substantial proportion of such individuals affected are not presented to the commission within ten days following the filing of such election.

(5) Service shall be deemed to be localized within a State if

(A) the service is performed entirely within such State; or

(B) the service is performed both within and without such State, but the service performed without such State is incidental to the individual's service within the State, for example, is temporary or transitory in nature or consists of isolated transactions.

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this chapter unless and until it is shown to the satisfaction of the commission that

(A) such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; and

(B) such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) such individual is customarily engaged in an independently established trade, occupation, profession or business.

(7) The term "employment" shall not include:

(A) Agricultural labor;

(B) Domestic service in a private home;

(C) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(D) Service performed in the employ of this State or of any political subdivision thereof or of any instrumentality of this State or its political subdivisions;

(E) Service performed in the employ of any other State or its political subdivisions, or of the United States Government, or of an instrumentality of any other State or States or their political subdivisions or of the United States;

(F) Services performed in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, hospi-

tal, benevolent, philanthropic, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(G) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association, or their dependents;

(H) Services performed as an officer or other employee of any building and loan association of this State, except where such services constitute the principal employment of the individual; services performed as an officer or other employee of any building and loan association where such association is a member of the Federal Home Loan Bank System; services performed as an officer or other employee of any bank which is a member of the Federal Reserve System;

(I) Service, performed after June thirtieth, one thousand nine hundred and thirty-nine, with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act (52 Stat. 1094).

(J) Service performed by agents of insurance companies, exclusive of industrial life insurance agents, or by agents of investment companies, who are compensated wholly on a commission basis.

(K) Services performed by real estate salesmen or brokers who are compensated wholly on a commission basis.

(L) Services performed in the employ of any veterans' organization chartered by Act of Congress or of any auxiliary thereof, no part of the net earnings of which organiza-

tion, or auxiliary thereof, inures to the benefit of any private shareholder or individual.

(M) Service heretofore or hereafter performed for or in behalf of the owner or operator of any theatre, ballroom, amusement hall or other place of entertainment, not in excess of ten weeks in any calendar year for the same owner or operator, by any leader or musician of a band or orchestra, commonly called a "name band," entertainer, vaudeville artist, actor, actress, singer or other entertainer.

Employment office;

(j) "Employment office" means a free public employment office, or branch thereof operated by this State or maintained as a part of a State-controlled system of public employment offices.

Fund;

(k) "Fund" means the unemployment compensation fund established by this chapter, to which all contributions required and from which all benefits provided under this chapter shall be paid.

State;

(l) "State" includes, in addition to the States of the United States of America, Alaska, Hawaii, and the District of Columbia.

Unemployment;

(m) Unemployment.

(1) An individual shall be deemed "unemployed" for any week during which he is not engaged in full-time work and with respect to which his remuneration is less than his weekly benefit rate.

(2) The term remuneration, as used in this subsection, shall include only that part of the same which exceeds three dollars ($3.00) for any one week.

(3) An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the commission may by regulation otherwise prescribe.

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter, from which administrative expenses under this chapter shall be paid. Unemployment compensation administration fund;

(o) "Wages" means remuneration payable by employers for employment prior to January first, one thousand nine hundred and forty-seven, and paid prior to such date; and means remuneration paid subsequent to December thirty-first, one thousand nine hundred and forty-six, by employers for employment; *provided, however,* that for eligibility and benefit purposes wages earned but not paid when the amount thereof has been calculated and is due as determined by the established and customary practices of the employer shall be construed as having been paid when earned. Wages; Proviso;

(p) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash. Remuneration;

(q) "Week" means such period or periods of seven consecutive days ending at midnight, as the commission may by regulation prescribe. Week;

(r) "Calendar quarter" means the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first, excluding, however, any calendar quarter or portion thereof which occurs prior to January first, one thousand nine hundred and thirty-seven, or the equivalent thereof as the commission may by regulation prescribe. Calendar quarter;

(s) "Investment company" means any company as defined in paragraph one-a of chapter three hundred twenty-two of the laws of one thousand nine hundred and thirty-eight, entitled "An act concerning investment companies, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'investment companies.'" Investment company.

2. This act shall take effect immediately.

Approved August 16, 1948.

CHAPTER 319

AN ACT with respect to the removal of causes commenced in a Circuit Court or Court of Common Pleas to the Supreme Court, and repealing sections 2:27–206, 2:27–207, 2:27–208 and 2:27–209 of the Revised Statutes.

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

Sections repealed.

1. Sections 2:27–206, 2:27–207, 2:27–208 and 2:27–209 of the Revised Statutes are repealed.

Act effective.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 320

AN ACT providing for divorces and for judgments of nullity of marriage, and for alimony and the maintenance of children, amending sections 2:50–1 to 2:50–5, inclusive, 2:50–7 to 2:50–9, inclusive, 2:50–11 to 2:50–14, inclusive, 2:50–17, 2:50–18, 2:50–20, 2:50–25, 2:50–29 to 2:50–33, inclusive, and 2:50–35 to 2:50–41, inclusive, of the Revised Statutes, repealing sections 2:50–19, 2:50–21 to 2:50–24, inclusive, 2:50–26 to 2:50–28, inclusive, of the Revised Statutes, "An act concerning the acquisition of jurisdiction by the Court of Chancery in cases of divorce and nullity of marriage," approved May fourteenth, one thousand nine hundred and thirty-eight (P. L. 1938, c. 191), and "An act concerning alimony, maintenance of a wife and the custody and maintenance of children by proceedings in the Court of Chancery, and supplementing chapter fifty of Title 2 of the Revised Statutes," approved May twenty-fifth, one thousand nine hundred and thirty-eight (P. L. 1938, c. 234), and supplementing chapter fifty of Title 2 of the Revised Statutes.

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

1. Section 2:50–1 of the Revised Statutes is amended to read as follows: Section amended.

2:50–1. Judgments of nullity of marriage may be rendered in all cases, when: Causes for judgments of nullity.

a. Either of the parties has another wife or husband living at the time of a second or other marriage;

b. The parties are within the degrees prohibited by law. When any such marriage shall not have been annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party;

c. The parties, or either of them, were at the time of marriage physically and incurably impotent, provided the party making the application shall have been ignorant of such impotency or incapability at the time of the marriage, or has not subsequently ratified the marriage;

d. The parties, or either of them, were at the time of marriage incapable of consenting thereto and the marriage has not been subsequently ratified, provided that where the party capable of consent is the applicant, such party shall have been ignorant of the other's incapacity at the time of the marriage and shall not have confirmed the marriage subsequently to the regaining of capacity by the other party;

e. At the suit of the wife, when she was under the age of eighteen years at the time of the marriage, unless such marriage be confirmed by her after arriving at such age;

f. At the suit of the husband, when he was under the age of eighteen years at the time of the marriage, unless such marriage be confirmed by him after arriving at such age. No judgment of nullity shall be made where a child of the parties has been born, either before or after the marriage, or is likely to be born, unless the court upon an examination of all the facts of the case shall be of the opinion that such judgment will not be against the best interests of the child.

Section amended.

2. Section 2:50–2 of the Revised Statutes is amended to read as follows:

Causes for divorce from bond of matrimony.

2:50–2. Divorce from the bond of matrimony may be adjudged for the following causes:

a. Adultery by either of the parties;

b. Willful, continued and obstinate desertion for the term of two years;

c. Extreme cruelty by either of the parties, whether the acts of cruelty have been heretofore or are hereafter committed; *provided,* that no complaint for divorce on the ground of extreme cruelty shall be filed until after six months from the date of the last act of cruelty complained of in the complaint, but this proviso shall not be held to apply to any counterclaim.

Section amended.

3. Section 2:50–3 of the Revised Statutes is amended to read as follows:

Causes for divorce from bed and board.

2:50–3. Divorce from bed and board may be adjudged for the following causes:

Adultery. a. Adultery by either of the parties;

Desertion. b. Willful, continued and obstinate desertion for the term of two years;

Extreme cruelty. c. Extreme cruelty by either of the parties.

Section amended.

4. Section 2:50–4 of the Revised Statutes is amended to read as follows:

Limited or permanent divorce from bed and board.

2:50–4. In all cases of divorce from bed and board the court may adjudge a separation forever thereafter, or for a limited time, as shall seem just and reasonable, with a provision that in case of a reconciliation at any time thereafter the parties may apply for a revocation or suspension of the judgment. Upon such application the court shall make such order as may seem just and reasonable.

Section ameded.

5. Section 2:50–5 of the Revised Statutes is amended to read as follows:

Collusion, adultery not condoned.

2:50–5. If it appear to the court that the adultery complained of shall have been occasioned by the collusion of the parties, and done with an intention to procure a divorce, or that the party complaining was consenting thereto, or that both parties have been guilty of adultery not condoned, no divorce shall be adjudged.

Section amended.

6. Section 2:50–7 of the Revised Statutes is amended to read as follows:

Jurisdiction.

2:50–7. The Superior Court shall have jurisdiction of all causes of divorce or nullity and of alimony and maintenance by this chapter directed and allowed.

Section amended.

7. Section 2:50–8 of the Revised Statutes is amended to read as follows:

Affidavit of noncollusion.

2:50–8. There shall be annexed to every complaint or counterclaim for divorce or nullity of marriage under this chapter or under the general equity jurisdiction of the court an oath or affirmation by the plaintiff or counterclaimant that the allegations of the complaint or counterclaim are true to the best of affiant's knowledge, information and belief, and that said complaint or counterclaim is made in truth and good faith and without collusion for the causes set forth therein.

Section amended.

8. Section 2:50–9 of the Revised Statutes is amended to read as follows:

Service of process in annulment proceedings.

2:50–9. Jurisdiction in suits for nullity of marriage may be acquired:

a. By personal service of process upon the defendant within this State when either party is a bona fide resident of this State at the time of the commencement of the suit;

b. When the defendant cannot be served personally within this State, and when at the time of the commencement of the suit the plaintiff is a bona fide resident of this State, jurisdiction may be acquired by publication, to be followed, where practicable, by service upon or notice to the defendant without this State or by additional substituted service upon the defendant within this State, as prescribed by law or by rules of court.

Section amended.

9. Section 2:50–11 of the Revised Statutes is amended to read as follows:

Service of process by publication.

2:50–11. When the defendant cannot be served personally with process within this State, and when at the time of the commencement of the suit the plaintiff is a bona fide resident of this State, jurisdiction for the purpose of divorce, whether absolute or from bed and board, may be acquired by publication, to be followed, where practicable, by service upon or notice to the defendant without this State, or by additional substituted service upon the defendant within this State, as prescribed by law or rules of court, under the following conditions:

a. When at the time the cause of action arose, the plaintiff was a bona fide resident of this State, and has continued so to be down to the time of the commencement of this suit, except that no suit for absolute divorce shall be commenced for any cause other than adultery, unless the plaintiff has been for the two years next preceding the commencement of the suit a bona fide resident of this State;

b. When, since the cause of action arose, the plaintiff has become, and for at least two years next preceding the commencement of the suit has continued to be, a bona fide resident of this State; *provided,* the cause of action alleged was recognized in the jurisdiction in which the plaintiff resided at the time the cause of action arose, as a ground for the same relief asked for in the suit in this State.

Section amended.

10. Section 2:50–12 of the Revised Statutes is amended to read as follows:

Substituted process, publication.

2:50–12. If it shall appear, by affidavit or otherwise, to the satisfaction of the court, that the defendant is out of this State, or cannot upon due inquiry be found therein or conceals himself within this State, the court may thereupon by order direct the defendant to answer the complaint at a certain day named therein not less than two or more than three months from the date of such order. The order or notice thereof shall be published in one of the newspapers published in this State, and designated in such order. The first publication shall be made within twenty days from the date of the order and three publications shall be made thereafter, at least one in each of the three next succeeding calender weeks, making four publications, one in each of four successive calendar weeks. The order or notice thereof shall be published in such other manner as the particular circumstances of the case may require, if, in the opinion of the court, any further or other publication shall be necessary.

Service upon the defendant within or without this State of the complaint and of such order or notice thereof as service substituted for personal service of process within this State shall also be made within the same time and in such manner as the court may by general rules prescribe.

C. 2:50-12.2 Jurisdiction over defendant's person established.

11. The jurisdiction of the court over the defendant's person for all purposes of the action shall be fully established by the filing of an acknowledgment of service of process or of an appearance or of an answer by the defendant, pro se or by an attorney of this court on his behalf duly authorized thereto in writing in such manner as may be prescribed by general rule of court.

Section amended.

12. Section 2:50–13 of the Revised Statutes is amended to read as follows:

Counter suits.

2:50–13. Whenever the court shall have acquired jurisdiction of any suit under the provisions of this chapter, the defendant therein may, by counterclaim, present to the court any cause of action, which he may have under the provisions of this chapter.

Upon proof of service of such counterclaim upon the plaintiff, or his attorney, the court shall have full jurisdiction of such counterclaim.

Section amended.

13. Section 2:50–14 of the Revised Statutes is amended to read as follows:

Minor may defend or prosecute suit.

2:50–14. A man who has attained the age of eighteen years and a woman who has attained the age of sixteen years may appear and prosecute or defend a suit for divorce or nullity of marriage in his or her proper person or by his or her attorney.

Section amended.

14. Section 2:50–17 of the Revised Statutes is amended to read as follows:

Solicitor in uncontested cases.

2:50–17. In all uncontested cases where the court may deem it necessary or proper, a disinterested attorney may be assigned actively to defend the case.

15. Section 2:50–18 of the Revised Statutes is amended to read as follows: Section amended.

2:50–18. Whenever any poor person shall have cause of suit under this chapter, and shall make an affidavit that he is not worth one hundred dollars ($100.00) clear estate, the court may assign to such person an attorney learned in the law, to prosecute the cause, who, together with all other officers, shall perform their respective duties therein without fee or reward. Solicitor and counsel for indigent cases.

16. Section 2:50–20 of the Revised Statutes is amended to read as follows: Section amended.

2:50–20. Proceedings in any suit commenced under this chapter shall not be set aside, annulled or made void for any defect in matter of form or for any mistake or omission not affecting the real merits of the cause, and the court may permit either party to amend his proceedings in the cause, either in matters of form or substance, including amendments to set forth a cause of action which has arisen or become known since the filing of the original complaint or to change the action to any other cause of action under this chapter, and proceed to give judgment according to the merits of the case. Amendments allowed.

17. Section 2:50–25 of the Revised Statutes is amended to read as follows: Section amended.

2:50–25. The sheriff of any county, or other officer authorized by law, to whom the summons and complaint shall be delivered shall serve the same and make return of the summons into the court, and the same shall be filed with the clerk. The summons shall be served by delivering to the defendant personally a copy thereof, together with a copy of the complaint. Service and return of summons and complaint.

18. Section 2:50–29 of the Revised Statutes is amended to read as follows: Section amended.

2:50–29. If after the hearing of any cause the court shall be of opinion that the petitioner or counterclaimant is entitled to a judgment of nullity of marriage under this chapter or under the gen- Judgment nisi.

eral equity jurisdiction of the court or a judgment for divorce from the bonds of matrimony, a judgment nisi shall be entered.

Section amended.

19. Section 2:50–30 of the Revised Statutes is amended to read as follows:

Judgment absolute.

2:50–30. A judgment nisi shall become absolute after the expiration of three months from the entry thereof, unless appealed from or proceedings for review are pending, or the court before the expiration of such period for sufficient cause, upon its own motion, or upon the application of any party, whether interested or not, otherwise orders; and at the expiration of three months, the final and absolute judgment shall be entered, unless prior to that time cause be shown to the contrary.

Section amended.

20. Section 2:50–31 of the Revised Statutes is amended to read as follows:

Appeals from judgment nisi.

2:50–31. Appeals shall be taken only from the judgment nisi and not from the final judgment, and shall be taken within three months from the filing of the judgment nisi.

Section amended.

21. Section 2:50–32 of the Revised Statutes is amended to read as follows:

Enrollment of proceedings.

2:50–32. When a cause shall be finally determined, the clerk shall enter or enroll together in order in his book of judgments, the proceedings, judgments, reports and final judgment in such cause.

Section amended.

22. Section 2:50–33 of the Revised Statutes is amended to read as follows:

Effect of judgment on legitimacy of issue.

2:50–33. A judgment of nullity of marriage shall not render illegitimate the issue of any marriage so dissolved, except where the marriage, not being a ceremonial one, is dissolved because either party had another wife or husband living at the time of a second or other marriage. Such marriage shall be deemed void ab initio, and the issue thereof shall be illegitimate.

Section amended.

23. Section 2:50–35 of the Revised Statutes is amended to read as follows:

Judgments of other States.

2:50–35. Full faith and credit shall be given in all courts of this State to a judgment of annulment

of marriage or divorce by a court of competent jurisdiction in another State of the United States when the jurisdiction of such court was obtained in the manner and in substantial conformity with the conditions prescribed in sections 2:50–9, 2:50–10 and 2:50–11 of this Title. Nothing herein contained shall be construed to limit the power of any court to give such effect to a judgment of annulment or divorce by a court of a foreign country as may be justified by the rules of international comity; *provided,* that if any inhabitant of this State shall go into another State or country, in order to obtain a judgment of divorce for a cause which occurred while the parties resided in this State, or for a cause which is not ground for divorce under the laws of this State, a judgment so obtained shall be of no force or effect in this State.

Construing.

Proviso.

24. Section 2:50–36 of the Revised Statutes is amended to read as follows:

Section amended.

20:50–36. A wife who has attained the age of sixteen years may appear and prosecute a suit for maintenance, under any statute of this State, in her proper person or by her attorney, and a man who has attained the age of eighteen years may defend a suit for maintenance, under any statute of this State, in his proper person or by his attorney.

Suits for maintenance by wife.

25. Section 2:50–37 of the Revised Statutes is amended to read as follows:

Section amended.

2:50–37. Pending a suit for divorce or nullity, brought in this State or elsewhere, or after judgment of divorce, whether obtained in this State or elsewhere, the court may make such order touching the alimony of the wife, and also touching the care, custody, education and maintenance of the children, or any of them, as the circumstances of the parties and the nature of the case shall render fit, reasonable and just, and require reasonable security for the due observance of such orders, and upon neglect or refusal to give such reasonable security, as shall be required, or upon default in complying with the order, may award and issue process for the im-

Alimony, custody of children, modification of orders.

mediate sequestration of the personal estate, and the rents and profits of the real estate of the party so charged, and appoint a receiver thereof, and cause such personal estate and the rents and profits of such real estate, or so much thereof as shall be necessary, to be applied toward such alimony and maintenance as to the said court shall from time to time seem reasonable and just, or enforce the performance of the said orders by such other lawful ways and means as is usual, and according to the source and practice of the court; orders so made may be revised and altered by the court from time to time as circumstances may require.

Section amended.

26. Section 2:50–38 of the Revised Statutes is amended to read as follows:

Remarriage, effect on alimony, vacation of prior order.

2:50–38. If after the judgment of divorce the wife shall remarry, the court shall not make any order touching the alimony of such wife except that the court, upon application of the former husband, on notice and upon proof of the marriage of the former wife after the judgment of divorce, must modify any order or judgment touching the alimony of the former wife by vacating and annulling any and all provisions in any such order or judgment, or both, directing the payment of money for the support of the former wife.

Section amended.

27. Section 2:50–39 of the Revised Statutes is amended to read as follows:

Abandonment of wife, support.

2:50–39. If a husband, without justifiable cause, shall abandon his wife or separate himself from her and refuse or neglect to maintain and provide for her, the court may order suitable support and maintenance to be paid and provided by the husband for the wife and her children, or any of them, by their marriage, or to be made out of his property and for such time as the nature of the case and circumstances of the parties render suitable and proper in the opinion of the court. The court may compel the defendant to give reasonable security for such maintenance and allowance and may, from time to time, make further orders touching the same as shall be just and equitable and

enforce such judgment and orders in the manner mentioned in section 2:50–37 of this Title. During the time such maintenance shall be allowed, the husband shall not be chargeable with the debts of the wife.

Section amended.

28. Section 2:50–40 of the Revised Statutes is amended to read as follows:

Process of attachment.

2:50–40. When a husband cannot be found within this State to be served with process, his estate, property and effects within this State and the rents and profits thereof may be attached to compel his appearance and performance of any decree or order which may be made in the suit. Such process of attachment shall be issued only upon special order therefor, to be made upon proof of the claim alleged in the complaint and that the defendant cannot be found within the State for the service of process.

Bond.

Upon process of attachment a bond, as provided in cases of ne exeat, may be given in discharge of the writ and the sum in which the party shall give bond, with sufficient surety, shall be endorsed upon the writ in words at length. Where the proceedings are by process of attachment and the defendant does not appear, the judgment shall be enforceable only out of and against the estate attached.

Section amended.

29. Section 2:50–41 of the Revised Statutes is amended to read as follows:

Bond for cost.

2:50–41. In any suit mentioned in sections 2:50–39 and 2:50–40 of this Title, the court may, if application is made before answer filed, order a bond to be given in the sum of one hundred dollars ($100.00) by one or more sufficient sureties, with condition to pay such costs as shall or may be awarded by the court to be paid to the defendant.

Sundry sections and acts repealed.

30. Sections 2:50–19, 2:50–21 to 2:50–24, inclusive, 2:50–26 to 2:50–28, inclusive, of the Revised Statutes, "An act concerning the acquisition of jurisdiction by the Court of Chancery in cases of divorce and nullity of marriage," approved May fourteenth, one thousand nine hundred and thirty-

eight, and "An act concerning alimony, maintenance of a wife and the custody and maintenance of children by proceedings in the Court of Chancery, and supplementing chapter fifty of Title 2 of the Revised Statutes," approved May twenty-fifth, one thousand nine hundred and thirty-eight, are repealed.

Act effective.

31. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 321

AN ACT concerning the care, custody, guardianship and support of children, amending sections 9:2–1 to 9:2–5, inclusive, 9:2–7, 9:2–9 to 9:2–11, inclusive, and repealing section 9:2–8, of the Revised Statutes.

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

Section amended.

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

Care, custody, guardianship and support of children of parents divorced in another juisdiction.

9:2–1. After a divorce adjudged in any other State or country, if minor children of the marriage are inhabitants of this State, the Superior Court, on the complaint of either parent, or of a next friend in behalf of the children, such notice being given to parents as the court shall direct, may make such judgment concerning their care, custody, education and maintenance as if the divorce had been obtained in this State. If the minor child or minor children have not, at the time of the filing of the complaint, reached the age of sixteen years, and if it is represented to the court by affidavit or under oath that evidence will be adduced involving the moral turpitude of either parent, or of such minor child or children, or that evidence will be adduced

which may reflect upon the good reputation or social standing of the child or children, then the court shall admit to the hearing of such case only such persons as are directly interested in the matter being then heard. The records of such proceedings, including the complaint and accompanying affidavits thereto, shall be withheld from indiscriminate public inspection, but shall be open to inspection by the parents, or their attorneys, and to no other person or persons except by order of the court made for that purpose.

Section amended.

2. Section 9:2–2 of the Revised Statutes is amended to read as follows:

Removal of children from State, consent.

9:2–2. When the Superior Court has jurisdiction over the custody and maintenance of the minor children of parents divorced, separated or living separate, and such children are natives of this State, or have resided five years within its limits, they shall not be removed out of its jurisdiction against their own consent, if of suitable age to signify the same, nor while under that age without the consent of both parents, unless the court, upon cause shown, shall otherwise order. The court, upon application of any person in behalf of such minors, may require such security and issue such writs and processes as shall be deemed proper to effect the purposes of this section.

Section amended.

3. Section 9:2–3 of the Revised Statutes is amended to read as follows:

Custody of children of parents living separately.

9:2–3. When the parents of minor children live separately, or are about to do so, the Superior Court, upon complaint of either parents, shall have the same power to make judgments or orders concerning their care, custody, education and maintenance as concerning children whose parents are divorced. The minor child when in the actual care and custody of the mother in such cases, shall not be taken by the father of such child forcibly or against the will of the mother from her custody, and the court having jurisdiction in the premises shall have authority to make such orders and judgments as will protect the mother in the maintenance

of such control and custody until otherwise ordered by the court having jurisdiction. If the minor child or minor children have not, at the time of the filing of the complaint, reached the age of sixteen years, and if it is represented to the court by affidavit or under oath that evidence will be adduced involving the moral turpitude of either parent, or of such minor child or children, or that evidence will be adduced which may reflect upon the good reputation or social standing of the child or children, then the court shall admit to the hearing of such case only such persons as are directly interested in the matter then being heard. The records of such proceedings, including the complaint and accompanying affidavit or affidavits thereto, shall be withheld from indiscriminate public inspection, but shall be open to inspection by the parents, or their attorneys, and to no other person or persons except by order of the court made for that purpose.

Section amended.

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

Parents' right to custody equal.

9:2–4. In making an order or judgment relative to the custody of the children pending a controversy between their parents, or in regard to their final possession, the rights of both parents, in the absence of misconduct, shall be held to be equal, and they shall be equally charged with their care, nurture, education and welfare, and the happiness and welfare of the children shall determine the custody or possession.

Orders and judgments.

The court may make the necessary orders and judgments from time to time in relation to such custody or possession, but the father, as such, shall not have preference over the mother as to the award of custody of such minor child if the best interests of the child otherwise may be protected, and in no case shall the court having jurisdiction in this State over the person and custody of any minor permit such child to be removed from this State where the mother or father resides in this State and is the suitable person who should have the custody of such child for its best welfare.

Section amended.

5. Section 9:2–5 of the Revised Statutes is amended to read as follows:

Death of parent having custody.

9:2–5. In case of the death of the parent to whom the care and custody of the minor children shall have been awarded by the Superior Court, or in the case of the death of the parent in whose custody the children actually are, when the parents have been living separate and no award as to the custody of such children has been made, the care and custody of such minor children shall not revert to the surviving parent without a judgment of the Superior Court to that effect; and the Superior Court shall have the right, upon complaint of a next friend on behalf of the children, to appoint such friend or other suitable person, guardian of such minor children, and shall have the right to remove such guardian, and to appoint a new guardian or guardians, and to make such orders, from time to time, as the circumstances of the case and the benefit of the children shall require.

Section amended.

6. Section 9:2–7 of the Revised Statutes is amended to read as follows:

Habeas corpus to determine custody.

9:2–7. When any husband and wife shall live in a state of separation without being divorced, and shall have any minor child of the marriage, the Superior Court, upon such child being brought before it upon habeas corpus, shall award the custody of such child and make such order relating thereto for the access of either parent to such child, at such times and under such circumstances, as he may decree expedient.

Section amended.

7. Section 9:2–9 of the Revised Statutes is amended to read as follows:

Parent or custodian of child unfit complaint.

9:2–9. When the parents of any minor child or the parent or other person having the actual care and custody of any minor child are grossly immoral or unfit to be intrusted with the care and education of such child, or shall neglect to provide the child with proper protection, maintenance and education, or are of such vicious, careless or dissolute habits as to make the child chargeable, or likely to become chargeable, to any township or other municipality,

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it shall be lawful for any person interested in the welfare of such child to present to the Superior Court, or to the Judge of the County Court in the county where such minor child is residing, a complaint setting forth the facts in the case, duly verified by affidavit and praying that the child may be brought before the Superior Court, or Judge of the County Court, as the case may be, and for the further relief under this chapter.

Section amended.

8. Section 9:2–10 of the Revised Statutes is amended to read as follows:

Order for appearance, service, hearing, appointing custodian, bond.

9:2–10. Upon presentation of a complaint pursuant to section 9:2–9 of this Title an order shall issue addressed to the parents or parent or other person having the actual care and custody of such child, and also to the child, requiring their appearance at such time and place as shall be designated in the order, to answer such complaint and to abide the order of the court. Such order shall be served in such manner, whether by personal service, mailing, publication or otherwise, as in the order shall be directed, and such order may further direct that a copy thereof be served upon any other person named therein. At the time and place so appointed, or to which the hearing may be adjourned, and upon proof of due and legal service of the order in the manner therein directed, which proof may be by affidavit of the person serving the same, a summary examination shall take place before the Superior Court, or Judge of the County Court, and thereupon, upon proof of the material facts set forth in the petition to the satisfaction of the Superior Court, or Judge of the County Court, an order shall be made committing the child to the care and custody of such person, who will accept the same, as the Superior Court, or Judge of the County Court shall for that purpose designate and appoint, until such child shall attain the age of eighteen years, or the further order of the court. Such order shall briefly set forth the grounds of granting the same, and need not set forth the evidence or the substance thereof, and such order

may, in the discretion of the Superior Court or Judge of the County Court granting the same, require the giving of a bond by the person to whose care or custody the said child may be committed, with such security and on such conditions as the Superior Court or Judge of the County Court shall deem proper.

Section amended.

9. Section 9:2–11 of the Revised Statutes is amended to read as follows:

Commitment to society for care of children.

9:2–11. The Superior Court or Judge of the County Court before which such proceedings shall be conducted, may, in lieu of committing such child, as in section 9:2–10 of this Title specified, commit such child to the care and custody of any society duly incorporated under the laws of this State for the care of children. In such case the court may, in its discretion, cause the person in whose custody such child was, or the county in which such child may reside, to pay all costs and expenses of such proceedings, and such person or society or institution to whom or to which such child is committed may give his or its consent, and such consent will be sufficient, to the legal adoption of such child, according to the provisions of chapter three of this Title (§9:3–1 et seq.).

Section repealed

10. Section 9:2–8 of the Revised Statutes is repealed.

Act effective.

11. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 322

AN ACT to provide for the cancellation of certain records of marriages declared to be null and void, and amending sections 26:8–45 and 26:8–46 of the Revised Statutes.

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

Section amended.

1. Section 26:8–45 of the Revised Statutes is amended to read as follows:

Cancellation of records of marriages declared null and void.

26:8–45. If a marriage has been declared to be null and void by the Superior Court in a suit instituted for that purpose and the court is satisfied by the proof taken before the final judgment or by affidavit or otherwise after the final judgment that a record of the marriage exists in the Bureau of Vital Statistics, it may order the record to be canceled as hereinafter directed.

It shall not be necessary to pray for such relief in the complaint for an annulment of marriage nor shall the custodian of the record be made a party to the cause for the purpose of such cancellation.

The order shall only recite that it appears to the satisfaction of the court that the record of the ceremony of marriage between parties to the cause (naming them), performed on (date) by (naming the officer), exists in the Bureau of Vital Statistics and that by a final judgment bearing date, et cetera, the marriage was declared to be null and void and shall then direct that the said record be canceled pursuant to the direction of this section, citing this section.

Section amended.

2. Section 26:8–46 of the Revised Statutes is amended to read as follows:

Indorsement of record upon cancellation.

26:8–46. Upon presenting a certified copy of said order to the State Registrar, he shall indorse on the return of the marriage the following words:

"This marriage declared to be null and void by the Superior Court. See order hereto annexed" and shall annex the certified copy to the return.

3. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. Act effective.

Approved August 30, 1948.

CHAPTER 323

AN ACT concerning certain fees.

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

1. Except in cases in forma pauperis, before any matrimonial action is approved for trial the plaintiff or counterclaimant shall pay to the Clerk of the Superior Court, for the use of the State, the sum of fifty dollars ($50.00) and in litigated actions the additional sum of ten dollars ($10.00). C. 2:50-27.1. Payment before approval for trial.

2. On or before the tenth day of each month the clerk shall pay to the State Treasurer all such fees which were received by him or his assistants during the preceding month and shall render a full and itemized statement or account of all such fees which may have been charged or which may be accrued or become payable during the month preceding the making of such statement. C. 2:50-27.2. Fees remitted monthly.

3. On or before October tenth, one thousand nine hundred and forty-eight, the Clerk of the Superior Court shall pay to the State Treasurer all moneys in the master fees accounts, being the accounts in which are deposited the deposits made with the Clerk in Chancery pursuant to Chancery Rules 284 and 285, excepting unearned deposits and sufficient moneys to pay the obligations of said account. On the tenth of each succeeding month, the clerk shall pay to the State Treasurer all deposits which became earned deposits during the prior month. Upon the payment to the State Treasurer of said Clerk to remit balance, exceptions.

moneys pursuant to the provisions of this section, any and all liability of the Chancellor, the Clerk in Chancery and the Clerk of the Superior Court to any person whatsoever in respect to such moneys, shall cease and be at an end.

C. 2:50-27.3. Act effective.

4. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 324

AN ACT concerning the prosecution of bonds given by certain fiduciaries and revising part of the statutes.

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

C. 2:26-216. Prosecution of bonds.

1. Except where otherwise provided by law, when the bond of a fiduciary given to the Ordinary, the Chancellor, the Superior Court, or to any court, or to any clerk or register of any court or to any judicial officer, for the faithful performance, by him, of the duties of his office, as such fiduciary, is forfeited, said bond may, by order of a judge of the Superior Court, be prosecuted in any court of record by, and at the expense of, an aggrieved party and in the name of the State at the relation of such aggrieved party.

C. 2:26-217. Application of recovered moneys.

2. The moneys recovered on the bond shall be applied in such manner as the Superior Court shall order toward making good the damage sustained by reason of the nonperformance of the conditions of the bond.

C. 2:26-218. Publication of notice by surety, contents.

3. If any bond given by a fiduciary is forfeited and prosecuted to judgment in any court of record, and it is made to appear to the Superior Court, by petition filed by any surety against whom judgment has been rendered upon such bond, that the damages sustained by the nonperformance of the

condition of such bond, together with costs of action and execution fees thereon, have been fully satisfied so far as such surety shall have been able to ascertain such damages, the court, upon application of such surety, may make an order directing such surety to give public notice to all persons aggrieved by the forfeiture of such bond, to bring in their debts, demands and claims against the estate in charge of the fiduciary, under oath within three months from the date of such order. Such notice shall be advertised, commencing within twenty days of the date of the order, for six weeks successively, once in each week, in one or more of the newspapers of this State, as may be directed in the order. Any further notice, if the court may deem it necessary, shall also be given.

C. 2:26-219. Claims presented in writing.

4. Debts, claims and demands ordered to be brought in, pursuant to this act, shall be presented by the respective claimants in writing, verified by oath, setting forth the amount and particulars thereof, or the bringing in of the same shall be of no effect.

C. 2:26-220. Claims excepted to by surety.

5. The surety may except to any claim, debt or demand, and thereupon the same shall be tried as the Superior Court may direct, and the court may, if the same be not proved on trial to its satisfaction, disallow and reject it.

C. 2:26-221. Order to enter satisfaction of judgment.

6. After expiration of the time limited in the order the court may, upon proof to its satisfaction that notice has been advertised as directed and that no claims, debts or demand have been presented or that all claims, debts or demands presented and allowed have been fully paid and satisfied by the surety, or otherwise, order satisfaction of the judgment to be entered pursuant to law.

C. 2:26-222. Surety may petition for discontinuance, hearing.

7. When it has been ordered by the Superior Court that a bond of a fiduciary be prosecuted, the surety on the bond may before judgment apply to the Superior Court, by petition, to have the action discontinued. The court shall thereupon appoint a time and place to hear the application and direct

what notice, if any, be given to the persons aggrieved by the forfeiture of such bond, of such hearing.

C. 2:26-223. Order discontinuing action.

8. If it shall appear on the hearing that all damages sustained by reason of the forfeiture of the bond have been paid so far as the surety shall have been able to ascertain, the court may direct that the action be discontinued upon payment of taxed costs of such suit.

C. 2:26-224. Application of aggrieved party to reprosecute.

9. If the claim of any person aggrieved by the forfeiture of such bond shall remain unsatisfied after the discontinuance of such action, such person may make application to the Superior Court for leave to reprosecute such bond, in the same manner as if the action had not been instituted on the same.

C. 2:26-225. Bonds to remain in full force and effect.

10. No bond heretofore given by any fiduciary for the faithful performance, by him, of the duties of his office as such fiduciary, to the Ordinary, or to the Chancellor, or to any court or to any clerk or register of any court or to any judicial officer, abolished by the Constitution of one thousand nine hundred and forty-seven, shall be invalidated or rendered void by reason of the abolition of the office of Ordinary, or of Chancellor, or of any such court, clerk, register or judicial officer, but the same shall remain in full force and effect, and if forfeited, may be prosecuted in accordance with the provisions of this act.

C. 2:26-226. Act effective.

11. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 325

AN ACT to amend "An act concerning the payment of money into court in certain cases and the entry of satisfactions of certain judgments, orders and decrees by an order of court," approved August third, one thousand nine hundred and thirty-nine (P. L. 1939, c. 313).

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

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

1. Whenever any party in whose favor a judgment, order or decree is rendered, docketed or assigned in any court of this State shall refuse to accept payment thereof or refuse to execute a warrant in satisfaction upon tender of the amount due thereon with interest and costs; or whenever the whereabouts of any party in whose favor such judgment, order or decree is rendered, docketed or assigned in any court of this State are unknown; or whenever an appeal, or a motion to set aside said judgment, or order or decree, or an application for a rehearing is pending, or an application for a rule to show cause why a new trial should not be granted, or the time limited for taking an appeal, or applying to set aside or for a new trial or for a rehearing has not expired, any party against whom such judgment, order or decree was recovered may file a verified petition with the court in which such judgment, order or decree is rendered, or if docketed, then in the court where finally docketed, or with the court having custody of the records thereof, reciting the name of the court in which such judgment, order or decree was recovered or docketed, the parties thereto, the date and amount thereof, and the book and page of record of said judgment and the docketing thereof, and C. 2:26-79.1. Order for clerk to accept payment.

that a tender of the amount due thereon, together with interests and costs, has been made to the holder thereof, but that such holder thereof refused to accept such payment and execute a satisfaction therefor; or that the whereabouts of the person in whose favor such judgment, money order or decree was rendered, docketed or assigned are unknown, and that an investigation has been made to discover such whereabouts, the results of such investigation to be specified in such petition; or that an appeal, or a motion to set aside said judgment or order or decree, or an application for a rehearing is pending, or an application for a rule to show cause why a new trial should not be granted is pending, or that the time prescribed by law for taking an appeal, or moving to set aside said judgment or order or decree, or to apply for a rehearing, or a new trial, has not expired and that the petitioner intends to take an appeal or make a motion to set aside or for a rehearing or a new trial; such court shall thereupon enter an order directing the clerk of such court to accept payment of such judgment, money order or decree, with interest and costs and to accept a bond in such amount and form as shall be approved by the court as security for the payment of the costs of any action to set aside said judgment, order or decree or for a new trial and upon such payment being made the clerk of such court shall enter satisfaction thereon in words following or as nearly in conformity thereto as can be conveniently done:

Entry of satisfaction, form.

I, E. F., clerk of the ..... court of ..... by virtue of an order of said court in the foregoing record named dated ..... do hereby acknowledge that the said defendant ..... has satisfied the said damages and costs by payment to me of the sum of $..... in satisfaction thereof. Dated this ..... day of ....., 19.... E. F., Clerk.

Note. Act effective.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 326

AN ACT concerning the impaneling and service of juries of more than twelve members in certain civil and criminal cases, and supplementing subtitle ten of Title 2, and repealing chapter ninety-one A of Title 2, of the Revised Statutes.

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

C. 2:91B-1. Impaneling and service of juries of more than twelve members.

1. When the trial of any civil or criminal case is likely to be protracted, the court in its discretion may direct the impaneling of a jury not to exceed fourteen members, all having the same qualifications and impaneled and sworn in the same manner as a jury of twelve. All the jurors shall sit and hear the case, but the court for good cause may excuse any of them from service provided the number of jurors is not reduced to less than twelve. If more than twelve are left on the jury at the conclusion of the court's charge, the clerk of the court in its presence shall put their names on slips folded to conceal the names, shall place the slips in a suitable box, and from it draw twelve names of jurors to determine the issues, the first to act as foreman.

C. 2:91B-2. Repealed.

2. Chapter ninety-one A of Title 2 of the Revised Statutes is repealed.

C. 2:91B-3. Act effective.

3. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 327

AN ACT relating to the dockets and certain other records to be kept by the Clerk of the Superior Court, and to the recording of judgment and proceedings, and to the recording and filing of certain other documents relating thereto, and to the entry of satisfaction of judgments, in his office.

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

C. 2:1A-15. Civil docket.

1. The Clerk of the Superior Court shall keep a book known as the Civil Docket of such form and style as may be prescribed by the Administrative Director of the Courts with the approval of the Chief Justice and shall enter therein each civil action.

C. 2:1A-16. Civil judgment and order docket, contents of entries.

2. The clerk shall keep also a book known as a Civil Judgment and Order Docket in such form and style as may be prescribed by the Administrative Director with the approval of the Chief Justice, in which shall be entered as abstract of each final judgment or appealable order for the payment of money or costs other than alimony or maintenance awarded in a matrimonial action containing the following information:

a. The title of the court, the names at length of all the parties to such judgment, designating particularly against whom it is rendered, and the firm name of all copartnerships, if such appear in the pleadings;

b. The style of the action and the amount of the debt, damages and costs recovered, which shall be entered in figures and words at length; and

c. The date of the actual entry of such judgment by notation thereof upon the Civil Docket.

The entry required by this section shall constitute the record of the judgment and a transcript thereof duly certified by the clerk of the court shall be plenary evidence of such judgment.

The clerk shall also make an entry upon the Civil Docket indicating the nature of every final judgment or appealable order and an entry on return showing execution of process and the date when such judgment was entered.

C. 2:1A-17. Record of proceedings.

3. The clerk shall record every judgment and appealable order and in actions in which any writ or other proceeding shall require the removal of the record of any judgment to any other court, or other circumstances render it necessary, the clerk shall record also the proceedings in the action in full, by entering the warrants of attorney, process and return, pleadings, proceedings and judgment, so as to make a complete record thereof, which entry shall constitute the record.

In each such case, the clerk shall enter on the Civil Docket and, when the judgment is recorded therein, on the Civil Judgment and Order Docket, the date and place where the judgment is recorded in full as provided by this section.

Photographing to constitute recording.

The photographing and placing in suitable secured binders of photostats, or the microphotographing and development of the microfilm reel, or the placing of carbon copies in suitable secured binders of any pleading, judgment, order or any instrument filed with the clerk of the court, with a suitable index thereto, shall constitute a recording as required by this section.

C. 2:1A-18. Entry of judgments by confession.

4. The clerk shall record by similar entry in the Civil Judgment and Order Docket all judgments by confession entered in his office and shall record in the manner provided in section three of this act all documents filed or lodged with him to be recorded in his office in connection with the entry of any such judgment.

C. 2:1A-19. Clerk to docket final judgments.

5. The clerk shall docket final judgments recovered or docketed in a Circuit Court or a Court of Common Pleas or a County Court, required by

law to be docketed in his office, by similar entry on the Civil Judgment and Order Docket and shall record the transcript and other documents filed or lodged with him for record in connection with the docketing of any such judgment in the manner provided in section three of this act.

C. 2:1A-20. Notation in docket of filing of record.

6. The clerk shall enter upon the Civil Judgment and Order Docket, if the judgment is entered therein, and otherwise in the Civil Docket, a notation of the filing or lodging with him for record of any assignment of, postponement of the lien of, or warrant to satisfy, any judgment indicating when and where the same is recorded or filed at a discernible place on or at the entry of such judgment in said docket and shall cause all such assignments of judgments and all postponements or warrants to satisfy judgments to be recorded in the manner provided by section three of this act.

Entry of satisfaction of judgment.

Judgments shall be satisfied of record as required by law but the entry of satisfaction may be made at any discernible place on or at the entry of such judgment on the Civil Judgment and Order Docket and upon any other record of such judgment.

C. 2:1A-21. To keep and maintain alphabetical index.

7. The clerk shall keep and maintain suitable indices in alphabetical order of the Civil Judgment and Order Docket and the record of all judgments, assignments of judgments, postponement of the lien of judgments, or warrants to satisfy judgments, in such form as shall be prescribed by the Administrative Director with the approval of the Chief Justice, which indices shall be kept in place and stead of those now required by law to be kept of the record of said instruments.

C. 2:1A-22. Entry upon docket sufficient compliance with provisions.

8. The entry upon the Civil Judgment and Order Docket of a notation of the filing or lodging for record of any instrument required so to be entered by this act shall be a sufficient compliance with any provision of law requiring notations thereof on the margin or at the foot or in any other location on any book or record thereof.

C. 2:1A-23. Act effective.

9. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 328

AN ACT concerning appellate review in the courts.

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

C. 2:25B-1. Advance payment not required.

1. Payment in advance to the stenographic reporter shall not be required in any criminal case in which the cost of the transcript for a defendant is to be paid for by the county.

C. 2:25B-2. May take additional evidence in certain cases.

2. On appeal in civil causes, if the error complained of is lack of proof of a matter capable of proof by record or other incontrovertible evidence, defective certification, or failure to lay the proper foundation for evidence which can, in fact, without involving a question for a jury, be shown to be competent, the appellate court may, in its discretion, take additional evidence by affidavit, deposition or reference.

C. 2:25B-3. Order discharging real estate from lien upon appellant making deposit.

3. If appellant, in an appeal from a judgment of the Superior or a County Court, deposits with the clerk of the court in which the judgment appealed from was rendered such an amount as shall be deemed by the court in which the judgment was rendered, or a judge thereof, to be sufficient, as security for the payment of such amount as may finally be determined and ascertained to be due in the action, the court or a judge thereof, may make an order discharging the real estate of appellant from the lien of the judgment appealed from.

The amount so deposited shall be subject to the lien of the judgment appealed from and of any subsequent judgment recovered in the action, and shall be retained by the clerk until the final determination of the action in which the judgment appealed from was rendered.

Entry.

When the order has been filed and the deposit made as required, the clerk shall enter on the margin of the record of the judgment the words "lien of judgment discharged by order of the

court," with the date of the discharge. Thereupon and thereafter the real estate of appellant shall be absolutely discharged and freed from any claim on account of the judgment appealed from or the action in which the judgment was rendered.

C. 2:25B-4. Cash deposit retained, subject to lien and costs.

4. When a cash deposit is made in lieu of a supersedeas bond on appeal, the cash deposit shall be retained until the final determination of the cause and shall be subject to the lien of the judgment appealed from and costs, interest thereon and the costs of the appeal.

C. 2:25B-5. Filing fees waived.

5. The payment of filing fees may be waived by an appellate court when an appellant by reason of poverty seeks relief therefrom.

C. 2:25B-6. Act effective.

6. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 329

AN ACT providing for the ordering and making known that certain laws and joint resolutions have become inoperative and void, and amending sections 1:7–1 to 1:7–7, inclusive.

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

Section amended.

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

Governor to direct Attorney-General to institute proceedings.

1:7–1. If, at any time within one year after any law or joint resolution has been filed with the Secretary of State pursuant to sections 1:2–5, 1:2–6 or 1:2–7 of this Title, the Governor, or person administering the government, has reason to believe that any such law or joint resolution was not duly passed by both houses of Legislature, or approved by the Governor or otherwise made effective as law in the manner required by the Constitution, he

may direct the Attorney-General to present a petition to the Appellate Division of the Superior Court, setting forth the facts and circumstances and praying that the law or joint resolution may be adjudged to be null and void, whereupon the Attorney-General shall prepare, sign, present and prosecute the petition.

Section amended.

2. Section 1:7–2 of the Revised Statutes is amended to read as follows:

Hearing of petition, witnesses, notice.

1:7–2. The court, upon the presentation to it of a petition as provided by section 1:7–1 of this Title, shall inquire summarily into the facts and circumstances alleged in the petition, and, for that purpose, to order the petition to be filed by the clerk of the court and order witnesses to be subpœnaed and sworn and their depositions taken, to appoint a time for hearing the petition, and to order such notice to be given of the taking of depositions and the hearing of the petition by publication in newspapers or otherwise as it deems reasonable and just.

Section amended.

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

Dismissal of petition or adjudged null and void.

1:7–3. After a full hearing and consideration of the petition mentioned in section 1:7–1 of this Title and of the facts and circumstances proved, the court may dismiss the petition, or, if satisfied that the constitutional and statutory provisions relating to the enactment and approval of laws and joint resolutions have not been complied with, the court may adjudge the law or joint resolution or any part thereof null and void.

Section amended.

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

Petitions by citizens, procedure.

1:7–4. Any two or more citizens of the State may, within the time prescribed by section 1:7–1 of this Title, present to the Appellate Division of the Superior Court such a petition, signed by them, as is authorized by said section 1:7–1 to be presented by the Attorney-General, and the court shall proceed thereon in the manner provided by sections 1:7–2 and 1:7–3 of this Title. The petitioners

may appear before the court and prosecute the petition in person or by counsel, and the Attorney-General may, if required so to do by the Governor or person administering the government, appear and defend on behalf of the State.

Section amended.

5. Section 1:7–5 of the Revised Statutes is amended to read as follows:

Citizens may participate in proceedings.

1:7–5. Any citizen of the State may, when a petition is filed under authority of either section 1:7–1 or section 1:7–4 of this Title, appear before the court, in person or by counsel, subpœna and examine and cross-examine witnesses and defend the petition.

Section amended.

6. Section 1:7–6 of the Revised Statutes is amended to read as follows:

Judgment entered, proclamation.

1:7–6. If the court, upon the final hearing of a petition authorized by this chapter, shall determine any law or joint resolution, or any part thereof, to be null and void, judgment shall be entered to that effect. The clerk shall thereupon make a true copy of such judgment, certify the same under his hand and seal of the court and deliver the copy to the Governor or person administering the government, who shall issue his proclamation under the great seal of the State, setting forth such judgment. The proclamation shall be filed, published and printed with the laws as other proclamations are required to be filed, published and printed, and shall be judicially noticed and received in evidence in all courts of the State in the same manner and to the same extent that the law or joint resolution therein specified would have been if such judgment had not been made; and no law or joint resolution, or part thereof, adjudged to be null and void shall, after the entry of such judgment as provided in this chapter, be judicially noticed or received in evidence by any of the courts of the State.

Section amended.

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

Costs, fees and expenses.

1:7–7. When a petition presented under authority of section 1:7–4 of this Title is dismissed the

court shall allow and tax the costs and necessary expenses of the Attorney-General, including a fee to the Attorney-General of not to exceed five hundred dollars ($500.00) in any one case, and shall order the payment thereof by such citizens, and payment thereof may be enforced by execution.

8. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. Act effective.

Approved August 30, 1948.

CHAPTER 330

AN ACT concerning the administration of civil and criminal justice, and amending section 2:6–3 of the Revised Statutes.

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

1. Section 2:6–3 of the Revised Statutes is amended to read as follows: Section amended.

2:6–3. In addition to the judge of the court of common pleas provided for by section 2:6–1 of this Title, the Governor may, whenever, in his judgment, the public interest shall so require, appoint additional judges of the court of common pleas, not to exceed five in any one county, as follows: Additional judges in certain counties.

a. In counties now or hereafter having four hundred thousand or more inhabitants, three additional judges, making four in all in each of such counties.

b. In counties now or hereafter having more than one hundred ninety thousand and less than four hundred thousand inhabitants, as ascertained by the Federal census of one thousand nine hundred and forty, or any subsequent census, an additional judge, making two in all, in each of such counties.

c. In counties bordering on the Atlantic ocean and now or hereafter having not less than fifty thousand nor more than one hundred thousand inhabitants, an additional judge, making two in all in each of such counties.

Appointment, term and salary.

The appointments authorized by this section shall be made in the manner and for the terms provided by section 2:6–2 of this Title, and the appointees shall receive the salaries provided by section 2:6–16 of this Title.

d. In counties of the fifth class having not less than one hundred and twenty-five thousand nor more than one hundred and fifty thousand inhabitants, an additional judge, making two in all in each of such counties.

2. This act shall take effect immediately.

Approved August 30, 1948.

CHAPTER 331

AN ACT providing for the disposition of all files, and the books, papers, records and documents and all property of the Court of Errors and Appeals, the former Supreme Court, the Prerogative Court, the Chancellor and the Court of Chancery, or in their custody.

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

C. 2:16-94. Court of Errors and Appeals records.

1. All files and the books, papers, records and documents and all property of the Court of Errors and Appeals, or in its custody, shall be delivered to the Clerk of the new Supreme Court.

C. 2:16-95. Former Supreme Court records.

2. All files and the books, papers, records and documents and all property of the former Supreme Court, or in its custody, shall be delivered to the Clerk of the Superior Court, excepting the files, books, papers, records and documents concerning admission to the practice of law and the discipline of persons admitted, which shall be delivered to the Clerk of the new Supreme Court.

3. All files and the books, papers, records and documents and all property of the Prerogative Court, or in its custody, shall be delivered to the Clerk of the Superior Court. C. 2:16-96. Prerogative Court records.

4. All files and the books, papers, records and documents and all property of the Chancellor and the Court of Chancery, or in his, or its custody, except as is otherwise provided by law, shall be delivered to the Clerk of the Superior Court. C. 2:16-97. Chancellor and Court of Chancery records.

5. The Chief Justice of the Supreme Court, as the administrative head of all the courts, may make such order and direction as he shall deem proper for the administration of this act, and in respect to the custody of the said files, books, papers, records, documents and property delivered to the Clerk of the Supreme Court and the Clerk of the Superior Court, respectively. C. 2:16-98. Dispositions of records.

6. In the event of the enactment of any other act specifically disposing of any of the said files, books, papers, records, documents and property, such specific disposition shall prevail. C. 2:16-99. Specific act to control.

7. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. C. 2:16-100. Act effective.

Approved August 30, 1948.

CHAPTER 332

AN ACT relating to procedure in lieu of prerogative writs.

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

1. All statutory references to review, hearing and relief by means of certiorari, mandamus, prohibition, quo warranto or proceedings in the nature of quo warranto, now superseded, shall be deemed and taken to refer to procedure in lieu of prerogative writs according to rules of the Supreme Court. C. 2:80-5. Writs of review.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. C. 2:80-6. Act effective.

Approved August 30, 1948.

CHAPTER 333

AN ACT concerning contempt, amending sections 2:15–3 and 2:15–6 and repealing sections 2:15–4, 2:15–5, 2:15–9, 2:15–10, 2:15–12 and 2:15–13 of the Revised Statutes.

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

Section amended.

1. Section 2:15–3 of the Revised Statutes is amended to read as follows:

Contempt, appeals.

2:15–3. Every summary conviction and judgment by the Law Division or Chancery Division of the Superior Court, a county court or any inferior court for a contempt shall be reviewable, both upon the law and the facts, by the Appellate Division of the Superior Court, which court shall give such judgment as it shall deem to be lawful and just under all the circumstances of the case and such judgment shall be enforced as the court shall order.

Section amended.

2. Section 2:15–6 of the Revised Statutes is amended to read as follows:

To prosecute on bond.

2:15–6. Upon the breach of the condition of any supersedeas bond given to the clerk of the court in a contempt proceeding, the county prosecutor or prosecutor of the pleas of the county in which the bond is given shall prosecute the same to effect, in the name of the clerk, and shall pay the proceeds of the recovery thereon to the county treasurer, to be distributed by him according to law.

Sections repealed.

3. Sections 2:15–4, 2:15–5, 2:15–9, 2:15–10, 2:15–12 and 2:15–13 of the Revised Statutes are repealed.

Act effective.

4. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 334

AN ACT concerning marriages, and amending section 37:1–13 of the Revised Statutes.

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

1. Section 37:1–13 of the Revised Statutes is amended to read as follows: Section amended.

37:1–13. Each judge of the County Court, recorder and police justice and mayor of this State, and every minister of every religion, and judges of the criminal judicial district courts in counties wherein such courts are or may be established, and judges of the juvenile and domestic relations courts in counties in which such courts are or may be established, are hereby authorized to solemnize marriages between such persons as may lawfully enter into the matrimonial relation; and every religious society, institution or organization in this State may join together in marriage such persons as are members of such society, institution or organization, or when one of such persons is a member of such society, institution or organization, according to the rules and customs of the society, institution or organization to which they or either of them belong. Who may solemnize marriage.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. Act effective.

Approved August 30, 1948.

CHAPTER 335

AN ACT concerning the oaths to be taken by certain judicial officers, and repealing section 41:2–9 of the Revised Statutes.

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

C. 41:2A-1. Form of oath for judicial officers.

1. The Chief Justice and each Associate Justice of the new Supreme Court and each judge of the Superior Court and of the County Courts, before entering upon the duties of his office, shall take and subscribe the oath of allegiance prescribed by R. S. 41:1–1, the oath to support the Constitution of this State and of the United States prescribed by R. S. 41:1–3 and the following oath of office:

> "I, ..., do solemnly promise and swear that I will administer justice without respect to persons, and faithfully, impartially and justly perform all the duties incumbent on me as ...., according to the best of my abilities and understanding, and agreeably to the Constitution and laws of the State of New Jersey. So help me God."

C. 41:2A-2. Administering oath.

2. At any time on or before September fifteenth, one thousand nine hundred and forty-eight, the senior associate justice designate of the new Supreme Court available may administer the oaths to the new Chief Justice designate; the new Chief Justice designate or in his absence any associate justice designate may administer the oaths to each associate justice designate; any justice designate may administer the oaths to a Superior Court judge designate; and any justice or Superior Court judge designate may administer the oaths to a county judge designate; all with the same force

and effect as if administered on or after September fifteenth, one thousand nine hundred and forty-eight.

C. 41:2A-3. Justice of Supreme Court may administer oaths.

3. On and after September fifteenth, one thousand nine hundred and forty-eight, any justice of the Supreme Court may administer the oaths to a person appointed Chief Justice of the Supreme Court, Associate Justice of the Supreme Court or Judge of the Superior Court, and any Justice of the Supreme Court or Judge of the Superior Court may administer the oaths to a person appointed a Judge of the County Court.

C. 41:2A-4. Oath to be subscribed by judges taking oath, filing.

4. The oaths shall also be subscribed by the judicial officer taking the oaths and, if the judicial officer is a Supreme Court Justice or Judge of the Superior Court, shall be filed in the office of the Secretary of State, and if a judge of a County Court shall be filed in the office of the county clerk of the particular county and a copy thereof shall be sent within twenty days by the county clerk to the Secretary of State, who shall file such copy.

C. 41:2A-5. Repealer.

5. Section 41:2–9 of the Revised Statutes is repealed.

6. This act shall take effect immediately.

Approved August 30, 1948.

CHAPTER 336

AN ACT concerning the assessment, collection and enforcement of transfer inheritance taxes, and amending sections 54:34–13 and 54:35–15 of the Revised Statutes.

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

Section amended.

1. Section 54:34–13 of the Revised Statutes is amended to read as follows:

May appeal assessment.

54:34–13. Any interested person dissatisfied with the appraisement or assessment so made may appeal therefrom to the Appellate Division of the

Superior Court within sixty days after the making and entering of the assessment, on giving a bond, approved by a Judge of the Superior Court, conditioned to pay the tax so levied, with interest and costs, if the same be affirmed by the Appellate Division of the Superior Court.

Section amended.

2. Section 54:35–15 of the Revised Statutes is amended to read as follows:

Recovery of tax.

54:35–15. Any tax which has accrued under chapters 33 to 36, inclusive, of this Title (§54:33–1 et seq.), and has not been paid, shall be sued for and shall be recoverable and the lien thereof, if any, shall be enforceable, by action instituted in the Chancery Division of the Superior Court, by and in the name of the Director of the Division of Taxation, Department of the Treasury, which action shall conform to the practice prevailing in said Division of said Court. No issue which would have been cognizable on an appeal from the assessment of the tax under the provisions of section 54:34–13 of the Revised Statutes shall be heard or decided in the action for the collection of the tax and enforcement of the lien under the provisions of this section.

Judgment a lien.

A judgment entered in any such action shall have the same effect as other judgments entered in the Superior Court and shall constitute a lien, and execution shall issue thereon according to the rules and practice appertaining to other judgments entered in the Superior Court.

Act effective.

3. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 337

AN ACT concerning juries.

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

C. 2:96A-1. Words and phrases defined.

1. The summoning, selecting and impaneling of grand and petit jurors shall continue as provided by law except that, on and after September fifteenth, one thousand nine hundred and forty-eight, the following words and phrases and words and phrases of similar import in any statute, pleading, process or order concerning juries shall have the meaning herein given to them unless there is something in the subject or context repugnant to such construction:

(a) "term" shall mean "stated session."

(b) "Supreme Court Justice presiding in the circuit" shall mean Superior Court Judge designated "assignment judge."

(c) "Circuit Court Judge" shall mean Superior Court Judge assigned to the law division in the county.

C. 2:96A-2. Stated sessions.

2. Until otherwise provided by rule of the new Supreme Court, there shall be, on and after September fifteenth, one thousand nine hundred and forty-eight, at least three stated sessions of the Law Division of the Superior and of the County Courts each year in each county held at such times as shall be fixed by rules of the Supreme Court.

C. 2:96A-3. Jury deemed properly summoned.

3. In order to make the transition from the present court system to the new court system effective and to provide for the operation of the jury system in this period of transition, all process and orders directing the summoning, selecting and impaneling of grand and petit jurors made or which shall be made prior to September fifteenth, one thousand nine hundred and forty-eight, shall be valid and effective and all jurors summoned, impaneled or selected before September fifteenth,

one thousand nine hundred and forty-eight for service during a term or a part of a term of the courts abolished or superseded by the new constitution shall on and after that date be deemed to have been summoned, selected and impaneled for service in the Superior and County Courts of each county respectively for service during the first stated session or an equivalent part of the first stated session, as the case may be, of the Superior and County Courts of each county respectively.

4. This act shall take effect immediately.

Approved August 30, 1948.

CHAPTER 338

AN ACT concerning actions by landlords to recover possession of demised premises superseding ejectment, and amending sections 2:58–7, 2:58–8, 2:58–9, 2:58–10 and 2:58–11 of the Revised Statutes.

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

Section amended.

1. Section 2:58–7 of the Revised Statutes is amended to read as follows:

Ejectment for nonpayment of rent, summons.

2:58–7. A landlord or lessor to whom one year's rent in arrear is due, and who shall have the right to re-enter the demised premises for nonpayment thereof, may without a formal demand or re-entry, file a complaint and serve a summons in a civil action for the possession, of such premises. If the summons cannot be legally served, or no tenant be in actual possession of the premises, the landlord or lessor may affix the same upon the door of the demised messuage if such action be for the recovery of any messuage, and if not, then upon a conspicuous part of the real estate described in the

complaint, which affixing shall be deemed legal service thereof. The service or affixing shall take the place of a demand and re-entry.

Section amended.

2. Section 2:58–8 of the Revised Statutes is amended to read as follows:

Judgment and execution bar to relief.

2:58–8. A lessee or other person claiming or deriving title under a lease who suffers judgment in said action for possession and execution to be executed thereon, without paying the rent and arrears, together with full costs and without filing any complaint for relief in equity within six months after the execution is executed, shall be barred and foreclosed from all relief or remedy in law or equity other than by appeal for reversal of the judgment, and the landlord or lessor shall, from thenceforth hold the demised premises discharged from the lease. If in such action for the possession of the demised premises there should be a verdict for the defendant or plaintiff's action be dismissed therein, the defendant shall recover his full costs.

Section amended.

3. Section 2:58–9 of the Revised Statutes is amended to read as follows:

Injunction against proceedings.

2:58–9. A person claiming a right, title or interest in law or equity in the lease, who shall, within the time mentioned in section 2:58–8 of this Title, file a complaint for relief in equity, shall not have or continue an injunction against the proceedings in the action for possession of the demised premises, unless he shall, within twenty days next after the plaintiff in such action for possession of the demised premises shall file a true and perfect answer, bring into court and lodge with the proper officer, the sum of money as such plaintiff shall, in his answer, swear to be due and in arrear over and above all just allowances and also the costs taxed in the suit, there to remain till the hearing of the cause or to be paid to the plaintiff on good security, subject to the order or judgment of the court.

Section amended.

4. Section 2:58–10 of the Revised Statutes is amended to read as follows:

Plaintiff accountable for amount realized.

2:58–10. If the complaint mentioned in section 2:58–9 of this Title shall be filed within the required time and after execution is executed, the plaintiff shall be accountable only for so much as he shall bona fide and without self-neglect, make of the demised premises from his time of entering into actual possession thereof. If the amount so made by the plaintiff shall be less than the rent reserved on the lease, the lessee, or his assignee, before he shall be restored to his possession, shall pay the plaintiff the money that fell short of the reserved rent, for the time the plaintiff held the lands.

Payment of deficiency.

Section amended.

5. Section 2:58–11 of the Revised Statutes is amended to read as follows:

Discontinuance of action.

2:58–11. If the tenant or his assignee shall at any time before the trial in the action for possession of the demised premises, pay or tender to the lessor or landlord, his executor, administrator or attorney, or pay into the court where the action for possession of the demised premises shall be pending, all the rent and arrears, together with the costs, all further proceedings in the action shall be dismissed. If the lessee, his executors, administrators or assigns, shall, upon the complaint filed, mentioned in section 2:58–9 of this Title, be relieved in equity, he shall have, hold and enjoy the demised lands, according to the lease thereof made, without a new lease being made to him.

Act effective.

6. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 339

AN ACT concerning partition walls, and amending sections 2:72–1, 2:72–2, 2:72–6 and repealing section 2:72–3 of the Revised Statutes.

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

1. Section 2:72–1 of the Revised Statutes is amended to read as follows: Section amended.

2:72–1. Whenever it shall appear that the center line of any partition wall, heretofore or hereafter erected by the owners of adjoining lands upon the division line of their properties, does not correspond exactly with the division line of the land of such adjoining owners, but that more than half of such partition wall is erected upon the land of one of such adjoining owners, neither a civil action for possession of land nor a civil action sounding in tort shall be commenced by the owner of the premises upon whose land more than half of such partition wall is erected in reference to such partition wall as long as the same shall stand, but the present owner of either of such adjoining lands may apply to the Superior Court for relief and for adjudication of the rights of such adjoining owners in such partition wall under this chapter. The Superior Court shall hear and determine such cause, and shall determine what is a fair sum in gross to be paid by the owner of the premises enjoying the use of more than half of such partition wall to the owner of the land upon which more than half of such partition wall has been erected. Upon the hearing the court shall render a judgment that, upon the payment of such sum in gross to the owner upon whose land such partition wall overlaps, or to any mortgagee or judgment creditor having a lien thereon, as provided by section 2:72–2 of this Title, such partition wall shall stand

Petition to Superior Court for relief and adjudication.

as erected, as long and in the same manner, as if the center line thereof had been erected upon the center of the division line between such adjoining premises, and the rights of such adjoining owners in such partition wall shall, in all respects, be the same as if the center of such partition wall had been erected upon the center of the division line between such lands.

Section amended.

2. Section 2:72–2 of the Revised Statutes is amended to read as follows:

Mortgagee made party to proceedings.

2:72–2. Any mortgagee or any judgment creditor having a lien upon the land upon which more than one-half of a partition wall is erected may be made party to a proceeding brought pursuant to the provisions of this chapter.

If any such persons, having been made parties to the proceeding, shall fail to appear, answer and prove their claims, they shall be bound by any judgment made in the proceeding. If, however, they shall appear, answer and prove their claims and demand payment thereof from the gross sum awarded under authority of section 2:72–1 of this Title, the same shall be paid to them in the order of their priority, and the amounts so paid shall be deducted from their respective claims.

Section repealed.

3. Section 2:72–3 of the Revised Statutes is hereby repealed.

Section amended.

4. Section 2:72–6 of the Revised Statutes is amended to read as follows:

Costs.

2:72–6. The Superior Court shall, in proceedings commenced under authority of this chapter, allow such costs as shall appear to it to be equitable and just.

Act effective.

5. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved August 30, 1948.

CHAPTER 340

AN ACT to provide for the elimination of fire and other hazards to public safety in hotels, providing for the registration and inspection of hotel buildings, providing penalties for violations, the creating of office of supervisor of hotel fire safety, repealing chapter one of Title 29 of the Revised Statutes and making an appropriation therefor.

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

C. 29:1-8. Enforcement of act.

1. The authority and the duty to carry out the provisions of this act shall be vested in the chief of the fire department in any municipality having a paid fire department of at least five full-time paid employees or in such other officer of such municipality, as may be designated by ordinance or resolution of its governing body. In all other municipalities such authority and duty shall be vested in the supervisor of hotel fire safety, in the State Department of Law, who may appoint as deputy supervisor in each municipality under his jurisdiction, the acting chief of the municipal fire department, if any exists. In any municipality having a paid fire department of at least five full-time paid employees, the supervisor of hotel fire safety may act in an advisory capacity and may co-operate with the local officer or officers in carrying out the provisions of this act.

C. 29:1-9. Supervisor of hotel fire safety.

2. There is hereby established in the Department of Law the office of supervisor of hotel fire safety. He shall be appointed by the head of the Department of Law and shall possess qualifications to be determined by the Civil Service Commission. His compensation shall be determined by the Civil Service Commission, which shall set a salary range

commensurate with the duties performed. Said supervisor may appoint such professional, technical, clerical assistants and employees as may be necessary for the performance of his duties.

C. 29:1-10. Terms defined:

3. For the purpose of this act certain words and phrases are defined, and certain definitions shall be construed as provided in this act.

C. 29:1-11. Hotel;

4. "Hotel" means every building kept, used, maintained, advertised as or held out to be a place where sleeping accommodations are supplied for pay to transient or permanent guests, in which fifteen or more rooms are rented furnished or unfurnished, with or without meals, for the accommodation of such guests, or every building, or part thereof, which is rented for hire to thirty or more persons for sleeping accommodations.

C. 29:1-12. Guest room;

5. "Guest room" is a room which is occupied, or is intended, arranged or designed to be occupied for sleeping purposes by one or more guests. This definition shall include rooms hired out furnished or unfurnished.

C. 29:1-13. Existing hotel;

6. "Existing hotel" means a building which was used as a hotel before the passage of this act.

C. 29:1-14. Basement;

7. A "basement" is a story partly, but not more than one-half, below the level of the curb and for the purpose of this act shall be counted as a story if more than five feet above the level of the curb, unless otherwise specifically stated.

C. 29:1-15. Curb;

8. "Curb" for the measurements of heights means the level of the established curb line, where the same exists, taken at the center of the street frontage. Where the walls of a building do not adjoin the street or building line, then the average level of the ground on which the building stands may be taken as the curb.

C. 29:1-16. Frame hotel;

9. A "frame hotel" is a hotel of which the exterior walls, or a portion thereof, are constructed of wood. Buildings sheathed with boards and partially or entirely covered with four inches or less of masonry or with metal sheets shall be deemed frame hotels.

C. 29:1-17. Fireproof construction;

10. "Fireproof construction," as applied to buildings, means that in which the structural members are of approved noncombustible construction having the necessary strength and stability and having fire resistance ratings as follows: Not less than four hours—exterior walls, wall panels, columns, wall-supporting girders and trusses; not less than three hours—floors, beams, girders and trusses, supporting floors and roofs; and in which exterior bearing walls and interior bearing walls are of approved masonry or of reinforced concrete.

C. 29:1-18. Semi-fireproof construction;

11. "Semi-fireproof construction," as applied to buildings, means that in which the structural members are of approved noncombustible construction having the necessary strength and stability and having fire resistance ratings as follows: Not less than four hours—exterior walls, wall panels; not less than three hours—columns, wall supporting girders and trusses; not less than two hours—floors, beams, girders and trusses supporting floors and roofs; and in which exterior bearing walls and interior bearing walls are of approved masonry or reinforced concrete.

C. 29:1-19. Place of assembly;

12. "Place of assembly" means a room or space in which provision is made for the seating of one hundred or more persons for religious, recreational, educational, political, social or amusement purposes or for the consumption of food or drink. Such room or space shall include any occupied connecting room or space in the same story, or in a story or stories above or below, where entrance is common to the rooms or spaces.

C. 29:1-20. Fire escapes;

13. "Fire escapes." Exterior fire escapes hereafter constructed on buildings heretofore erected shall conform to the following as minimum requirements:

(a) They shall be constructed of noncombustible materials, except on buildings of frame construction or on buildings of ordinary construction not over three stories in height.

(b) They shall be constructed with stairs not less than twenty-two inches wide between rails,

having risers not higher than ten inches and having treads not narrower than six inches. Ladders shall not be used except as a secondary means of escape, such as to building roof.

(c) Unless the stair leading to the ground at the foot of the fire escape is permanently fixed, it shall be constructed with counterbalancing devices that permit it to be easily and quickly released and placed in rigid position for use.

(d) They shall be of sufficient strength to sustain a live load of one hundred pounds per square foot or loads of three hundred pounds spaced three feet center to center, each bearing on an area one foot wide by the depth of the tread, whichever will produce the greater stress.

(e) They shall be so placed that they can be readily and safely reached by the occupants of the building.

(f) They shall be so located that safe egress will be provided at the foot either directly or through an enclosed exit way to a street or to an open space that communicates with a street.

(g) They shall be spacious enough that the movements of those using the fire escape will not be retarded.

(h) All balconies and stairs shall be provided with substantial guard railings at least four feet high, without any openings greater than eight inches in width, except that for buildings, not over five stories high, triple guard rails equally spaced, with top rail not less than forty-two inches high may be used. (Height for stairs is to be measured at center of tread.). The landing platforms and the treads of all stairs shall be so designed that the accumulation of snow and ice will be reduced to a minimum.

(i) Except on buildings not exceeding three stories in height and on buildings of wood frame construction, all doors opening on or within ten feet of the fire escape shall be approved self-closing fire doors, and any windows opening on or within ten feet of the fire escape shall be approved fire

windows; *provided,* that where the occupancy inside these windows or doors is such as to present a light fire hazard or its sprinklered, or the overall exit arrangements are such that this protection is of minor importance, the building official may waive this requirement. Proviso.

14. All fire escapes and outside fireproof stairways hereafter placed on any hotel as defined in this act shall comply with the definition of fire escapes herein, except that on a frame hotel or other hotels not more than three stories high there may be constructed outside stairways of heavy wooden construction with stairs not less than three feet wide and risers not exceeding seven and three-quarter inches and treads not less than nine and one-half inches. C. 29:1-21. Fire escapes, specifications.

15. All hotels shall have the exits and all halls or passageways leading to them continuously accessible and maintained without obstructions at all times while the building is occupied. Doors to stair enclosures and doors in horizontal partitions across halls or corridors shall be self-closing and such doors shall not be held open by any device whatever. Any existing transoms over such doors shall be sealed so they cannot be opened or removed and the openings closed and glass in such doors or transoms shall be wired glass. All doors in connection with exits except doors from guest rooms shall swing with the exit travel and shall be so arranged as always to be readily opened from the side from which egress is made, except when such doors opening outward shall constitute an obstruction when open. The fastenings on such doors serving as required means of egress shall be such that the doors can be readily opened from the inside without the use of keys. A revolving door shall not be approved as a required exit door. No draw bolts shall be used. Exits shall be adequately lighted at all times while building is occupied. Exits shall be plainly marked by approved exit signs, sufficiently illuminated where the floor area is occupied to be readily distinguished. On all C. 29:1-22. Exits and halls specifications.

floors, where doors, openings or passageways are not visible from all portions of such floors, directional signs shall be maintained in conspicuous locations, indicating the direction of travel to the nearest means of egress. At least one sign shall be visible from the doorway of each room or suite of rooms. Doors to guest rooms may have movable transoms without plain glass panels; *provided,* a suitable manual closing device is available in the interior of the room and any one of the following provisions is made:

Proviso.

(1) Hallways or corridors shall have subdividing partitions and doors of three-quarter hour fire resistance at intervals such as not to include more than twenty-four guest rooms, except where hotel is of fireproof construction as stated in this bill, or

(2) Hallways or corridors shall have suitable discharge fans at one or both ends of the hall or corridor, or

(3) The hallways or corridors are sprinklered, or

(4) Where there are five or more exits from each floor.

C. 29:1-23. Floor plan posted.

16. In all hotels there shall be conspicuously posted in each guest room a floor plan showing the arrangements of exits.

C. 29:1-24. Fire extinguishers required.

17. Every floor of every hotel shall be provided with one fire extinguisher for each five thousand square feet or major fraction thereof of each floor area. Such extinguishers shall be placed in a convenient location so that it shall not be necessary to travel more than one hundred feet from any point in the building to reach an extinguisher. Extinguishers shall be of the types using water or water solutions, of two and one-half gallon size or equivalent capacity, and shall bear the label of Underwriters' Laboratories, Inc. Extinguishers of other than the two and one-half gallon water solution type may be permitted in locations where there are special fire hazards.

C. 29:1-25. Fire alarm system required.

18. A fire alarm system which may include automatic alarm features shall be installed and maintained in every hotel. The alarm shall be suitable to arouse occupants in case of fire and shall be operated by electrical or mechanical means. Alarm sounding devices shall be provided of such character and so distributed as to be effectively heard in every room above all other sounds. Alarm sounding devices shall be used for fire alarm purposes only and shall be distinctive in pitch and quality. Alarm sending stations shall be provided on each floor at readily accessible and visible points. The said system shall be so arranged that a signal may be sent from any floor of the hotel to the office or other place where an authorized person is available at all hours of the day or night, with facilities whereby such authorized person may sound a general alarm, except where a sending system sounds a general alarm. Systems shall be tested at least once each month.

C. 29:1-26. Automatic fire detecting and sprinkler systems.

19. Every hotel over two stories in height where the number of guest rooms exceeds twenty, shall be equipped with an automatic fire detecting system or with automatic sprinklers or shall be patrolled nightly between the hours of eleven post meridian and six ante meridian by a watchman recording his rounds on an approved watchman's clock or central station supervisory system. The watchman's stations shall be so located that all parts of the building are visited, and records of such watchman tours shall be kept available for inspection. The automatic fire detecting system or the automatic sprinkler system shall be of a type listed by the Underwriters' Laboratories, Inc. and shall be installed in kitchens, bake shops, laundries, work shops, hallways, stairways and elevator and dumbwaiter shafts of said hotels.

C. 29:1-27. Repair or replacement of dangerous construction.

20. Every hotel on which there may be fire escapes, or stairways, or exits to or from stairways, which are in a dangerous condition or which are of a type deemed hazardous shall have such

fire escapes, or stairways or exits made safe as directed by the proper authority designated herein, or completely removed and replaced with fire escapes, or stairways, or exits constructed structurally as set forth in this act.

C. 29:1-28. Exits.

21. In each hotel every story exceeding three thousand square feet in area shall have at least two separate exit ways except that in any building not over two stories in height and in any building of fireproof or semifireproof construction and in any completely sprinklered building, a single exit way may be used for stories having an area not in excess of ten thousand five hundred square feet, provided the stairway and its floor openings are enclosed with an enclosure having a fire resistance rating of not less than forty-five minutes with all openings therein protected.

C. 29:1-29. Doors in places of assembly.

22. In each hotel every room used as a place of assembly shall have at least two exit doorways, one of which may be a service doorway, except that for such rooms located on the first or grade floor a single exit doorway may be used for an occupancy not in excess of two hundred persons provided the doorway has a clear width of not less than forty-four inches.

C. 29:1-30. May require alarm and sprinkler systems.

23. Where an existing hotel is so located on the lot as to make it impossible or impractical to provide the additional stairs or fire escapes as required by this act, an automatic sprinkler system or an automatic fire alarm system of a type listed by the Underwriters' Laboratories, Inc., may be required to be installed in all public halls and stairways on all floors, and in any room in which combustible material is stored or where the hotel exceeds five stories in height.

C. 29:1-31. Interior stairways, shafts, specifications.

24. In all hotels all interior stairways, including moving stairways, dumb-waiters and elevators, shall be enclosed or their floor openings otherwise protected such as by self-closing doors (except that elevator doors may be manually closed) with or without partitions cutting off the vertical passage

of fire or smoke from one floor to the next except that stairways, dumb-waiters and elevators as follows shall be exempt from such requirements:

(1) Stairways, dumb-waiters and elevators in buildings not over two stories in height.

(2) Stairways, dumb-waiters and elevators in buildings not over three stories in height where the stairways from floor to floor are not placed in a continuous vertical line.

(3) Stairways, dumb-waiters and elevators in sprinklered buildings.

(4) A flight of stairs from the main entrance floor to the floor next above, when such a stair is not a part of a required stairway.

(5) Elevators and dumb-waiters not extending over two stories.

(6) Stairways, dumb-waiters and elevators in buildings having three or more means of egress from a floor other than elevators.

25. Protection for vertical openings. C. 29:1-32. Protection for vertical openings.

(a) Required enclosures may be constructed of three-fourths inch gypsum plaster on metal lath on each side of studs, or equivalent, or of wired glass in metal framework.

(b) In any building not over four stories high and in any sprinklered building, existing enclosures or parts thereof constructed of plaster on wood lath or equivalent, and in good repair, may be continued in use; *provided,* they are effectively fire stopped at the basement ceiling.

(c) First-story hallways or lobbies used as a means of exit from upper stories shall be separated by enclosure partitions and suitable doors from all occupancy in basements or cellars and from all first story business occupancy; *provided,* that such business occupancy will not be deemed to include news stands, cigar stands, lunch counters and office spaces which are not of a size to constitute a serious life hazard from fire; *and provided, also,* that partitions may be omitted if these business sections and basement and cellar occupancy are protected by an automatic sprinkler system in their

Proviso.

Proviso.

storage areas or if an automatic fire detecting system is installed throughout.

(d) Any room used for storage or containing an industrial hazard shall be separated by partitions and doors from other parts of the building if fire in such room would seriously endanger life; *provided,* that such separation will not be needed if the building is equipped with an automatic fire alarm system or the rooms are protected by automatic sprinklers.

Proviso.

C. 29:1-33. Sprinkler systems, specifications.

26. An automatic sprinkler system, as referred to herein, shall have proper supervisory equipment to indicate water flow, low water pressure or low water level in tank and valve position of all main valves.

C. 29:1-34. Exits required for below ground places.

27. In all hotels where any part of the floor below the ground floor is used as a place of assembly such place of assembly shall have at least two exits, one of which exits may be the stairs leading to the entrance lobby. The other exit shall open to the street, yard or court. Where it is not possible to comply strictly with the provisions here set forth, the authority may approve some other method of egress. Where any exit mentioned herein opens to a yard or court, either of which is enclosed on all sides, there shall be provided a fire-retarded passageway, six feet six inches in clear height and three feet in width, leading to the street.

C. 29:1-35. Basement stairways, specifications.

28. All hotels in which there may be found stairs leading from the entrance floor to the cellar or basement where such cellar or basement is used for cellar purposes, shall have such stairs enclosed in the cellar with masonry walls with a fireproof, self-closing door at the bottom.

C. 29:1-36. Certificate of registration.

29. On or before January first, one thousand nine hundred and forty-nine, and each year thereafter, on or before January first, every person, firm or corporation now engaged in the business of conducting a hotel, or the owner of such hotel, and every person, firm or corporation who shall hereafter engage in conducting any such business, or

become the owner of such hotel, shall apply for a certificate of registration for each hotel so conducted or proposed to be conducted. Each registration certificate shall expire on January first of the year following the date of its issuance. Said certificate shall be obtained from the supervisor of hotel fire safety or if the premises are located in a municipality having a paid fire department of not less than five full-time paid employees, from the chief of the fire department of such municipality or other duly designated authority as herein provided.

Annual inspection.

Every such hotel shall be inspected annually and if in a municipality having such a paid fire department, by the chief of the local fire department or duly designated authority, otherwise by the supervisor of hotel fire safety or other duly designated deputy supervisor. If it be found upon any such inspection that the hotel or building is so constructed and maintained that it complies with the provisions of this act, the said authority shall issue or cause to be issued to the owner, lessee, operator or manager, as the case may be, a certificate. The certificate shall be in the following form:

Form of certificate.

(Facsimile of State Seal of New Jersey)

(Year)

STATE OF NEW JERSEY

(Insert name of municipality)

The premises situated at (insert address of the hotel or building) having been inspected and found to comply with the provisions of chapter ..... of the laws of 1948, requiring safeguards against fire, and having been registered, this certificate of approval and registration is issued.

.....

(Signed by issuing authority)

Additional inspections.

In addition to such annual inspection, the said authority shall make such additional inspections from time to time as may be deemed necessary for the purpose of determining whether the provisions of this act are being complied with.

Notice to make changes.

If any hotel is not constructed, altered or maintained in conformity with the provisions of this act, the applicant for the certificate shall be notified by written notice, which may be delivered by mailing same by registered mail to the applicant at the premises in question, to make such changes in the hotel as may be necessary to comply with the provisions of this act, and if such changes are not made within the time fixed in said notice, which shall not be less than sixty days after such notice, a certificate shall not be issued and the provisions of this act shall be enforced against the person or persons responsible for the nonconformance.

Registration fee.

Upon applying for said certificate, the person, firm or corporation owning or operating said hotel, shall pay a registration fee to the said authority as follows:

(a) Where number of guest rooms is twenty or less, four dollars ($4.00).

(b) Where number of guest rooms is over twenty and not more than fifty, ten dollars ($10.00).

(c) Where number of guest rooms is over fifty, fifteen dollars ($15.00).

One-half of such fees paid to a municipality having a paid fire department with five or more full-time paid employees shall become municipal funds and the remaining one-half shall be paid to the Treasurer of the State and all such fees paid to the supervisor of hotel fire safety or his deputy supervisor, shall become State funds and shall be paid to the Treasurer of the State.

C. 29:1-37. Existing hotels to comply by July 1, 1949.

30. Every existing hotel as defined in this act shall be made to comply with all the provisions of this act on or before the first day of July, one thousand nine hundred and forty-nine.

C. 29:1-38. Construing.

31. Nothing in this act shall be construed to abrogate or impair the power of local boards of health or prevent the enforcement of any municipal ordinance or regulation, not inconsistent with this act, or to prevent or punish violations thereof.

C. 29:1-39. Notice, upon transfer of ownership.

32. In case of the transfer of the ownership of any existing hotel it shall be the duty of the grantee thereof to file with the proper authority named herein a notice of such transfer, stating the name of the new owner, within thirty days of such transfer.

In case of the devolution of title to any hotel property by operation of law, it shall be the duty of the person upon whom such title devolves, or the legal representative of such person, or of the estate of any decedent from whom it devolves in the case of devolution by testate or intestate succession, to file with the proper authority named herein a notice setting forth the names of the previous and the new owners within thirty days after such devolution.

C. 29:1-40. Agent, name and address.

33. Every owner, agent, lessee or operator of a hotel at the time of applying for a certificate of registration, if a resident of this State, may, and if a nonresident of this State, shall file a notice with the proper authority named herein containing the name and address of an agent of such hotel, a resident of this State, for the purpose of receiving service of process, and also a description of the property, by street number or otherwise, as the case may be, in such manner as will enable said authority to find the same. The name of the owner or lessee may be filed as agent for this purpose, if he be a resident of this State.

C. 29:1-41 Owners' liability.

34. Every joint or several owner of any hotel shall be jointly and severally liable for any violation of any provision of this act and every lessee of a hotel shall be jointly and severally liable with the owner or owners of the fee of such hotel, building, structure and lot for any violation of any provision of this act.

C. 29:1-42. Penalties.

35. Any person who shall violate or any person who shall be responsible for a violation of any provisions of this act shall be subject to a penalty of one hundred dollars ($100.00) for each and every violation. Any action for a penalty under this act may be brought in any court of competent jurisdiction in the county in which the violation occurred, according to the practice and procedure of such court. In addition to other remedies, the authority herein designated may institute any appropriate suit, action or proceeding at law or in equity to compel compliance with this act or to prevent, enjoin or restrain the use of any premises, located within the municipality, where the construction, maintenance or use of such premises is a violation of any provision of this act.

Review of refusal to issue certificate.

Any refusal to issue a certificate of approval and registration or any notice to conform or action in the enforcement of this act may be reviewed in a summary manner by any judge of the Superior Court upon petition and upon such notice as the court or a judge thereof shall prescribe; and upon any such review the court may affirm, reverse, modify or make such order as shall be appropriate.

C. 29:1-43. Disposition of penalties and moneys.

36. All penalties and moneys imposed and collected under any provision of this act shall be paid by the judge, the clerk or other officer of the court receiving the same, to the treasurer of the State.

C. 29:1-44. Repealer.

37. Chapter one of Title 29 of the Revised Statutes is hereby repealed.

C. 29:1-45. Provisions severable.

38. If any section, paragraph, subparagraph, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, paragraph, subparagraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases be declared unconstitutional.

39. The sum of ten thousand dollars ($10,000.00) is hereby appropriated for the enforcement of this act. Appropriation.

40. This act shall take effect October first, one thousand nine hundred and forty-eight, except that section thirty-seven hereof shall take effect July first, one thousand nine hundred and forty-nine; *provided, however,* that a hotel which complies with the provisions of this act prior to July first, one thousand nine hundred and forty-nine shall not, between the date of such compliance and July first, one thousand nine hundred and forty-nine, be subject to the provisions of chapter one of Title 29 of the Revised Statutes. C. 29:1-46. Act effective. Proviso.

Approved September 1, 1948.

CHAPTER 341

AN ACT regulating the hours of employment of uniformed members of paid police departments in municipalities of this State, uniformed police officers having supervision and regulation of traffic upon county roads, and uniformed members of any county park police system.

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

1. The hours of employment of uniformed members of any paid police department in any municipality of this State, uniformed members of any county police department having supervision and regulation of traffic upon county roads, and uniformed members of any county park police system, shall not exceed eight consecutive hours in any one day, nor forty hours in any one week; *provided,* that in case of an emergency the officer, board or other official having charge or control of the police C. 40:11-13.2. Hours of employment. Proviso.

department, or the police system shall have full authority to summon and keep on duty any and all such members during the period of emergency.

C. 40:11-13.3. Act operation.

2. This act shall not be operative in any municipality until adopted by ordinance of such municipality, and in any county until adopted by resolution of the board of chosen freeholders of such county in respect to the county police department, or in respect to the county park police system until adopted by resolution of the county park police commission of such county.

C. 40:11-13.4. Referendum.

3. The governing body of any municipality, or the board of chosen freeholders of any county, may provide in any ordinance or resolution for the adoption of this act, that such ordinance or resolution and this act shall not be operative, within such municipality, or county, until such ordinance or resolution shall be approved by a majority of the legal voters of the municipality, or county, voting thereon at a municipal or general election, in the case of a municipality, or a general election, in the case of a county.

C. 40:11-13.5. Time of submission.

4. If such ordinance or resolution shall so provide for the submission thereof to the voters of the municipality, or of the county, the municipal clerk or the clerk of the board of chosen freeholders, as the case may be, shall cause the proposition of the adoption thereof to be submitted to the legal voters of the municipality or of the county at the next general election or municipal election succeeding the fortieth day following the adoption thereof, whichever shall occur first, in the case of a municipality, or at the next general election succeeding the fortieth day following the adoption thereof, in the case of a county, by causing the proposition to be printed on the official ballot to be used at such election.

C. 40:11-13.6. Proposition.

5. The official ballot shall contain the proposition in substantially the following form:

If you favor the proposition printed below make a cross $\times$, plus $+$ or check $\surd$ in the square oppo-

site the word "YES." If you are opposed thereto make a cross ×, plus + or check √ in the square opposite the word "NO."

	YES	"Shall the (here insert the title of the ordinance or resolution) be adopted?"
	NO	

In any municipality or county in which voting machines are used the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instructions to the voters and shall be voted upon by the use of such machines by a vote of "Yes" or "No" without marking as aforesaid.

C. 40:11-13.7. Act operative.

6. If a majority of the legal voters voting upon such proposition at such election shall vote "Yes," the ordinance or resolution and this act shall thereupon become operative within the municipality or county and the governing body of the municipality or the board of chosen freeholders of the county, as the case may be, shall then proceed to arrange the hours of employment of the uniformed members of the paid police department in the municipality, or of the uniformed members of the county police department having supervision and regulation of traffic upon the county roads, in accordance with the provisions of this act.

7. This act shall take effect immediately.

Approved September 1, 1948.

CHAPTER 342

AN ACT concerning motor vehicles, providing for and relating to "No Parking" zones on highways, amending section 39:4–138 of the Revised Statutes, and supplementing chapter four of Title 39 of the Revised Statutes.

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

C. 39:4-138.1. No parking zones.

1. The State Highway Commissioner, by regulations subject to the approval of the Commissioner of Motor Vehicles and the approval of the governing body of the municipality affected, shall have authority to establish and maintain "No Parking" zones on portions of State highways where parking is deemed hazardous or inimical to the proper flow of traffic.

Marking.

"No Parking" zones so established shall be clearly marked by appropriate signs in the manner provided in section 39:4–177 of the Revised Statutes.

Section amended.

2. Section 39:4–138 of the Revised Statutes is amended to read as follows:

Terms defined.

39:4–138. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or police officer or traffic sign or signal, no operator of a vehicle shall stand or park the vehicle in any of the following places:

a. Within an intersection;

b. On a crosswalk;

c. Between a safety zone and the adjacent curb or within at least twenty feet of a point on the curb immediately opposite the end of a safety zone;

d. In front of a private driveway;

e. Within twenty-five feet of the nearest crosswalk or side line of a street or intersecting high-

way, except at alleys, or within fifty feet of a "stop street" sign, or within fifty feet of the near right-hand corner of any street upon which any autobus route is established and approved by the board of public utility commissioners;

f. Within twenty feet of the driveway entrance to a fire station or within ten feet of a fire hydrant;

g. In any appropriately marked "No Parking" space established pursuant to the duly promulgated regulations of the State Highway Commissioner.

3. In proceedings for parking in violation of this act, copies of any regulations of the State Highway Commissioner, when authenticated under his seal, shall be evidence in like manner and with equal effect as the originals. C. 38:4-138.2. Regulations as evidence.

4. This act shall take effect immediately.

Approved September 1, 1948.

CHAPTER 343

AN ACT concerning historic sites, and providing for the marking and preservation thereof.

WHEREAS, The First Presbyterian Church of Elizabeth, New Jersey, founded in one thousand six hundred and sixty-four, is an outstanding landmark in the Colonial history of our State; and Preamble.

WHEREAS, During the Revolutionary War, it sheltered New Jersey soldiers and was a center of patriotic activity and devotion; and, Preamble.

WHEREAS, One of its most distinguished ministers, the Reverend James Caldwell, gave his life in the cause of American independence; and Preamble.

WHEREAS, During nearly three hundred years of its leadership in the community and religious Preamble.

life of our Commonwealth, it has become a shrine of State reverence, and is noted for its disinterested and outstanding public service; and

Preamble.

WHEREAS, It is fitting and appropriate that provision be made for its preservation and maintenance, as an example to our citizens and as a memorial to the men who set up in New Jersey a free and untrammeled government; therefore,

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

To be maintained as an historic site.

1. The Historic Sites Council of the State Department of Conservation is authorized and empowered to undertake the preservation of the First Presbyterian Church of Elizabeth, New Jersey, to the end that the same shall be preserved and maintained as an historic site, in the same manner and to the same extent as other historic sites and buildings are now maintained by the Historic Sites Council.

2. This act shall take effect immediately.

Approved September 1, 1948.

CHAPTER 344

AN ACT concerning the issuance of warrants for removal and writs of possession in ejectment in actions to recover possession of premises used for dwelling purposes.

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

C. 2:58-23.5. Issuing warrants for removal and writs of possession.

1. Notwithstanding any other provisions of law, in any action brought by a landlord against a tenant to recover possession of premises used for dwelling purposes, the judge of the court having jurisdiction shall use sound discretion in the issu-

ance of a warrant for removal or writ of possession in ejectment, and if it shall appear that by the issuance of the warrant or writ the tenant will suffer hardship because of the unavailability of other dwelling accommodations, the judge may stay the issuance of the warrant or writ and cause the same to issue at such time as he shall deem proper under the circumstances; *provided, however,* that in no case shall the issuance of the warrant or writ be stayed or the stay thereof be longer continued, as the case may be, if the tenant should (a) fail to pay to the landlord all arrears in rent or the amount that would have been payable as rent if the tenancy had not been interrupted, or both, together with the accrued costs of the action; or (b) during the stay, fail to continue to pay to the landlord the amount that would be due if the tenancy had not been interrupted; or (c) during the stay, become so disorderly as to destroy the peace and quiet of the other tenants living in the same building or in the neighborhood; or (d) during the stay, willfully destroy, damage or injure the premises. Proviso.

2. In no event shall any payment made by the tenant to the landlord for continued occupancy of the premises, as provided in section one of this act, be deemed to create a new tenancy. C. 2:58-23.6. New tenancy not created.

3. Each judge may adopt his own procedure for inquiring into and determining whether issuance of a warrant for removal or writ of possession in ejectment should be stayed or the stay thereof longer continued, as the case may be. C. 2:58-23.7. Judge to make inquiry.

4. This act shall take effect immediately but shall become inoperative on and after July first, one thousand nine hundred and forty-nine. C. 2:58-23.8. Act operative.

Approved September 1, 1948.

CHAPTER 345

AN ACT concerning civil service, and amending section 11:21–9 of the Revised Statutes.

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

Section amended.

1. Section 11:21–9 of the Revised Statutes is amended to read as follows:

Seniority rights.

11:21–9. Coincident with, and subsequent to, the adoption of this subtitle, the seniority rights of officers and employees shall be based upon the length of their respective prior and continuous services, and such additional and continuous services as they may render.

Computing length of service.

In computing the length of service of officers and employees for purposes of determining their seniority rights under this section, all time hereafter during which they shall be absent from duty on leave, without pay, shall be deducted therefrom;

Proviso.

provided, however, that if an officer or employee shall be absent on leave, without pay, pursuant to assignment by or approval of the appointing authority and for further education or training directly related in character to the employment from which he is on leave and designed to improve his competence or increase his capacity therein, the time so spent shall not be deducted under this paragraph.

2. This act shall take effect immediately.

Approved September 1, 1948.

CHAPTER 346

AN ACT to incorporate "Buena," in the township of Buena Vista, in the county of Atlantic, as a borough, and fixing the boundaries thereof.

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

Buena City incorporated.

1. All that part or portion of the township of Buena Vista, in the county of Atlantic, more particularly described as follows, is hereby constituted a city of this State and the inhabitants residing within the limits thereof are hereby created a body politic and corporate by the name of "Buena City."

Description

Beginning at a point in the northerly line of Cumberland county where the same is intersected by the division line between Gloucester county and Atlantic county and extends thence:

(1) Northeast in the division line between Atlantic and Gloucester counties 20,240 feet to a point where the same would be intersected by the second course as described in a deed from Esther Clark to Guiseppe Monfordini dated January 14, 1909, of Record in the Atlantic County Clerk's Office in Book 393 of Deeds, page 473; if said second course were extended westwardly.

(2) East in the line of the above recited second course as extended westwardly and in the second course of said deed and continuing east on the same course a total distance of 2200 feet to the easterly line of lands now or late of the Federal Farm Mortgage Company. Being the division line between lot 13-A and lot 14, Block 163, as shown on the Tax Map of Buena Vista Township.

(3) Southwardly along said division line 2490 feet to the center line of Cedar Lake road.

(4) Northeast along the center line of Cedar Lake road 4300 feet to the easterly line of Friendship road.

(5) South along the east line of Friendship road 3000 feet to an angle in the same.

(6) Southwest still following the easterly line of Friendship road 4180 ft. to another angle in said road.

(7) Southeast still following the easterly line of Friendship road 550 ft. to the center line of Weymouth Malaga road.

(8) Southwest along the center line of Weymouth Malaga road 400 ft. to a point in range with the easterly line of Friendship road as it extends south of the Weymouth Malaga road.

(9) Southeast along the easterly line of Friendship road 2925 ft. to the center line of Wheat road.

(10) Southwest along the center line of Wheat road 5520 ft. to the center line of Tuckahoe road.

(11) Southeast along the center line of Tuckahoe road 115 ft. to the center line of Wheat road as it extends west of Tuckahoe road.

(12) Westwardly along the center of Wheat road 1280 ft. to the center line of Lincoln avenue.

(13) Southwest along the center line of Lincoln avenue 2570 ft. to a point that is distant northwardly 1320 ft. from the center line of Vine road when measured at right angles thereto.

(14) Westwardly by a line parallel with Vine road and distant northwardly 1320 ft. therefrom when measured at right angles thereto, 10,540 ft. to a point distant eastwardly 660 ft. from the center line of Brewster road.

(15) Southwardly parallel with the center line of Brewster road 1170 ft. to the division line between Cumberland and Atlantic counties.

(16) Northwest in the division line between Cumberland and Atlantic counties 4890 ft. to the beginning.

Act effective, proviso.

2. This act shall take effect immediately; *provided*, it shall not operate to effect the incorporation of the inhabitants of the above-described

territory as a borough of this State until it shall have been adopted by a vote of a majority of the legal voters of the township of Buena Vista voting thereon at the next general election or if such election shall be less than thirty days after the effective date of this act then at the next primary election to be held within the said township, at which election shall be submitted the question of the approval or disapproval of this act.

Proposition printed on ballot.

3. The clerk of the county of Atlantic shall cause to be printed upon the ballots to be used at the election provided for in section two the proposition to be submitted to the voters with instructions in the following form:

If you favor the proposition printed below make an × mark in the square to the left of and opposite the word "Yes"; if you are opposed thereto make an × mark in the square to the left of and opposite the word "No."

	Yes	Shall an act entitled "An act to incorporate 'Buena', in the township of Buena Vista, in the county of Atlantic, as a borough, and fixing the boundaries thereof," be adopted?
	No	

If the voter makes an × mark in black ink or black pencil in the square to the left of and opposite the word "Yes," it shall be counted as a vote in favor of such proposition. If the voter makes an × mark in black ink or black pencil in the square to the left of and opposite the word "No," it shall be counted as a vote against such proposition; and in case no mark shall be made in the square to the left of and opposite the "Yes" or "No" it shall not be counted as a vote for or against such proposition.

Filing results of election.

4. The officers holding said election shall, within two days after such election, make a return in duplicate of the result of such election by statements in writing and under their hands; one of which certificates or returns shall be filed forthwith with the clerk of the township of Buena Vista and entered in full upon the minutes of the township of Buena Vista and one of which certificates or returns shall be filed forthwith with the clerk of the county of Atlantic.

5. This act shall take effect immediately.

Approved September 1, 1948.

CHAPTER 347

AN ACT concerning education, regulating the purchase of textbooks and supplies, and amending section 18:12–3 of the Revised Statutes.

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

Section amended.

1. Section 18:12–3 of the Revised Statutes is amended to read as follows:

Interest of school officers in sale of textbooks or supplies.

18:12–3. No county superintendent of schools, member of a board of education, teacher, or person officially connected with the public schools shall be agent for or be in any way pecuniarily or beneficially interested in the sale of any textbooks, school apparatus or supplies of any kind, or receive compensation or reward of any kind for any such sale, for use by the school district by which he is employed, or in any State educational institution with which he is connected, or within the State, or the part thereof, over which his jurisdiction extends as the case may be. It shall not be construed to be a violation of this section for any person to receive royalties on the sale of any textbook of

which he is the author. A violation of the provisions of this section shall be punishable by removal from office, or by revocation of certificate to teach.

2. This act shall take effect immediately.

Approved September 1, 1948.

CHAPTER 348

AN ACT relating to the authorization, acquisition, financing and operation of garbage disposal systems by or on behalf of any one or more municipalities, providing for the creation of incinerator authorities to undertake the same, for the issuance of bonds and other obligations therefor, and for service charges to meet the expenses thereof, and supplementing Title 40 of the Revised Statutes.

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

1. This act shall be known and may be cited as the "incinerator authorities law." C. 40:66A-1. Short title.

2. It is hereby declared to be in the public interest and to be the policy of the State to foster and promote by all reasonable means the health and welfare of the citizens thereof by the proper collection and disposal of garbage and other refuse matter. C. 40:66A-2. State policy.

3. As used in this act, unless a different meaning clearly appears from the context: C. 40:66A-3. Terms defined.

(1) "Municipality" shall mean any city of any class, any borough, village, town, township, or any other municipality other than a county or a school district; Municipality;

(2) "Governing body" shall mean the commission, council, board or body, by whatever name it Governing body;

may be known, having charge of the finances of the municipality;

Person; (3) "Person" shall mean any person, association, corporation, nation, State or any agency or subdivision thereof, municipality of the State or an incinerator authority;

Incinerator authority; (4) "Incinerator authority" shall mean a public body created pursuant to section four of this act;

District; (5) Subject to the exceptions provided in the section four of this act, "district" shall mean the area within the territorial boundaries of the municipality or municipalities which created or joined in the creation of an incinerator authority;

Local unit; (6) "Local unit" shall mean any municipality which created or joined in the creation of an incinerator authority;

Garbage disposal system; (7) "Garbage disposal system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by an incinerator authority, including incinerators or other plants for the treatment and disposal of garbage and refuse matter and all other real and personal and rights therein and appurtenances necessary or useful and convenient for the collection, treatment or disposal in a sanitary manner of garbage and refuse matter (but not including sewage).

Cost; (8) "Cost" shall mean, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of a garbage disposal system of all or any property, rights, easements and franchises deemed by the incinerator authority to be necessary or useful and convenient therefor, including reimbursements to the incinerator authority or any municipality or other person of any moneys theretofore expended for the purposes of the incinerator authority and including interest or discount on bonds to finance such cost, engineering and inspection costs and legal expenses, the cost of financial, professional and other advice, and the cost of issuance of any such bonds;

(9) "Real property" shall mean lands both within and without the State, and improvements thereof or thereon, or any rights or interests therein; Real property;

(10) "Construct" and "construction" shall connote and include acts of construction, reconstruction, replacement, extension, improvement and betterment of a garbage disposal system; Construct;

(11) "Garbage or refuse matter" shall mean any refuse matter, trash or garbage from residences, hotels, apartments or any other public or private building but shall not include water-carried wastes, industrial waste or the kinds of wastes usually collected, carried away and disposed of by sewerage system. Garbage or refuse matter;

(12) "Ordinance" means a written act of the governing body of a municipality adopted and otherwise approved and published in the manner or mode of procedure prescribed for ordinances tending to obligate such municipality pecuniarily; and Ordinance;

(13) "Resolution" means a written act of the governing body of a local unit adopted and otherwise approved in the manner or mode of procedure prescribed for resolutions tending to obligate such local unit pecuniarily. Resolution.

4. (a) The governing body of any municipality may, by ordinance duly adopted, create a public body corporate and politic under the name and style of "the ..... incinerator authority" with all or any significant part of the name of such municipality inserted. Said body shall consist of the five members thereof, who shall be appointed by resolution of the governing body as hereinafter in this section provided, and it shall constitute the incinerator authority contemplated and provided for in this act and an agency and instrumentality of said municipality. After the taking effect of such ordinance and the filing of a certified copy thereof as in subsection (c) of this section provided, five persons shall be appointed as the members of the incinerator authority. The members first appointed shall, by the resolution of C. 40:66A-4. May create incinerator authority. Members. Terms.

appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the date of their appointment. On or after the first day of January in each year after such first appointments, one person shall be appointed as a member of the incinerator authority to serve for a term commencing on the first day of February in such year and expiring on the first day of February in the fifth year after such year. In the event of a vacancy in the membership of the incinerator authority occurring during an unexpired term of office, a person shall be appointed as a member of the incinerator authority to serve for such unexpired term.

Vacancies.

Joint authority.

(b) The governing bodies of any two or more municipalities, the areas of which together comprise an integral body of territory, may, by parallel ordinances duly adopted by each of such governing bodies within any single calendar year, create a public body corporate and politic under the name and style of "the .....incinerator authority" with all or any significant part of the name of each such municipality or some identifying geographical phrase inserted. Said body shall consist of the members thereof, in an aggregate number determined as hereinafter in this subsection provided, who shall be appointed by resolution of the several governing bodies as hereinafter in this section provided, and it shall constitute the incinerator authority contemplated and provided for in this act and an agency and instrumentality of the said municipalities. The number of members of the incinerator authority to be appointed at any time for full terms of office by the governing body of any such municipality shall be as may be stated in said ordinances which shall be not less than one nor more than three. After the taking effect of the said ordinances of all such municipalities and after the filing of certified copies thereof as in subsection (c) of this section provided, the appropriate number of persons shall be appointed

Members.

as members of the incinerator authority by the governing body of each municipality. The members first appointed or to be first appointed shall serve for terms expiring on the first day of the fifth February next ensuing after the date of the first appointment of any member. On or after the first day of January in the year in which expires the terms of the said members first appointed and in every fifth year thereafter, the appropriate number of persons shall be appointed as members of the incinerator authority by the governing body of each municipality, to serve for terms commencing on the first day of February in such year and expiring on the first day of February in the fifth year after such year. In the event of a vacancy in the membership of the incinerator authority occurring during an unexpired term of office, a person shall be appointed as a member of the incinerator authority to serve for such unexpired term by the governing body which made the original appointment for such unexpired term.

Terms.

Vacancies.

(c) A copy of each ordinance for the creation of an incinerator authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the ordinance or of certified copies of the parallel ordinances for the creation of an incinerator authority as aforesaid, the incinerator authority therein referred to shall, in any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract or obligation or act of the incinerator authority, be conclusively deemed to have been lawfully and properly created and established and authorized to transact business and exercise its powers under this act. A copy of any such certified ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

Ordinance filed.

Deemed properly created.

Resolution apopinting members filed.

(d) A copy of each resolution appointing any member of an incinerator authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. A copy of such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding and, except in a suit, action or proceeding directly questioning such appointment, shall be conclusive evidence of the due and proper appointment of the members named therein.

Not to create or join another authority.

(e) No governing body which may create or join in the creation of any incinerator authority pursuant to this section shall thereafter create or join in the creation of any other incinerator authority. No governing of any municipality within a district shall create or join in the creation of any incinerator authority except upon the written consent of the incinerator authority and in accordance with the terms and conditions of such consent, and in the event such consent be given and an incinerator authority be created pursuant thereto, the area within the territorial boundaries of such municipality shall not thereafter be part of the district.

C. 40:66A-5. Powers vested in members.

5. (a) The powers of an incinerator authority shall be vested in the members thereof in office from time to time. A majority of the entire authorized membership of the incinerator authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the incinerator authority at any meeting of the members thereof by vote of a majority of the members present, unless in any case the bylaws of the incinerator authority shall require a larger number. The incinerator authority may delegate to one or more of its officers, agents or employees such powers and duties as it may deem proper.

Delegate powers.

Members' terms.

(b) Each member of an incinerator authority shall hold office for the term for which he was appointed and until his successor has been appointed and has qualified.

(c) No member, officer or employee of an incinerator authority shall have or acquire any interest, direct or indirect, in the garbage disposal system in any property included or planned to be included in the garbage disposal system or in any contract or proposed contract for materials or services to be furnished to or used by the incinerator authority, but neither the holding of any officer or employment in the government of any municipality or under any law of the State nor the owning of any property within the State shall be deemed a disqualification for membership in or employment by an incinerator authority. A member of an incinerator authority may be removed only by the governing body by which he was appointed and only for inefficiency or neglect of duty or misconduct in office and after he shall have been given a copy of the charges against him and, not sooner than ten days thereafter, had opportunity in person or by counsel to be heard thereon by such governing body. Bars interest by members.

(d) An incinerator authority may reimburse its members for necessary expenses incurred in the discharge of their duties. The ordinance or parallel ordinances for the creation of an incinerator authority may provide that the members of the incinerator authority may receive compensation for their services within an annual and other limitations to be stated in such ordinance or parallel ordinances, and in that event, each member may receive from the incinerator authority such compensation for his services as the incinerator authority may determine within the limitations stated in such ordinance or parallel ordinances. No member of any incinerator authority shall receive any compensation for his services except as provided in this subsection. Provisions for expenses and compensation.

(e) Every incinerator authority, upon the first appointment of its members and thereafter on or after the first day of February in each year, shall annually elect from among its members a chairman and a vice-chairman who shall hold office, until the Organization.

first day of February next ensuing and until their respective successors have been appointed and have qualified. Every incinerator authority may also appoint and employ a secretary and such professional and technical advisers and experts and such other officers, agents and employees as it may require, and it shall determine their qualifications, duties and compensation.

C. 40:66A-6. Authorized to acquire land, plants and equipment.

6. Every incinerator authority is hereby authorized and directed, subject to the limitations of this act, to acquire, in its own name but for the local unit or units, by purchase, gift, condemnation or otherwise, and, notwithstanding the provisions of any charter, ordinance or resolution of any county or municipality to the contrary, to construct, maintain, operate and use such incinerators, treatment plants or works at such places, and such other plants, structures, property and conveyances, as in the judgment of the incinerator authority will provide an effective and satisfactory method for promoting the purposes of the incinerator authority.

C. 40:66A 7. Body politic and corporate, powers.

7. Every incinerator authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and to be sued;

(3) In the name of the incinerator authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the incinerator authority but for the local unit or units, to acquire, hold, use and dispose of other personal property for the purposes of the incinerator authority;

(5) In the name of the incinerator authority but for the local unit or units, to acquire by purchase, gift, condemnation or otherwise, real property and

easements therein, necessary or useful and convenient for the purposes of the incinerator authority, and subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the incinerator authority;

(6) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(7) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purpose of the incinerator authority, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(8) To enter on any lands or premises for the purposes of the incinerator authority;

(9) To make and enforce by-laws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the garbage disposal system and any other of its properties, and to amend the same;

(10) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any persons; and

(11) To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purpose of the incinerator authority or to carry out any power expressly given in this act.

C. 40:66A-8. Rents and charges.

8. (a) Every incinerator authority is hereby authorized to charge and collect rents, rates, fees or other charges (in this act sometimes referred to as "service charges") for the services and facilities of the garbage disposal system.

(b) Such rents, rates, fees and charges, being in the nature of use or service charges, shall as nearly

as the incinerator authority shall deem practicable and equitable be uniform throughout the district for the same type, class and amount of use or service of the garbage disposal system.

(c) The incinerator authority shall prescribe and from time to time when necessary revise and schedule of such service charges, which in any event shall be such that the revenues of the incinerator authority will at all times be adequate to pay all expenses of operation and maintenance of the garbage disposal system, including reserves, insurance, extensions, and replacements, and to pay punctually the principal of and interest on any bonds and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract of the incinerator authority. Said schedule shall thus be prescribed and from time to time revised by the incinerator authority after public hearing thereon which shall be held by the incinerator authority at least seven days after such published notice as the incinerator authority may determine to be reasonable. The incinerator authority shall likewise fix and determine the time or times when and the place or places where such service charges shall be due and payable and may require that such service charges shall be paid in advance for periods of not more than one year. A copy of such schedule of service charges in effect shall at all times be kept on file at the principal office of the incinerator authority and shall at all reasonable times be open to public inspection.

C. 40:66A-9. Local unit may appropriate money.

9. Any local unit shall have power, in the discretion of its governing body, to appropriate moneys for the purposes of the incinerator authority, and to loan or donate such moneys to the incinerator authority in such installments and upon such terms as may be agreed upon between such local unit and the incinerator authority.

C. 40:66A-10. Revenue bonds authorized.

10. Revenue bonds may be authorized to be issued under this act to provide funds for the construction, acquisition, repair, improvement or extension of such garbage disposal system, or for the

refunding of any bonds theretofore issued for such purposes. The purposes for which such revenue bonds may be issued shall include the payment to the local unit or local units of the reasonable value of any properties or facilities deemed necessary or desirable for the purposes of the incinerator authority, and such incinerator authorities are hereby authorized to purchase and acquire such properties or facilities from such local unit or local units.

Issuing details.

Such revenue bonds shall be authorized by resolution of the incinerator authority which may be adopted at the same meeting at which it is introduced by a majority of all the members thereof then in office, shall take effect immediately and need not be published or posted. Such revenue bonds may bear interest at such rate or rates, not exceeding six per centum (6%) per annum, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding thirty years from their respective dates, may be payable in such medium of payment at such place or places, may carry such registration privileges, may be subject to such terms of redemption with or without premium, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolution may provide. Such revenue bonds may be sold, all at one time or in blocks from time to time, at public or private sale, or if refunding bonds may also be delivered in exchange for the outstanding obligations to be refunded thereby, in such manner as the incinerator authority shall determine by resolution, and at such price or prices, computed according to standard tables of bond values, as will yield to the purchasers or the holders of the obligations surrendered in exchange, income at a rate not exceeding six per centum (6%) per annum to the maturity dates of the several bonds so sold or exchanged on the money paid or the principal amount of obligations surrendered therefor to the incinerator authority.

C. 40:66A-11. Rights of holders of temporary bonds.

11. After sale of any revenue bonds pursuant to this act, the incinerator authority shall have power to authorize the execution and issuance to the purchasers, pending the preparation of the definitive bonds, of interim certificates therefor or of temporary bonds or other temporary instruments exchangeable for the definitive bonds when prepared, executed and ready for delivery. The holders of such interim certificates, temporary bonds or other temporary instruments shall have all the rights and remedies which they would have as holders of the definitive bonds.

C. 40:66A-12. Publication of bond proceedings.

12. Any incinerator authority may cause to be published in a newspaper published in the district a notice stating the date of adoption of such bond resolution, the amount and maturities of the bonds authorized to be issued, and also stating that any action or proceeding of any kind or nature in any court questioning the validity of the creation and establishment of the incinerator authority, or the validity or proper authorization of bonds provided for by the bond resolution, or the validity of any covenants, agreements or contracts provided for by the bond resolution shall be commenced within twenty days after the first publication of such notice. If no such action or proceeding shall be commenced or instituted within twenty days after the first publication of such notice, then all residents and taxpayers and owners of property in the district and users of the garbage disposal system and all other persons whatsoever shall be forever barred and foreclosed from instituting or commencing any action or proceeding in any court, or from pleading any defense to any action or proceeding, questioning the validity of the creation and establishment of the incinerator authority, the validity or proper authorization of such bonds, or the validity of any such covenants, agreements or contracts, and said bonds, covenants, agreements and contracts shall be conclusively deemed to be valid and binding obligations in accordance with their terms and tenor.

C. 40:66A-13. Bonds negotiable.

13. Any provision of any law to the contrary notwithstanding any bond or other obligation issued pursuant to this act shall be fully negotiable in the meaning and for all purposes of the law merchant and negotiable instruments law of the State, and each holder or owner of such a bond or other obligation, or of any coupon appurtenant thereto, by accepting such bond or coupon shall be conclusively deemed to have agreed that such bond, obligation or coupon is and shall be fully negotiable within the meaning and for all purposes of said law merchant and negotiable instruments law.

C. 40:66A-14. Provisions for payment, security and covenants.

14. Any bond resolution of an incinerator authority providing for or authorizing the issuance of any bonds may contain provisions, and such incinerator authority, in order to secure the payment of such bonds and in addition to its other powers, shall have power by provision in the bond resolution to covenant and agree with the several holders of such bonds, as to:

(1) The custody, security, use, expenditure or application of the proceeds of the bonds;

(2) The construction and completion, or replacement, of all or any part of the garbage disposal system;

(3) The use, regulation, operation, maintenance, insurance or disposition of all or any part of the garbage disposal system, or restrictions on the exercise of the powers of the incinerator authority to dispose, or to limit or regulate the use, of all or any part of the garbage disposal system;

(4) Payment of the principal of or interest on the bonds, or any other obligations, and the sources and methods thereof, the rank or priority of any such bonds as obligations as to any lien or security, or the acceleration of the maturity of any such bonds or obligations;

(5) The use and disposition of any moneys of the incinerator authority, including revenues (in this act sometimes called "system revenues") derived or to be derived from the operation of all or

any part of the garbage disposal system, including any parts thereof theretofore constructed or acquired;

(6) Pledging, setting aside, depositing or trusteeing all or any part of the system revenues or other moneys of the incinerator authority to secure the payment of the principal of or interest on the bonds or any other obligations, or the payment of expenses of operation or maintenance of the garbage disposal system, and the powers and duties of any trustee with regard thereto;

(7) The setting aside out of the system revenues or other moneys of the incinerator authority of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

(8) Determination or definition of the system revenues or of the expenses of operation and maintenance of the garbage disposal system;

(9) The rents, rates, fees, or other charges for the use of the services and facilities of the garbage disposal system, including any parts thereof theretofore constructed or acquired and any parts, extension, replacements or improvements thereof thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same, the amount or amounts of system revenues to be produced thereby, and the disposition and application of the amounts charged or collected;

(10) The assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of the garbage disposal system or any obligations having or which may have a lien on any part of the system revenue;

(11) Limitations on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness of the incinerator authority;

(12) Limitations on the powers of the incinerator authority to construct, acquire or operate, or permit the construction, acquisition, or operation of, any plants, structures, facilities or properties which may compete or tend to compete with the garbage disposal system;

(13) Vesting in a trustee or trustees such property, rights, powers and duties in trust as the incinerator authority may determine which may include any or all of the rights, powers and duties of the trustee appointed by the holders of bonds pursuant to section seventeen of this act, and limiting or abrogating the right of such holders to appoint a trustee pursuant to section fifteen of this act or limiting the rights, duties and powers of such trustee;

(14) Payment of costs or expenses incident to the enforcement of the bonds or of the provision of the bond resolution or of any covenant or contract with the holders of bonds;

(15) The procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given or evidenced; or

(16) Any other matter of course of conduct which by recital in the bond resolution, is declared to further secure the payment of the principal of or interest on the bonds.

Provisions to constitute valid and legally binding contract.

All such provisions of the bond resolution and all such covenants and agreements shall constitute valid and legally binding contracts between the incinerator authority and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit, or proceeding at law or in equity in any court of competent jurisdiction.

C. 40:66A-15. Trustee in event of default.

15. In the event that there shall be a default in the payment of principal of or interest on any bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the incinerator authority shall fail or refuse to comply with the provisions of this act or shall fail or refuse to carry out and perform the terms of any contract with the holders of any

of such bonds, and such failure or refusal shall continue for a period of thirty days after written notice to the incinerator authority of its existence and nature, the holders of twenty-five per centum (25%) in aggregate principal amount of the bonds of such series then outstanding, by instruments or instrument filed in the office of the Secretary of State and proved and acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds of such series for the purposes in this section, and to have the powers provided in this section.

Powers of trustee.

(a) Such trustee may and upon written request of the holders of twenty-five per centum (25%) in aggregate principal amount of the bonds of such series then outstanding shall, in his or its own name:

(1) By mandamus, certiorari or other action, suit, writ or proceeding at law or in equity, enforce all rights of the holders of such bonds, including the right to require the incinerator authority to charge and collect service charges adequate to carry out any contract as to, or pledge of, system revenues, and to require the incinerator authority to carry out and perform the terms of any contract with the holders of such bonds or its duties under this act;

(2) Bring action or suit upon all or any part of such bonds or interest coupons or claims appurtenant thereto;

(3) By action or suit in equity require the incinerator authority to account as if it were the trustee of an express trust for the holders of such bonds.

(4) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; or

(5) Declare all such bonds due and payable, whether or not in advance of maturity,

upon thirty days' prior notice in writing to the incinerator authority and, if all defaults shall be made good, then with the consent of the holders of twenty-five per centum (25%) of the principal amount of such bonds then outstanding, annul such declaration and its consequences.

(b) Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of the functions specifically set forth herein or incident to the general representation of the holders of bonds of such series in the enforcement and protection of their rights.

(c) In any suit, action or proceeding by such trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, appointed pursuant to this act, shall constitute taxable costs and disbursements, and all costs and disbursements, allowed by the court, shall be a first charge upon any service charges and system revenues of the incinerator authority pledged for the payment or security of bonds of such series.

(d) Such trustee, upon such default referred to in this section, whether or not all of the bonds of such series shall have been declared due and payable, shall be entitled as of right to the appointment of a receiver of the garbage disposal system, and such receiver may enter upon and take possession of all moneys and other property derived from or applicable to the acquisition, construction, operation, maintenance or reconstruction of the garbage disposal system and proceed with such acquisition, construction, operation, maintenance or reconstruction which the incinerator authority is under any obligation to do, and operate, maintain and reconstruct the garbage disposal system and fix, charge, collect, enforce and receive the service charges and all system revenues thereafter arising subject to any pledge thereof or contract with the holders of such bonds relating thereto and

perform the public duties and carry out the contracts and obligations of the incinerator authority in the same manner as the incinerator authority itself might do and under the direction of the court.

C. 40:66A-16. No personal liability.

16. Neither the members of the incinerator authority nor any person executing bonds issued pursuant to this act shall be liable personally on the bonds by reason of the issuance pursuant to this act shall not be in any way a debt or liability of the State, and bonds or other obligations issued by an incinerator authority pursuant to this act shall not be in any way a debt or liability of the State or of any local unit or municipality.

C. 40:66A-17. Right of eminent domain.

17. Every incinerator authority is hereby empowered, in its own name but for the local unit or units, to acquire by purchase, gift, grant or devise and to take for public use real property, within or without the district, which may be deemed by the incinerator authority necessary for its purposes. Such incinerator authority is hereby empowered to acquire and take such real property by condemnation, in the manner provided by chapter one of Title 20, Eminent Domain, of the Revised Statutes (R. S., section 20:1–1 et seq.) and, to that end, may invoke and exercise in the manner or mode of procedure prescribed in said chapter, either in its own name or in the name of any local unit or units, all of the powers of such local unit or units to acquire or take property for public use.

C. 40:66A-18. Interest on service charge.

18. (a) In the event that a service charge of any incinerator authority with regard to any parcel of real property shall not be paid as and when due, interest shall accrue and be due to the incinerator authority on the unpaid balance at the rate of one per centum (1%) per month until such service charge, and the interest thereon, shall be fully paid to the incinerator authority.

Service charge and interest a lien.

(b) In the event that a service charge of any incinerator authority with regard to any parcel of real property owned by any person, firm, corporation or association shall not be paid as and when due, the unpaid balance thereof and all in-

terest accruing thereon shall be a lien on such parcel. Such lien shall be superior and paramount to the interest in such parcel of any owner, lessee, tenant, mortgagee or other person except the lien of State, county and municipal taxes and shall be on a parity with and deemed equal to the lien on such parcel of State, county and municipal taxes.

May discontinue service.

(c) In the event that a service charge of any incinerator authority with regard to any parcel of real property shall not be paid as and when due, the incinerator authority may, in its discretion, discontinue the furnishing of any of the services and facilities of said garbage disposal system until such service charge and any subsequent service charge with regard to such parcel and all interest accrued thereon shall be fully paid to the incinerator authority.

Enforcement.

(d) The collector or other officer of every municipality charged by law with the duty of enforcing municipal liens on real property shall enforce, with and as any other municipal lien on real property in such municipality, all service charges and the lien thereof and shall pay over to the incinerator authority the sums or a pro rata share of the sums realized upon such enforcement or upon liquidation of any property acquired by the municipality by virtue of such enforcement.

Recovery of charges and fees by civil suit.

(e) In the event that any service charge of an incinerator authority shall not be paid as and when due, the unpaid balance thereof and all interest accrued thereon, together with attorneys' fees and costs, may be recovered by the incinerator authority in a civil action, and any lien on real property for such service charge and interest accrued thereon may be foreclosed or otherwise enforced by the incinerator authority by action or suit in equity as for the foreclosure of a mortgage on such real property.

Rights and remedies cumulative and concurrent.

(f) All rights and remedies granted by this act for the collection and enforcement of service charges shall be cumulative and concurrent.

C. 40:66A-19. Authorized to convey and lease lands.

19. Any county, by resolution of its board of chosen freeholders, or any municipality, by ordinance of its governing body, or any other person is hereby empowered, without any referendum and without the consent of any board, officer or other agency of the State, to sell, lease, lend, grant or convey to any incinerator authority, or to permit any incinerator authority in use, maintain or operate as part of the garbage disposal system, any real or personal property owned by it, which may be necessary or useful and convenient for the purposes of the incinerator authority and which may be accepted by the incinerator authority. Any such sale, lease, loan, grant, conveyance or permit may be made with or without consideration and for a specified or an unlimited period of time and under any agreement and in any terms and conditions which may be approved by such county, municipality or other person and which may be agreed to by the incinerator authority in conformity with its contracts with the holders of bonds, the incinerator authority may enter into and perform any and all agreements for the assumption of principal or interest or both of indebtedness of such county, municipality or other person or of any mortgage or lien existing with respect to such property or for the operation and maintenance of such property as part of the garbage disposal system.

C. 40:66A-20. Contracts relating to collection, treatment and disposal of garbage.

20. Any incinerator authority and any municipality within the district by ordinance of its governing body may enter into a contract or contracts providing for or relating to the collection, treatment and disposal of garbage and refuse originating in the district or in such municipality by means of such collection, treatment and disposal. Any incinerator authority and any municipality within the district by ordinance of its governing body may enter into a contract or contracts providing for the payment to the incinerator authority by such municipality of a sum of money, computed substantially in accordance with the rates and fees then in effect, in lieu of all or any part of the service

charges which would otherwise be charged and collected by the incinerator authority with regard to persons or real property within such municipality. Any such contract may be made with or without consideration and for a specified or an unlimited time and on any terms and conditions which may be approved by such municipality and which may be agreed to by the incinerator authority in conformity with its contracts with the holders of any bonds. Such municipality is hereby authorized and directed to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such municipality. Nothing in this section, however, shall prevent the incinerator authority from collecting additional fees and charges from the owners or occupants of all parcels of real estate served by it within such municipality if for any reason such additional fees or charges shall be necessary in order for the incinerator authority to pay all operating expenses, debt service and other payments required pursuant to contracts with bondholders; and notwithstanding such contracts with such municipalities, the incinerator authority shall at all times have power and be obligated to collect sufficient additional fees and charges whenever necessary to pay all operating costs, debt service and all other payments required by contracts with bondholders.

C. 40:66A-21. Payment of service charges by municipality.

21. Each county, municipality and other public body shall promptly pay to any incinerator authority all service charges which the incinerator authority may charge to it, as owner or occupant of any real property and shall provide for the payment thereof in the same manner as other obligations of such county, municipality or public body.

C. 40:66A-22. Not to encumber garbage disposal system.

22. Neither the incinerator authority nor any local unit shall have power to mortgage, pledge, encumber or otherwise dispose of any part of the garbage disposal system, except that the incinera-

tor authority may dispose of such part or parts thereof as may be no longer necessary for the purposes of the incinerator authority. The provisions of this section shall be deemed to constitute a part of the contract with the holder of any bonds. All property of an incinerator authority shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against an incinerator authority be a charge or lien upon its property; *provided,* that nothing herein contained shall apply to or limit the rights of the holder of any bonds to pursue any remedy for the enforcement of any pledge or lien given by an incinerator authority on its system revenues.

Proviso.

C. 40:66A-23. Bonds legal investments.

23. Notwithstanding any restriction contained in any other law, the State and all public officers, municipalities, counties, political subdivisions and public bodies, and agencies thereof, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds issued pursuant to this act, and such bonds shall be authorized security for any and all public deposits.

C. 40:66A-24. Tax exempt.

24. Every garbage disposal system and all other property of an incinerator authority are hereby declared to be public property of a political subdivision of the State and devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any subdivision thereof. All bonds issued pursuant to this act are hereby declared to be issued by a political subdivision of this State and for an essential public and governmental purpose and to be a public instrumentality,

and such bonds, and the interest thereon and the income therefrom, and all service charges, funds, revenues and other moneys pledged or available to pay or secure the payment of such bonds, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes.

C. 40:66A-25. State's covenants with bondholders.

25. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds issued pursuant to this act that the State will not authorize or permit the construction or maintenance of any incinerator or garbage disposal system which will be competitive with the garbage disposal system of the incinerator authority, and will not limit or alter the rights hereby vested in the incinerator authority to acquire, construct, maintain, reconstruct and operate its garbage disposal system, and to fix, establish, charge and collect its service charges and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, and will not in any way impair the rights or remedies of such holders, and will not modify in any way the exemptions from taxation provided for in this act, until such bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged.

C. 40:66A-26. Banks to give security.

26. All banks, bankers, trust companies, savings banks, investment companies and other persons carrying on a banking business are hereby authorized to give to any incinerator authority a good and sufficient undertaking with such sureties as shall be approved by the incinerator authority to the effect that such bank or banking institution as hereinbefore described shall faithfully keep and pay over to the order of or upon the warrant of the incinerator authority or its authorized agent all such funds as may be deposited with it by the incinerator authority and agreed interest thereon, at such times or upon such demands as may be

agreed upon with the authority or, in lieu of such sureties, deposit with the incinerator authority or its authorized agent or any trustee therefor or for the holders of any bonds, as collateral, such securities as the incinerator authority may approve;

Proviso.

provided, such securities shall consist of obligations in which public officers and bodies of the State and its municipal subdivisions, savings institutions, including savings and loan associations, insurance companies and associations, executors, administrators, guardians, trustees and other fiduciaries in the State may properly and legally invest the funds within their control, in such principal amount, market value or other description as may be approved by the incinerator authority. The deposits of the incinerator authority may be evidenced by a depository collateral agreement in such form and upon such terms and conditions as may be agreed upon by the incinerator authority and such bank or banking institution.

C. 40:66A-27. Not to permit competitive activity.

27. After the creation of an incinerator authority as provided herein, no municipality within the district shall have power to engage in, grant any license or permit for, or enter into any contract for, the collection, treatment and disposal of garbage and refuse; and no such municipality, or any person, firm, corporation or association shall engage in any activities within such municipality which would be competitive with the purposes of the incinerator authority as provided in this act.

Must use facilities.

It is hereby determined and declared that it is necessary for the health and welfare of the inhabitants of every district within which an incinerator authority is created that the facilities and services of such incinerator authority shall be used by the owners or occupants of all lands, buildings and premises within such district, and the incinerator authority may by resolution require the owners or occupants of all lands, buildings and premises therein to use the services and facilities of the incinerator authority under such rules and

regulations as the incinerator authority shall fix and establish.

Construing as to previous contracts.

The provisions of this section shall not be construed, however, to affect or impair any contracts entered into prior to the creation of an incinerator authority.

C. 40:66A-28. Construed liberally.

28. This act shall be construed liberally to effectuate the legislative intent and as complete and independent authority for the performance of each and every act and thing herein authorized, and an incinerator authority shall not be subject to regulation as to its service charges or as to any other matter whatsoever by any officer, board, agency, commission or other office of the State.

C. 40:66A-29. Not to bar municipal operation.

29. Nothing in this act shall be construed to prevent or prohibit any municipality from erecting, constructing, operating and maintaining an incinerator or garbage disposal plant or other means for the disposition of garbage in any manner or by any means by which the same may now lawfully be erected, constructed, operated or maintained.

C. 40:66A-30. Constitutionality.

30. If any section, subsection, clause or provision of this act shall be adjudged unconstitutional or to be ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not ineffective it shall be valid and effective and no other section, subsection, clause or provision of this act shall on account thereof be deemed invalid or ineffective, and the inapplicability or invalidity of any section, subsection, clause or provision of this act in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance or under any other circumstance.

31. This act shall take effect immediately.

Approved September 1, 1948.

CHAPTER 349

AN ACT relating to the authorization, acquisition, financing operation of port facilities by or on behalf of any one or more municipalities, providing for the creation of port authorities to undertake the same, for the issuance of bonds and other obligations therefor, and for service charges to meet the expenses thereof, and supplementing Title 40 of the Revised Statutes.

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

C. 40:68A-1. Short title.

1. This act shall be known and may be cited as the "port authorities law."

C. 40:68A-2. Public policy.

2. It is hereby declared to be in the public interest and to be the policy of the State to foster and promote by all reasonable means the welfare of the citizens thereof by the proper establishment and development of port facilities of the State.

C. 40:68A-3. Terms defined:

3. As used in this act, unless a different meaning clearly appears from the context:

Municipality;

(1) "Municipality" shall mean any city of any class, any borough, village, town, township, or any other municipality other than a county or a school district;

Governing body;

(2) "Governing body" shall mean the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

Person;

(3) "Person" shall mean any person, association, corporation, nation, State or any agency or subdivision thereof, municipality of the State or a port authority;

Port authority;

(4) "Port authority" shall mean a public body created pursuant to section four of this act;

District;

(5) "District" shall mean the area within the territorial boundaries of the municipality or mu-

nicipalities which created or joined in the creation of a port authority;

(6) "Local unit" shall mean any municipality which created or joined in the creation of a port authority; Local unit;

(7) "Port facilities" shall mean harbor, port and shipping facilities of all kinds, including, but not limited to, harbors, channels, turning basins, anchorage areas, jetties, breakwaters, waterways, canals, locks, tidal basins, wharves, docks, piers, slips, bulkheads, public landings, warehouses, terminals, refrigerating and cold storage plants, terminal railway facilities, rolling stock car ferries, tugs, boats, conveyors and appliances of all kinds for the handling, storage, inspection and transportation of freight and the handling of passenger traffic; airport facilities of all kinds for land and sea planes, including, but not limited to, landing fields, hangars, shops, buses, trucks and all other facilities for the landing, taking off, servicing, and repairing and parking of aircraft, and the loading and unloading and handling of passengers, mail, express and freight; exhibition halls and markets; administration buildings; tunnels; causeways and bridges; and shall include all property, rights, easements and franchises relative to any such facilities and deemed necessary or convenient for the acquisition, construction or operation thereof. Port facilities;

(8) "Cost" shall mean, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of port facilities and of all or any property, rights, easements and franchises deemed by a port authority to be necessary or useful and convenient therefor, including reimbursements to the port authority or any municipality or other person of any moneys theretofore expended for the purposes of the port authority and including interest or discount on bonds to finance such cost, engineering and inspection costs and legal expenses, the cost of financial, professional and other advice, and the cost of issuance of any such bonds; Cost;

Real property;

(9) "Real property" shall mean lands both within and without the State, and improvements thereof or thereon, or any rights or interests therein;

Construct;

(10) "Construct" and "construction" shall connote and include acts of construction, reconstruction, replacement, extension, improvement and betterment of port facilities;

Ordinance;

(11) "Ordinance" means a written act of the governing body of a municipality adopted and otherwise approved and published in the manner or mode of procedure prescribed for ordinances tending to obligate such municipality pecuniarily; and

Resolution;

(12) "Resolution" means a written act of the governing body of a local unit adopted and otherwise approved in the manner or mode of procedure prescribed for resolutions tending to obligate such local unit pecuniarily.

Bonds.

(13) "Bonds" shall mean bonds or other obligations issued pursuant to this act.

C. 40:68A-4. May create port authority

4. (a) The governing body of any municipality may, by ordinance duly adopted, create a public body corporate and politic under the name and style of "the ..... port authority" with all or any significant part of the name of such municipality inserted.

Members.

Said body shall consist of the five members thereof, who shall be appointed by resolution of the governing body as hereinafter in this section provided, and it shall constitute the port authority contemplated and provided for in this act and an agency and instrumentality of said municipality.

Terms.

After the taking effect of such ordinance and the filing of a certified copy thereof as in subsection (c) of this section provided, five persons shall be appointed as the members of the port authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the date of their appointment. On or after the first

day of January in each year after such first appointments, one person shall be appointed as a member of the port authority to serve for a term commencing on the first day of February in such year and expiring on the first day of February in the fifth year after such year. In the event of a vacancy in the membership of the port authority occurring during an unexpired term of office, a person shall be appointed as a member of the port authority to serve for such unexpired term. Vacancies.

(b) The governing bodies of any two or more municipalities, the areas of which together comprise an integral body of territory, may, by parallel ordinances duly adopted by each of such governing bodies within any single calendar year, create a public body corporate and politic under the name and style of "the ..... port authority" with all or any significant part of the name of each such municipality or some identifying geographical phrase inserted. Said body shall consist of the members thereof, in an aggregate number determined as hereinafter in this subsection provided, who shall be appointed by resolutions of the several governing bodies as hereinafter in this section provided, and it shall constitute the port authority contemplated and provided for in this act and an agency and instrumentality of the said municipalities. The number of members of the port authority to be appointed at any time for full terms of office by the governing body of any such municipality shall be as may be stated in said ordinances which shall be not less than one nor more than three. After the taking effect of the said ordinances of all such municipalities and after the filing of certified copies thereof as in subsection (c) of this section provided, the appropriate number of persons shall be appointed as members of the port authority by the governing body of each municipality. The members first appointed or to be first appointed shall serve for terms expiring on the first day of the fifth February next ensuing after the date of the first appointment of any mem- Joint authority. Members. Terms.

ber. On or after the first day of January in the year in which expire the terms of the said members first appointed and in every fifth year thereafter, the appropriate number of persons shall be appointed as members of the port authority by the governing body of each municipality, to serve for terms commencing on the first day of February in such year and expiring on the first day of February in the fifth year after such year. In the event of a vacancy in the membership of the port authority occurring during an unexpired term of office, a person shall be appointed as a member of the port authority to serve for such unexpired term by the governing body which made the original appointment for such unexpired term.

Vacancies.

Ordinance filed.

(c) A copy of each ordinance for the creation of a port authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the ordinance or of certified copies of the parallel ordinances for the creation of a port authority as aforesaid, the port authority therein referred to shall, in any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract or obligation or act of the port authority, be conclusively deemed to have been lawfully and properly created and established and authorized to transact business and exercise its powers under this act. A copy of any such certified ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

Resolution appointing members filed.

(d) A copy of each resolution appointing any member of a port authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. A copy of such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding and, except in a suit, action or proceeding directly questioning such ap-

pointment, shall be conclusive evidence of the due and proper appointment of the member or members named therein.

Not to create or join another authority.

(e) No governing body which may create or join in the creation of a port authority pursuant to this section shall thereafter create or join in the creation of any other port authority, nor shall any new port authority be created within an existing port district as heretofore established by the Legislature.

C. 40:68A-5. Powers vested in members.

5. (a) The powers of a port authority shall be vested in the members thereof in office from time to time. A majority of the entire authorized membership of a port authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the port authority at any meeting of the members thereof by vote of a majority of the members present, unless in any case the by-laws of the port authority shall require a larger number. The port authority may delegate to one or more of its officers, agents or employees such powers and duties as it may deem proper.

Member's terms.

(b) Each member of a port authority shall hold office for the term for which he was appointed and until his successor has been appointed and has qualified.

Bars interest by members.

(c) No member, officer or employee of a port authority shall have or acquire any interest, direct or indirect, in the port facilities or in any property included or planned to be included in the port facilities or in any contract or proposed contract for materials or services to be furnished to or used by the port authority, but neither the holding of any office or employment in the government of any municipality or under any law of the State nor the owning of any property within the State shall be deemed a disqualification for membership in or employment by a port authority. A member of a port authority may be removed only by the governing body by which he was appointed and only for inefficiency or neglect of duty or misconduct

in office and after he shall have been given a copy of the charges against him and, not sooner than ten days thereafter, had opportunity in person or by counsel to be heard thereon by such governing body.

Provisions for expenses and compensation.

(d) A port authority may reimburse its members for necessary expenses incurred in the discharge of their duties. The ordinance or parallel ordinances for the creation of a port authority may provide that the members of the port authority may receive compensation for their services within an annual and other limitations to be stated in such ordinance or parallel ordinances, and in that event, each member may receive from the port authority such compensation for his services as the port authority may determine within the limitations stated in such ordinance or parallel ordinances. No member of any port authority shall receive any compensation for his services except as provided in this subsection.

Organization.

(e) Every port authority, upon the first appointment of its members and thereafter on or after the first day of February in each year, shall annually elect from among its members a chairman and a vice-chairman who shall hold office, until the first day of February next ensuing and until their respective successors have been appointed and have qualified. Every port authority may also appoint and employ a secretary and such professional and technical advisers and experts and such other officers, agents and employees as it may require, and it shall determine their qualifications, duties and compensation.

C. 40:68A-6. Authorized to acquire lands, plants and equipment.

6. Every port authority is hereby authorized and directed, subject to the limitations of this act, to acquire, in its own name but for the local unit or units, by purchase, gift, condemnation or otherwise, and, notwithstanding the provisions of any charter, ordinance or resolution of any county or municipality to the contrary, to construct, maintain, operate and use such plants, works, structures, property and conveyances, as in the

judgment of the port authority will provide an effective and satisfactory method for promoting the purposes of the port authority.

C. 40:68A-7. Body politic and corporate, powers.

7. Every port authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public welfare and shall have perpetual succession and have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and to be sued;

(3) In the name of the port authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the port authority but for the local unit or units, to acquire, hold, use and dispose of other personal property for the purposes of the port authority;

(5) In the name of the port authority but for the local unit or units, to acquire by purchase, gift, condemnation or otherwise, real property and easements therein, necessary or useful and convenient for the purposes of the port authority, and subject to mortgages, deeds of trust or other liens, or otherwise and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the port authority;

(6) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(7) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the port authority, and to make and perform such agreements and contacts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(8) To enter on any lands or premises for the purposes of the port authority;

(9) To make and enforce by-laws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the port facilities and any other of its properties, and to amend the same;

(10) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any persons; and

(11) To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the port authority or to carry out any power expressly given in this act.

C. 40:68A-8. Rents, fees and charges.

8. (a) Every port authority is hereby authorized to charge and collect rents, rates, fees or other charges (in this act sometimes referred to as "service charges") for its services and facilities.

(b) Such rents, rate, fees and charges, being in the nature of use or service charges, shall as nearly as the port authority shall deem practicable and equitable be uniform throughout the district for the same type, class and amount of use or service of the port facilities.

(c) The port authority shall prescribe and from time to time when necessary revise a schedule of such service charges, which in any event shall be such that the revenues of the port authority will at all times be adequate to pay all expenses of operation and maintenance of the port facilities, including reserves, insurance, extensions, and replacements, and to pay punctually the principal of and interest on any bonds and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract of the port authority or as may be deemed necessary or desirable by the port authority. Said schedule shall thus be prescribed and from time to time revised by the port authority after public hearing thereon which shall be held by the port authority at least seven days after such published notice as the port

authority may determine to be reasonable. The port authority shall likewise fix and determine the time or times when and the place or places where such service charges shall be due and payable and may require that such service charges shall be paid in advance for periods of not more than one year. A copy of such schedule or service charges in effect shall be filed with such Federal agencies requiring filing of tariffs and rates and shall be filed with the Secretary of State of the State of New Jersey and at all times be kept on file at the principal office of the port authority and shall at all reasonable times be open to public inspection.

C. 40:68A-9. Local unit may make appropriation.

9. Any local unit shall have power, in the discretion of its governing body, to appropriate moneys for the purposes of the port authority, and to loan or donate such moneys to the port authority in such installments and upon such terms as may be agreed upon between such local unit and the port authority.

C. 40:68A-10. Revenue bonds authorized.

10. Revenue bonds may be authorized to be issued under this act to provide funds for the construction, acquisition, repair, improvement or extension of such port facilities, or for the refunding of any bonds theretofore issued for such purposes. The purposes for which such revenue bonds may be issued shall include the payment to the local unit or local units of the reasonable value of any properties or facilities deemed necessary or desirable for the purposes of the port authority, and such port authorities are hereby authorized to purchase and acquire such properties or facilities from such local unit or local units.

Issuing details.

Such revenue bonds shall be authorized by resolution of the port authority which may be adopted at the same meeting at which it is introduced by a majority of all the members thereof then in office, shall take effect immediately and need not be published or posted. Such revenue bonds may bear interest at such rate or rates, not exceeding six per centum (6%) per annum, may be in one or more series, may bear such date or dates, may ma-

ture at such time or times not exceeding forty years from their respective dates, may be payable in such medium of payment at such place or places, may carry such registration privileges, may be subject to such terms of redemption with or without premium, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolution may provide. Such revenue bonds may be sold, all at one time or in blocks from time to time, at public or private sale, or if refunding bonds may also be delivered in exchange for the outstanding obligations to be refunded thereby, in such manner as the port authority shall determine by resolution, and at such price or prices, computed according to standard tables of bond values, as will yield to the purchasers or the holders of the obligations surrendered in exchange, income at a rate not exceeding six per centum (6%) per annum to the maturity dates of the several bonds so sold or exchanged on the money paid or the principal amount of obligations surrendered therefor to the port authority.

C. 40:68A-11. Rights of holders of temporary bonds.

11. After sale of any revenue bonds pursuant to this act, the port authority shall have power to authorize the execution and issuance to the purchasers, pending the preparation of the definitive bonds, of interim certificates therefor or of temporary bonds or other temporary instruments exchangeable for the definitive bonds when prepared, executed and ready for delivery. The holders of such interim certificates, temporary bonds or other temporary instruments shall have all the rights and remedies which they would have as holders of the definitive bonds.

C. 40:68A-12. Publication of bond proceedings.

12. Any port authority may cause to be published in a newspaper published in the district a notice stating the date of adoption of such bond resolution, the amount and maturities of the bonds authorized to be issued, and also stating that any action or proceeding of any kind or nature in any

court questioning the validity of the creation and establishment of the port authority, or the validity or proper authorization of bonds provided for by the bond resolution, or the validity of any covenants, agreements or contracts provided for by the bond resolution shall be commenced within twenty days after the first publication of such notice. If no such action or proceeding shall be commenced or instituted within twenty days after the first publication of such notice, then all residents and taxpayers and owners of property in the district and users of the port facilities and all other persons whatsoever shall be forever barred and foreclosed from instituting or commencing any action or proceeding in any court, or from pleading any defense to any action or proceeding, questioning the validity of the creation and establishment of the port authority, the validity or proper authorization of such bonds, or the validity of any such covenants, agreements or contracts, and said bonds, covenants, agreements and contracts shall be conclusively deemed to be valid and binding obligations in accordance with their terms and tenor.

C. 40:68A-13. Bonds negotiable.

13. Any provision of any law to the contrary notwithstanding any bond or other obligation issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of the law merchant and negotiable instruments law of the State, and each holder or owner of such a bond or other obligation, or of any coupon appurtenant thereto, by accepting such bond or coupon shall be conclusively deemed to have agreed that such bond, obligation or coupon is and shall be fully negotiable within the meaning and for all purposes of said law merchant and negotiable instruments law.

C. 40:68A-14. Provisions for payment, security and covenants.

14. Any bond resolution of a port authority providing for or authorizing the issuance of any bonds may contain provisions, and such port authority, in order to secure the payment of such bonds and in addition to its other powers, shall have power by provision in the bond resolution to covenant

and agree with the several holders of such bonds, as to:

(1) The custody, security, use, expenditure or application of the proceeds of the bonds;

(2) The construction and completion, or replacement, of all or any part of the port facilities;

(3) The use, regulation, operation, maintenance, insurance or disposition of all or any part of the port facilities, or restrictions on the exercise of the powers of the port authority to dispose, or to limit or regulate the use, of all or any part of the port facilities;

(4) Payment of the principal of or interest on the bonds, or any other obligations, and the sources and methods thereof, the rank or priority of any such bonds or obligations as to any lien or security, or the acceleration of the maturity of any such bonds or obligations;

(5) The use and disposition of any moneys of the port authority, including revenues derived or to be derived from the operation of all or any part of the port facilities, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired;

(6) Pledging, setting aside, depositing or trusteeing all or any part of the revenues or other moneys of the port authority to secure the payment of the principal of or interest on the bonds or any other obligations, or the payment of expenses of operation or maintenance of the port facilities, and the powers and duties of any trustee with regard thereto;

(7) The setting aside out of the revenues or other moneys of the port authority of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

(8) The rents, rates, fees, or other charges for the services and use of the port facilities, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or

acquired, and the fixing, establishment, collection and enforcement of the same, the amount or amounts of revenues to be produced thereby, and the disposition and application of the amounts charged or collected;

(9) The assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of the port facilities or any obligations having or which may have a lien on any part of the revenues;

(10) Limitations on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness of the port authority;

(11) Vesting in a trustee or trustees such property, rights, powers and duties in trust as the port authority may determine which may include any or all the rights, powers and duties of the trustee appointed by the holders of bonds pursuant to section seventeen of this act, and limiting or abrogating the right of such holders to appoint a trustee pursuant to section fifteen of this act or limiting the rights, duties and powers of such trustee;

(12) Payment of costs or expenses incident to the enforcement of the bonds or of the provisions of the bond resolution or of any covenant or contract with the holders of the bonds;

(13) The procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given or evidenced; or

(14) Any other matter or course of conduct which, by recital in the bond resolution, is declared to further secure the payment of the principal of or interest on the bonds.

Provisions to constitute a valid and legally binding contract.

All such provisions of the bond resolution and all such covenants and agreements shall constitute valid and legally binding contracts between the port authority and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or

holders by mandamus or other appropriate action, suit, or proceeding at law or in equity in any court of competent jurisdiction.

C. 40:68A-15. Trustee in event of default.

15. In the event that there shall be a default in the payment of principal of or interest on any bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the port authority shall fail or refuse to comply with the provisions of this act or shall fail or refuse to carry out and perform the terms of any contract with the holders of any of such bonds, and such failure or refusal shall continue for a period of thirty days after written notice to the port authority of its existence and nature, the holders of twenty-five per centum (25%) in aggregate principal amount of the bonds of such series then outstanding, by instrument or instruments filed in the office of the Secretary of State and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds of such series for the purposes provided in this section, and to have the powers provided in this section.

Powers of trustee.

(a) Such trustee may and upon written request of the holders of twenty-five per centum (25%) in aggregate principal amount of the bonds of such series then outstanding shall, in his or its own name:

(1) By mandamus, certiorari or other action, suit, writ or proceeding at law or in equity, enforce all rights of the holders of such bonds, including the right to require the port authority to charge and collect service charges adequate to carry out any contract as to, or pledge of, revenues, and to require the port authority to carry out and perform the terms of any contract with the holders of such bonds or its duties under this act;

(2) Bring action or suit upon all or any part of such bonds or interest coupons or claims appurtenant thereto;

(3) By action or suit in equity require the port authority to account as if it were the trustee of an express trust for the holders of such bonds.

(4) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; or

(5) Declare all such bonds due and payable whether or not in advance of maturity, upon thirty days' prior notice in writing to the port authority, and if all defaults shall be made good, then with consent of the holders of twenty-five per centum (25%) of the principal amount of such bonds then outstanding, annul such declaration and its consequences.

(b) Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of the functions specifically set forth herein or incident to the general representation of the holders of bonds of such series in the enforcement and protection of their rights.

(c) In any suits, action or proceeding by such trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, appointed pursuant to this act, shall constitute taxable costs and disbursements, and all costs and disbursements, allowed by the court, shall be a first charge upon any service charges and revenues of the port authority pledged for the payment or security of bonds of such series.

(d) Such trustee, upon such default referred to in this section, whether or not all of the bonds of such series shall have been declared due and payable, shall be entitled as of right to the appointment of a receiver of the port facilities, and such receiver may enter upon and take possession of the port facilities and, subject to any pledge or contract with the holders of such bonds, shall take possession of all moneys and other property de-

rived from or applicable to the acquisition, construction, operation, maintenance or reconstruction of the port facilities and proceed with such acquisition, construction, operation, maintenance or reconstruction which the port authority is under any obligation to do, and operate, maintain and reconstruct the port facilities and fix, charge, collect, enforce and receive the service charges and all revenues thereafter arising subject to any pledge thereof or contract with the holders of such bonds relating thereto and perform the public duties and carry out the contracts and obligations of the port authority in the same manner as the port authority itself might do and under the direction of the court.

C. 40:68A-16. No personal liability.

16. Neither the members of the port authority nor any person executing bonds issued pursuant to this act shall be liable personally on the bonds by reason of the issuance thereof. Bonds or other obligations issued pursuant to this act shall not be in any way a debt or liability of the State, and bonds or other obligations issued by a port authority pursuant to this act shall not be in any way a debt or liability of the State or of any local unit or municipality.

C. 40:68A-17. Right of eminent domain.

17. Every port authority is hereby empowered, in its own name but for the local unit or units, to acquire by purchase, gift, grant or devise and to take for public use real property, within or without the district, which may be deemed by the port authority necessary for its purposes. Such port authority is hereby empowered to acquire and take such real property by condemnation, in the manner provided by chapter one of Title 20, Eminent Domain, of the Revised Statutes (R. S. sec. 20:1–1 et seq.) and, to that end, may invoke and exercise in the manner of mode of procedure prescribed in said chapter, either in its own name or in the name of any local unit or units, all of the powers of such local unit or units to acquire or take property for public use.

C. 40:68A-18. Interest on service charge.

18. In the event that any service charge of a port authority shall not be paid as and when due, the unpaid balance thereof and all interest at the rate of one per centum (1%) per month accrued thereon, together with attorneys' fees and costs, may be recovered by the port authority in a civil action in any court of competent jurisdiction. Any port authority shall have power to make reasonable rules and regulations for the collection and enforcement of service charges for the use of its port facilities.

C. 40:68A-19. Authorized to convey and lease lands.

19. Any county, by resolution of its board of chosen freeholders, or any municipality, by ordinance of its governing body, or any other person is hereby empowered, without any referendum and without the consent of any board, officer, or other agency of the State, to sell, lease, lend, grant or convey to any port authority, or to permit any port authority to use, maintain or operate as part of the port facilities, any real or personal property owned by it, which may be necessary or useful and convenient for the purposes of the port authority and which may be accepted by the port authority. Any such sale, lease, loan, grant, conveyance or permit may be made with or without consideration and for a specified or an unlimited period of time and under any agreement and on any terms and condition which may be approved by such county, municipality or other person and which may be agreed to by the port authority in conformity with its contracts with the holders of any bonds. Subject to any such contracts with holders of bonds, the port authority may enter into and perform any and all agreements with respect to property so accepted by it, including agreements for the assumption of principal or interest or both of indebtedness of such county, municipality or other person or of any mortgage or lien existing with respect to such property or for the operation and maintenance of such property as part of the port facilities.

C. 40:68A-20. Municipality to pay service charges.

20. Each county, municipality and other public body shall promptly pay to any port authority all service charges for any use of its port facilities, and shall provide for the payment thereof in the same manner as other obligations of such county, municipality or public body.

C. 40:68A-21. Not to encumber port facilities.

21. Neither the port authority nor any local unit shall have power to mortgage, pledge, encumber or otherwise dispose of any part of the port facilities, except that the port authority may dispose of such part or parts thereof as may be no longer necessary for the purposes of the port authority. The provisions of this section shall be deemed to constitute a part of the contract with the holder of any bonds. All property of a port authority shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against a port authority be a charge or lien upon its property; *provided,* that nothing herein contained shall apply to or limit the rights of the holder of any bonds to pursue any remedy for the enforcement of any pledge or lien given by a port authority on its revenues.

Proviso.

C. 40:68A-22. Bonds legal investments.

22. Notwithstanding any restriction contained in any other law, the State and all public bodies, and agencies thereof, all banks, bankers, trust companies, savings and loan associations, investment companies, savings banks and institutions, building and loan associations, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds issued pursuant to this act, and such bonds shall be authorized security for any and all public deposits.

C. 40:68A-23. Tax exempt.

23. All port facilities and all other property of a port authority are hereby declared to be public property of a political subdivision of the State and

devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any subdivision thereof. All bonds issued pursuant to this act are hereby declared to be issued by a political subdivision of this State and for an essential public and governmental purpose and to be a public instrumentality, and such bonds, and the interest thereon and the income therefrom, and all service charges, funds, revenues and other moneys pledged or available to pay or secure the payment of such bonds, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes.

C. 40:68A-24 State's covenants with bond holders.

24. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds issued pursuant this act that the State will not authorize or permit the construction or maintenance of any port facilities of the port authority, and will not limit or alter the rights hereby vested in the port authority to acquire, construct, maintain, reconstruct and operate its port facilities, and to fix, establish, charge and collect its service charges and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, and will not in any way impair the rights or remedies of such holders, and will not modify in any way the exemptions from taxation provided for in this act, until such bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged.

C. 40:68A-25. Banks to give security.

25. All banks, bankers, trust companies, savings banks, investment companies and other persons carrying on a banking business are hereby authorized to give to any port authority a good and sufficient undertaking with such sureties as shall be approved by the port authority to the effect that such banking institution as hereinbefore described shall faithfully keep and pay over to the order of

or upon the warrant of the port authority or its authorized agent all such funds as may be deposited with it by the port authority and agreed interest thereon, at such times or upon such demands as may be agreed upon with the authority or, in lieu of such sureties, deposit with the port authority or its authorized agent or any trustee therefor or for the holders of any bonds, as collateral, such securities as the port authority may approve; *provided,* such securities shall consist of obligations in which public officers and bodies of the State and its municipal subdivision, savings institutions, including savings and loan associations, insurance companies and associations, executors, administrators, guardians, trustees and other fiduciaries in the State may properly and legally invest the funds within their control, in such principal amount, market value or other description as may be approved by the port authority. The deposits of the port authority may be evidenced by a depository collateral agreement in such form and upon such terms and conditions as may be agreed upon by the port authority and such bank or banking institutions.

Proviso.

C. 40:68A-26. Not to permit competitive activity.

26. After the creation of a port authority as provided herein, no municipality within the district shall have power to engage in, or grant any license or permit to any person, firm, corporation or association to engage in, any activities within such municipality which would be competitive with the purpose of the port authority as provided in this act.

Construing.

The provisions of this section shall not be construed, however, to affect or impair any contracts entered into prior to the creation of a port authority.

C. 40:68A-27. Construed liberally.

27. This act shall be construed liberally to effectuate the legislative intent and as complete and independent authority for the performance of each and every act and thing herein authorized, and a port authority shall not be subject to regulation as to its service charges or as to any other matter

whatsoever by any officer, board, agency, commission or other office of the State.

C. 40:68A-28. Constitutionality.

28. If any section, subsection, clause or provision of this act shall be adjudged unconstitutional or to be ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not ineffective it shall be valid and effective and no other section, subsection, clause or provision of this act shall on account thereof be deemed invalid or ineffective, and the inapplicability or invalidity of any section, subsection, clause or provision of this act in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance or under any other circumstance.

29. This act shall take effect immediately.

Approved September 1, 1948.

CHAPTER 350

AN ACT concerning the practice of optometry, amending sections 45:12–1, 45:12–8, 45:12–9, 45:12–11, 45:12–14 and 45:12–19 of the Revised Statutes, and supplementing chapter twelve of Title 45 of the Revised Statutes.

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

Section amended.

1. Section 45:12–1 of the Revised Statutes is amended to read as follows:

Practice of optometry defined.

45:12–1. Optometry is hereby declared to be a profession, and the practice of optometry is defined to be the employment of objective or subjective means, or both, for the examination of the human eye for the purpose of ascertaining any departure from the normal, measuring its powers of vision

and adapting lenses or prisms for the aid thereof. A person shall be deemed to be practicing optometry within the meaning of this chapter who in any way advertises himself as an optometrist, or who shall employ any means for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof, practice, offer or attempt to practice optometry as herein defined, either on his own behalf or as an employee or student of another, whether under the personal supervision of his employer or preceptor or not, or to use testing appliances for the purpose of the measurement of the powers of vision or diagnose any ocular deficiency or deformity, visual or muscular anomaly of the human eye or prescribe lenses, prisms or ocular exercise for the correction or the relief thereof or who holds himself out as qualified to practice optometry. Nothing in this chapter shall be construed to apply to the sale of toy glasses or goggles consisting of plano-white or plano-colored lenses or ordinary colored glasses, nor shall it apply to duly licensed physicians and surgeons authorized to practice medicine under the laws of this State.

Construing.

Section amended.

2. Section 45:12–8 of the Revised Statutes is amended to read as follows:

Certificate displayed.

45:12–8. Every person practicing optometry shall display his registration certificate or certificates, together with his registration renewal certificate or certificates, in a conspicuous place in the office or offices wherein he practices optometry, but not in such manner that they may be seen from the outside of such office or offices, and, whenever required, exhibit the registration and renewal certificates to the board or its authorized representatives. Every office or place of business where an optometrist is practicing shall have displayed on a sign so as to be read on the outside of the office or place of business the name of each optometrist practicing therein. When practicing the profession of optometry outside of or away from the office or place of business, he shall deliver to each

patient a bill for professional services rendered, which shall contain his full name, home post-office address and the address of his principal office in this State, the number of his certificate, and his signature.

Notice of change in address.

Every person practicing optometry in New Jersey shall notify the board in writing of any change of address or location of his office or offices at least five days prior to occupying said new office, returning therewith the appropriate registration renewal certificate or certificates and the board shall issue a new registration renewal certificate or certificates for the new office location or locations.

Section amended.

3. Section 45:12–9 of the Revised Statutes is amended to read as follows:

Annual renewal fee, branch offices.

45:12–9. Every registered optometrist shall, on such date as the board may determine, annually pay to the secretary of the board a registration renewal fee of five dollars ($5.00), for which he shall receive a renewal of his registration.

A nonactive registration renewal certificate shall be issued to those not practicing within the State and should a nonactive registrant desire to practice during the registration year he may, upon payment of one dollar ($1.00) to the secretary-treasurer and the return of the nonactive registration renewal certificate for cancellation, be issued an active registration renewal certificate.

The board shall have the power to issue, upon proper application and payment of the prescribed fees, branch office registration certificates to active licensees when, in its discretion, such action serves the public interest; *provided,* that nothing herein contained shall permit the board to deny branch office registration certificates to active licensees who have conducted branch offices prior to September first, one thousand nine hundred and forty-seven; *and provided,* that the board shall not issue more than two branch office registration certificates to any one licensee after January first, one thousand nine hundred and forty-eight.

Proviso.

Proviso.

Every licensee holding an active registration renewal certificate who may practice at any place other than the address for which his active registration renewal certificate is issued shall be required to obtain from the secretary-treasurer for a fee of ten dollars ($10.00) a branch office registration certificate for each and every location wherein he practices; *provided,* that nothing herein contained shall be construed to require an active licensee to obtain a branch office certificate for the purpose of serving on the staff of a hospital or institution which receives no fees (other than entrance registration fees) for the services rendered by the optometrist and that the optometrist receives no fees or compensation directly or indirectly for such services rendered; *and further provided,* that nothing herein contained shall be construed to require an active licensee to obtain a branch office certificate for the purpose of rendering necessary optometric services for his patients confined to their homes, hospitals or institutions.

Proviso.

Proviso.

Every licensee holding a branch office registration certificate or certificates shall, on such date as the board may determine, annually pay to the secretary a registration renewal fee of five dollars ($5.00) for each branch office registration certificate he holds, for which he shall receive a branch office registration renewal certificate or certificates.

In case of default in payment of registration renewal fees by any registered optometrist, his certificate or certificates to practice may be revoked by the board upon twenty days' notice to said optometrist of the time and place of considering such revocation; but the certificate or certificates shall not be revoked if the person so in default pays such fees before or at such time of consideration named by the board.

Branch office registration certificates and branch office registration renewal certificates shall be displayed in the offices for which they are issued as provided for in section 45:12–8 of this Title.

4. Section 45:12–11 of the Revised Statutes is amended to read as follows: Section amended.

Revocation of certificate, grounds.

45:12–11. The board shall have the power, and it is hereby made its duty, to refuse to grant, to revoke or to suspend for a specified time, to be determined in the discretion of the board, any license to practice optometry in the State of New Jersey for any of the following causes:

a. Loaning, selling, or fraudulently obtaining any optometry diploma, license, record, or certificate, or aiding or abetting therein.

b. Gross incompetence, as determined by the board.

c. The obtaining of any fee by fraud or misrepresentation or the practice of deception or fraud upon any patient or patients.

d. Chronic and persistent inebriety, or the habitual use of narcotics.

e. Affliction with a contagious or infectious disease which in the opinion of the board, renders practice of optometry by the licensee or applicant for license dangerous to the public health.

f. Conviction of a crime involving moral turpitude; or where any licensee or applicant for a license has pleaded non vult contendere or non vult to any indictment, information, allegation or complaint, alleging the commission of a crime involving moral turpitude, or where any licensee or applicant for a license presents to the board any diploma, license, or certificate that shall have been obtained, signed, or issued unlawfully or under fraudulent representation. The record of conviction or the entry of such a plea in any court of this State or any other State or in any of the courts of the United States or any foreign country, shall be sufficient warrant for the revocation or suspension of a license.

g. Conviction in a court of competent jurisdiction of a high misdemeanor.

h. False, fraudulent or misleading advertising of the practice of optometry or of any art, skill, knowledge, method of treatment or practice per-

Proviso.

taining thereto; *provided, however,* that nothing herein contained shall be construed to prohibit any person licensed under the provisions of this chapter to issue appointment cards to his patients, when the information thereon is limited to matter pertaining to the time and place of appointment and that permitted on the professional card, or to display the name of the licensee on the premises where he is engaged in the practice of his profession upon the windows or doors thereof and by doorplates, or name or office directory when the information is limited to that of the professional card; but the name and title of the licensee and the other information used shall not be displayed in lettering larger than four inches in height for street-level offices nor larger than six inches in height for offices above street-level and shall not be illuminated except during his office hours, and under no circumstances by any colored or neon lights, nor shall any eyeglass or eye sign, whether painted, neon, decalcomania, or any other, either in the form of eyes, or structure resembling eyes, eyeglass frames or eyeglasses or spectacles, be displayed in any manner.

i. Announcing his name in any city, commercial, telephone, or other public directory, or directories in public or office buildings using display or boldface type or type that is in any way dissimilar in size, shape, or color to that used for other practitioners of the healing arts in the same directory.

j. Displaying any spectacles, eyeglasses, eyeglass or spectacle frames or mountings, goggles, lenses, prisms, spectacle or eyeglass cases, ophthalmic material of any kind, optometric instruments, or optical tools or machinery, or any merchandise, material, or advertising of a commercial nature in office windows or reception rooms or in display cases outside of the offices, where the display of such merchandise, material or advertising would make it visible from the street.

k. Displaying his licenses, diplomas, or certificates in such a manner that they may be seen from the outside of the office.

l. Using the title doctor or its abbreviations without further qualifying this title or abbreviation with the word optometrist.

m. Use by an optometrist of the words, "clinic," "infirmary," "hospital," "school," "college," "university," or "institute" in English or any other language in connection with any place where optometry may be practiced or demonstrated; *provided, however,* that nothing in this section shall prevent an optometric clinic, approved by the board, from being conducted on a nonprofit basis by a school or college of optometry or an association of registered optometrists.

n. The continuance of an optometrist in the employ of, or acting as an assistant to optometrists or any optometrist, either directly or indirectly, after he has knowledge that such optometrists or optometrist is violating the laws of New Jersey concerning the practice of optometry.

o. Any conduct which, in the opinion of the board, is of a character likely to deceive or defraud the public.

Proceedings for the revocation of a certificate or suspension of the right to practice shall be begun by filing with the board a written charge or charges against the accused. These charges may be preferred by any person or the board may on its own motion direct its secretary to prefer the charges.

5. Section 45:12–14 of the Revised Statutes is amended to read as follows: Section amended.

45:12–14. All rulings of the board in refusing to issue or refusing to renew, or suspending, or revoking any certificate of registration shall be conclusive and binding unless the party in interest shall within sixty days of the ruling apply for a review by certiorari or proceeding in the nature Refusal, revocation, or suspension of certificates reviewable by certiorari.

thereof to a court of competent jurisdiction and said court is hereby authorized and empowered to review and correct the action of the board, and the board shall forthwith carry out the judgment of the court on such review. Such review may be applied for according to the practice of such court and the board, if ordered so to do, shall transmit to the court all documents and papers on file in the matter, together with a transcript of the evidence, the findings, and the rulings, and all matters pertaining to the same.

Section amended.

6. Section 45:12–19 of the Revised Statutes is amended to read as follows:

Illegal practices.

45:12–19. No person, not a holder of a certificate of registration duly issued to him, shall practice optometry within the State, and no person shall falsely personate a registered optometrist of a like or different name, nor buy, sell or fraudulently obtain a certificate issued to another. No person shall directly or indirectly for himself or others do or engage in any acts or practices specifically prohibited to duly registered optometrists by the provisions of section 45:12–11 of this chapter.

No person shall peddle spectacles, eyeglasses or lenses or practice optometry from the house to house or on the streets or highways notwithstanding any law providing for the licensing of peddlers. This shall not prohibit, however, an optometrist from attending, prescribing, and furnishing spectacles, eyeglasses or lenses to a person who by reason of an illness, or physical or mental infirmity is confined to his place of abode, or to a hospital or other institution.

C. 45:12-18.1. Records exclusive property of optometrist.

7. The record of an optometrist of the examination of a patient, including patient's name, address, age, occupation, and all findings and pertinent facts concerning the patient discovered and disclosed during the course of such examination, as well as the record of professional services rendered and the fees charged therefor shall, because of the confidential nature in the relationship, be

the exclusive property of the optometrist who rendered the professional services to the patient. Any unauthorized use by any other person, firm or corporation of the information contained therein shall constitute an infringement of the property rights of the patient and the optometrist, and shall subject the offender to a civil suit for damages by the person aggrieved.

C. 45:12-18.2. Sections severable.

8. In the event that any section, paragraph, clause, sentence or part of this act shall for any reason be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not impair the remainder thereof, but shall be confined strictly in its operation to the particular clause, section, paragraph or part thereof so held to be invalid.

Note: Repealer.

9. All parts or other acts inconsistent with the provisions of this act are hereby repealed.

Note: Act effective.

10. This act shall take effect October first, one thousand nine hundred and forty-eight.

Approved September 1, 1948.

CHAPTER 351

AN ACT authorizing the State of New Jersey to participate in a Federal program of flood control, making an appropriation for the same purpose.

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

C. 58:16A-1. Flood control, State participation.

1. It is hereby declared that the State deems it advisable to participate in a Federal program of flood control in the State of New Jersey in the manner hereinafter described.

C. 58:16A-2. Treasurer authorized to receive funds.

2. The State Treasurer is hereby authorized to receive from the Federal Government any moneys

which the Federal Government shall offer to the State of New Jersey for reimbursement for expenditures or otherwise in connection with any Federal flood control project in the State of New Jersey. The treasurer is also authorized to receive from any county or municipality of the State reimbursement for expenditures made by the State in the first instance for flood control projects, the cost of which expenditures is to be borne by the counties or municipalities of the State as hereinafter described. The treasurer is authorized, upon the receipt of any allotment of moneys from the Federal Government for reimbursement of expenditures or otherwise in connection with a flood control project and upon the receipt of any money from a county or municipality of the State in connection with a flood control project, to deposit such moneys to the credit of the general fund.

C. 58:16A-3. Appropriation, use.

3. The sum of two hundred seventy-five thousand dollars ($275,000.00), or so much thereof as may be needed, if and when appropriated, shall be used for payment by the State of the costs of the State's participation in Federal flood control projects and for engineering connected with these projects including personal services and expenses. The money when appropriated shall be available for the cost of relocation and reconstruction of State highways, including structures; for channel improvements; for check dams; for quarries; gravel pits, spoil banks and borrow pits; for access roads; for camp sites; for relocation of buildings, structures and facilities; for relocation of the properties, structures, service lines and connections incident thereto of public service utilities, both publicly and privately owned; for rights-of-way and for other related purposes contemplated by and incidental to said flood control projects. The moneys when appropriated shall also be available for payment by the State for the relocation and reconstruction of streets, sidewalks, public grounds, parks, cemeteries, water supply systems, sewer systems and lighting systems of municipal corporations, county

roads and town highways, including structures and including rights-of-way.

No part of the moneys when appropriated shall be available unless and until the Federal Government shall have authorized one or more flood control projects within the State of New Jersey and shall have allotted funds for carrying out such project or projects.

C. 58:16A-4. Area of projects.

4. The projects herein authorized consist in general of all projects for flood control lying wholly or partially within the State of New Jersey which have been or may be approved by the Federal Government and for which Federal funds shall be made available.

C. 58:16A-5. Commissioner of conservation authorized to act.

5. The commissioner of conservation is hereby authorized and directed for and in behalf of the State to carry out the State's participation in a Federal program of flood control, if and when such program shall be authorized by law, to sign all necessary agreements, and to do and perform all necessary acts in connection therewith to consummate the intent and purpose running with the approval by the Federal Government of flood control projects in the State of New Jersey and the allotment of moneys for such projects, if, as and when made by the Federal Government. He is authorized and empowered, notwithstanding any other law of this State, to carry out the provisions of this act and to perform and do such other and further acts not hereby specifically provided in this act as may be necessary to carry out the projects herein authorized and so as to conform with the act and the rules, regulations and requirements of the Federal Government made to govern the expenditures. Work, except work which shall be done under and pursuant to section seven of this act, may be carried out by contract or by department forces or by a combination of these two methods. However, if the commissioner of conservation deems it to be in the interest of the public, he may agree with a municipal corporation affected by such work, to have its contractor or its forces and equipment per-

form such work, upon such terms as the commissioner of conservation may deem advantageous to the State. The commissioner of conservation shall exercise his powers and duties with respect to the said flood control projects in a manner that will comply with any Act of Congress applicable thereto and any rules and regulations made and promulgated by virtue thereof.

C. 58:16A-6. Relocation of streets, buildings, etc.

6. The commissioner of conservation shall carry out the relocation and reconstruction of streets, sidewalks, public grounds, parks, cemeteries, water supply systems, sewer systems and lighting systems of municipal corporations, county roads, and town and township highways made necessary by the construction of Federal flood control projects.

State to pay cost.

The total cost of such relocation and reconstruction for a flood control project shall be paid by the State.

C. 58:16A-7. Municipal participation.

7. The governing body of any municipality may participate with the State of New Jersey in a Federal program of flood control and, in such case, the cost to be borne by the municipality shall be determined in written agreement executed between the commissioner of conservation and the municipality. The money so required shall be paid by such municipality to the State and shall be raised by tax or pursuant to the local finance law, or in accordance with any local charter or law, as the case may be. All such funds shall be deposited with the State Treasurer and shall be payable on the audit and warrant of the Treasurer on vouchers approved by the commissioner of conservation.

C. 58:16A-8. Removal or relocation of public utility facilities.

8. Whenever the commissioner of conservation shall determine that the construction of a Federal flood control project requires the removal, relocation and reconstruction of any plants, works, holders, pumping stations, pipes, mains, tunnels, bridges, tracks, generating or switching stations, substations, transformers, conduits, cables, wires, towers, poles, or other structures, equipment, apparatus, or appurtenances (herein called "facilities") of any public utility, as defined in section

48:2–13 of the Revised Statutes, the public utility owning or operating such facilities shall remove, relocate and reconstruct the same, upon the order of the commissioner of conservation, and the total cost and expense of the removal, relocation and reconstruction of such facilities, including the cost of installing such facilities in a new location or new locations, and the cost of any lands or any rights or interests in lands, or any other rights, required to accomplish such removal, relocation and reconstruction, shall be considered as a part of the cost of the work. In case of any such removal, relocation and reconstruction of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate such facilities in their former location. No order of the commissioner of conservation for the removal, relocation and reconstruction of any such facilities shall be effective unless such order shall have been approved by the Board of Public Utility Commissoiners.

Approval of order.

C. 58:16A-9. Acquiring property, eminent domain.

9. (1) Commissioner of conservation, for the people of the State of New Jersey, shall acquire any property or interest therein necessary for purposes connected with the flood control project by gift, devise or purchase, or by condemnation in the manner provided in chapter one of the Title Eminent Domain (20:1–1 et seq.), and enter upon and take property in advance of making compensation therefor where for any reason he cannot acquire the property by agreement with the owner. Upon the commissioner of conservation exercising the right of condemnation and entering upon and taking land in advance of making compensation therefor, he shall present a petition and proceedings shall be had to fix the compensation, to be paid to the owner, as provided in said chapter one of the Title Eminent Domain.

Payment of awards.

(2) Awards and judgments after condemnation proceedings shall be paid out of State treasury from moneys appropriated for purposes connected with flood control projects.

Payment of expenses.

(3) The expense of such acquisitions including the cost of making surveys, and preparing descriptions and maps of property to be acquired, serving notices of appropriation, making appraisals and agreements and of searches ordered and examinations and readings of title, and expenses incurred by the commissioner or Attorney-General in proceedings for removal of owners and occupants, shall be deemed part of the cost of such flood control projects.

Right of entry.

(4) Notwithstanding the provisions of any general, special or local law, the commissioner of conservation, his officers or agents, and the officers, agents or contractor of the United States when engaged on flood control projects, may enter upon property for the purpose of making surveys, test pits, test borings, or other investigations. Claim for any damage caused by such work may be adjusted by agreement by the commissioner of conservation without taking such property, and payment shall be made in like manner as provided in this act for property taken for flood control purposes.

C. 58:16A-10. May lease or sell property.

10. The commissioner of conservation (a) may determine whether any property taken for any of the purposes connected with flood control projects pursuant to this act may be leased, sold or exchanged on terms beneficial to the State, and in all cases of such determination he may lease, sell or exchange such property; in order to carry any such lease, sale or exchange into effect the commissioner of conservation is hereby authorized to execute and deliver, in the name of the people of the State, a quit-claim or lease of such property.

May convey to United States.

(b) May also convey to the United States for flood control purposes all right, title and interest of the State in and to any property heretofore or hereafter so taken for any of such purposes for

which reimbursement by the United States is made in accordance with section two of the Federal Flood Control Act of one thousand nine hundred and thirty-eight being public, numbered seven hundred sixty-one, Seventy-Fifth Congress, and including improvements made thereon for such purposes. Such conveyance shall be by deed or instrument of quit-claim, executed by the commissioner of conservation in the name of the people of the State, delivered to the Federal authority having jurisdiction. This paragraph shall not prevent reservations, if any, in such a conveyance, agreed to by such commissioner and Federal authority, to protect leases or easement, if any, theretofore lawfully made or created by such commissioner. Whenever the United States, acting by and through said Federal authority having jurisdiction, shall cause to be filed in the office of the Secretary of State of this State, a duplicate original of the deed or instrument of conveyance to the United States of any such property for the purposes therein specified, such jurisdiction as may be required for flood control purposes is thereupon ceded to the United States over the property described in said deed or instrument of conveyance, during the time that the United States shall be or remain the owner thereof and shall use such property for flood control purposes.

Agreement as to value.

(c) Is hereby authorized to agree with the United States as to the value of the property taken and for legal damages caused by any such taking thereof, as and for reimbursement by the United States and the commissioner of conservation is authorized to convey such property to the United States, in the manner herein provided, specifying in such conveyance that the consideration stated therein is the agreed value of such property and legal damages, and is in full reimbursement thereof by the United States.

C. 58:16A-11 Attorney-General to certify title.

11. The Attorney-General is hereby authorized and empowered to certify to the United States of America or a department, agency or authority

thereof having jurisdiction therein, the right, title or interest vested in the people of the State of New Jersey in and to property acquired for the purpose of this act for which reimbursement is to be made by the United States of America to the people of the State of New Jersey.

C. 58:16A-12. Termination of easement, certificate, filing.

12. If the commissioner of conservation shall determine subsequent to the taking of a temporary easement right in property that the purposes for which such easement right was acquired have been accomplished and that the use and occupancy of said property for flood control purposes are no longer necessary, and that, therefore, the term of such easement should be further limited, or if the taking of such easement was for an indefinite period, that such period should be fixed and determined, or that the period of such easement has by its terms expired, he shall make his certificate that the use and occupancy of such property for flood control purposes are no longer necessary, that the property in which such easement right was acquired is surrendered back to the affected owner of said property and that such easement rights is thereupon terminated, released and extinguished. The commissioner of conservation shall cause a copy of such certificate to be field in the office of the Clerk of the Supreme Court. Upon the filing of such certificate in the office of the Clerk of the Supreme Court all rights acquired by the State in such property shall cease and determine. The commissioner of conservation shall cause a copy of such certificate together with notice of the filing thereof in the office of the Clerk of the Supreme Court to be mailed to the owner of the property affected, as certified by the Attorney-General, if the place of residence of such owner is known or can be ascertained by a reasonable effort. A further copy of such certificate and notice of filing shall be filed in the office of the recording officer of each county wherein the property affected is situated. On the filing of such certificate and notice with such officer it shall be the duty of such

State's rights to cease.

officer to record same in the books used for recording deeds in the office of such officer.

C. 58:16A-13. Power of eminent domain.

13. If the commissioner of conservation deems it necessary to acquire immediately any property which is in the bed or beds of any streams, lakes, streets, roads, highways or rights-of-way for purposes connected with the flood control projects, he may proceed in the manner provided in chapter one of the Title Eminent Domain (20:1–1 et seq.) or in the manner provided in chapter seven of the Title Highways (27:7–22 and 27:7–23).

C. 58:16A-14. Maintenance of projects.

14. After the completion of flood control projects or a portion thereof and after such project or portion thereof has been formally turned over to the State by the Federal Government, such completed works shall be maintained by the commissioner of conservation under the controlling principle that flood control is the primary purpose.

C. 58:16A-15. Payment of moneys.

15. The moneys hereby appropriated shall be payable on the audit and wararnt of the treasurer on vouchers approved by the commissioner of conservation.

C. 58:16A-16. Not to exercise powers.

16. Notwithstanding any other paragraph of this act, the Commissioner of Conservation shall not exercise any of the powers granted hereinunder until said project or projects shall have been first approved by an act of the Legislature.

Approved September 8, 1948.

CHAPTER 352

AN ACT relating to judges of the court of common pleas, and amending section 2:6–2 of the Revised Statutes.

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

Section amended.

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

Term.

2:6–2. Each judge of the court of common pleas shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office for a term of five years. Vacancies shall be filled by appointment for the unexpired term only.

2. This act shall take effect immediately.

Approved September 10, 1948.

CHAPTER 353

AN ACT concerning disorderly persons, and supplementing chapter two hundred two of Title 2 of the Revised Statutes.

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

C. 2:202-32. Disorderly person.

1. Any person who shall willfully cut any tree, shrub or vine upon, or remove any earth, gravel or sand from, any land belonging to another person in this State, without his consent, or who shall willfully cause injury or damage to, or destroy, any live stock, poultry, cultivated crop, orchard, fence, sign, signboard, notice or building, belonging to any other person, while on such person's land

without such person's consent, shall be adjudged a disorderly person and upon conviction shall be punished accordingly.

2. This act shall take effect immediately.

Approved September 10, 1948.

CHAPTER 354

AN ACT to provide an administrative office for the courts.

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

C. 2:16A-1. Administrative director, qualification, salary.

1. There shall be a State office to be known as the Administrative Office of the Courts with an Administrative Director appointed by the Chief Justice of the Supreme Court pursuant to Article VI, section 7, paragraph 1, of the Constitution to serve at his pleasure as the head thereof. The Administrative Director to be so appointed shall be a bona fide resident of the State of New Jersey and shall have been such a bona fide resident of this State for not less than three years immediately prior to his appointment. The compensation of the director shall be fixed by the Chief Justice at a rate not exceeding fifteen thousand dollars ($15,000.00) per annum. The director shall cause a seal of office to be made in such design as the Chief Justice shall approve and judicial notice shall be taken of such seal.

Seal.

C. 2:16A-2. Duties.

2. The director, with the approval of the Chief Justice, shall appoint and fix the salaries of such employees as may be necessary to perform the duties vested in him by this act. The director and such employees shall not engage directly or indirectly in the practice of law or other gainful pursuit, and shall not be subject to the provisions of Title 11, Civil Service.

C. 2:16A-3. Functions of director.

3. The director shall, subject to the direction of the Chief Justice, perform the following functions:

(a) Examine the administrative methods, systems and activities of the judges, clerks, stenographic reporters and employees of the courts and their offices and make recommendations to the Chief Justice with respect thereto.

(b) Examine the state of the dockets of the courts, secure information as to their needs for assistance, if any, prepare statistical data and reports of the business of the courts and advise the Chief Justice to the end that proper action may be taken.

(c) Prepare and submit budget estimates of State appropriations necessary for the maintenance and operation of the courts and make recommendations with respect thereto.

(d) File requests for appropriations or permission to spend, as request officer for the Supreme and Superior Courts and, as approval officer, approve and sign all encumbrance requests and statements of indebtedness on behalf of said courts.

(e) Make necessary arrangements for accommodations for the use of the Supreme and Superior Courts and the clerks thereof and for the purchase, exchange, transfer and distribution of equipment and supplies for said courts and clerks.

(f) Investigate and collect statistical data and make reports relating to the expenditures of public moneys, State, county and municipal, for the maintenance of the courts and the offices connected therewith.

(g) Examine, from time to time, the operation of the courts, investigate complaints with respect thereto, and formulate and submit to the Chief Justice recommendations for the improvement thereof.

(h) Act as secretary of the judicial conference held pursuant to Supreme Court rules.

(i) Attend to such other matters as may be assigned by the Chief Justice.

C. 2:16A-4. Other officers and officials to co-operate.

4. All judges, clerks, and stenographic reporters and their assistants and employees, shall comply with any and all requests made by the director for information and statistical data bearing on the state of the dockets of the courts and such other information as may reflect the business transacted by them and the expenditure of public moneys for the support of the courts and the officers connected therewith. All law enforcement officers shall comply with any and all requests made by the director for information and statistical data bearing on the operation of their offices.

C. 2:16A-5. Annual report.

5. The director shall submit annually as of June thirtieth to the Chief Justice, a report of the activities of the Administrative Office of the Courts together with his recommendations.

C. 2:16A-6. Act effective.

6. This act shall take effect on September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 355

AN ACT relating to the administration of justice in civil actions and revising part of the statutes.

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

C. 2:26-59.1. Service of summons.

1. Service of summons upon an individual, a partnership, or an unincorporated association which is subject to suit under a recognized name, may be made as follows:

(a) Upon an individual other than an infant or an incompetent person, by delivering a copy thereof to him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some competent member of his family of the age of fourteen years or over then residing

therein; or by delivering a copy thereof to a person authorized by appointment, or by law, to receive service of process on his behalf;

(b) Upon an infant by delivering a copy thereof personally (1) to his father, mother or the guardian of his person or a competent adult member of his family with whom he resides, or if service cannot be made upon any of them, then as provided by order of the court, and (2) if the infant be of the age of fourteen years or over, also to the infant;

(c) Upon an incompetent person, by delivering a copy thereof personally (1) to the guardian of his person or a competent adult member of his family with whom he resides or, if he is living in an institution, then the director or chief executive officer of the institution, or if service cannot be made upon any of them, then as provided by order of the court, and (2) unless the court otherwise orders, also to the incompetent person;

(d) Upon a partnership by serving in a manner prescribed in paragraph (a) of this section a partner, a managing or general agent or an officer;

(e) Upon an unincorporated association which is subject to suit under a recognized name by serving in the manner prescribed in paragraph (a) of this section, an officer or a managing or general agent.

C. 2:26-59.2. Service of summons in civil actions.

2. Service of summons, in any civil action, upon any defendant of the description hereinafter set forth, may be made as follows:

a. In the case of a domestic corporation in the manner provided by section 2:26–43 of the Revised Statutes;

b. In the case of a foreign corporation in the manner provided by section 2:26–44 of the Revised Statutes;

c. Service by publication on a domestic corporation in the manner provided by section 2:26–45 of the Revised Statutes, with the effect provided by section 2:26–46 of the Revised Statutes;

d. In the case of a domestic or foreign corporation by service on the Secretary of State in the manner provided by and with the effect stated in sections 2:26–47 to 2:26–52 of the Revised Statutes;

e. In the case of a foreign insurance company by service upon the Commissioner of Banking and Insurance in the manner provided by and with the effect stated in sections 2:26–53 and 2:26–54 of the Revised Statutes;

f. In the case of a foreign fraternal beneficiary association by service upon the Commissioner of Banking and Insurance in the manner provided by and with the effect stated in sections 2:26–55 and 2:26–56 of the Revised Statutes;

g. In the case of a banking, saving, trust, guaranty, safe deposit, indemnity, mortgage, investment, loan and building corporation or association, by service upon the Commissioner of Banking and Insurance in the manner provided by and with the effect stated in section 2:26–57 of the Revised Statutes;

h. In the case of a person, copartnership, association or corporation licensed to conduct the business of making small loans, by service upon the Commissioner of Banking and Insurance in the manner provided by and with the effect stated in section 2:26–58 of the Revised Statutes; or

i. In the case of a foreign building and loan association, by service on the Commissioner of Banking and Insurance in the manner provided and with the effect stated in section 2:26–58.1 of the Revised Statutes.

C. 2:26-59.3. Service of summons on county or municipality.

3. If defendant is a county or a municipality the summons shall be served in the manner provided by section 2:26–59 of the Revised Statutes.

C. 2:26-59.4. Service of summons outside of State.

4. Whenever in an action affecting specific property, or any interest therein, or any res within the jurisdiction of the court, it shall appear by affidavit of the attorney for the plaintiff or of any person having knowledge of the facts, that a defendant cannot, after diligent inquiry, be served within the State, service may be made upon him

(a) in a State of the United States or the District of Columbia in the same manner as if service were made within this State, except that service shall be made by a sheriff, constable, bailiff, or other officer having like authority in the jurisdiction wherein the service is made or by a person duly qualified to practice law in this State or the jurisdiction wherein service is made or by a person specially appointed by the court for that purpose; or

(b) by publishing a notice four times during four consecutive calendar weeks, once in each week, in a newspaper published in the county in which the venue is laid, or in actions or proceedings begun before the effective date of this act in which no venue was laid, in a newspaper published in the county in which the property or res affected is located, or if none be published therein, then a newspaper published in this State circulating in the county; and also by mailing, prior to the last publication, a copy of the notice and the complaint to the defendant, prepaid, to his residence or the place where he usually receives his mail unless it shall appear by affidavit that such residence or place is unknown and cannot be ascertained after inquiry. Such notice shall be in the form of a summons, but stating also briefly the object of the action, and why the person to whom it is addressed is made a defendant; and where the action concerns real estate, it shall state the municipality in which and the street or road on which the real estate is situate, with the street number of the same, if any, and if a mortgage is to be foreclosed, the parties thereto and the date thereof. Such inquiry shall be made by the plaintiff, his attorney actually entrusted with the conduct of the action, or by the agent of the attorney; it shall be made of any person who, the inquirer has reason to believe, possesses knowledge or information as to the defendant's residence or address or the matter inquired of; the inquiry shall be undertaken in person or by letter, and the inquirer shall state that

an action has been or is about to be commenced against the person inquired for, and that the object of the inquiry is to give him notice of the action, that he may appear and defend it; and when made by letter, postage or a postage stamp shall be enclosed sufficient for the return of an answer. The affidavit of inquiry shall be made by the inquirer; it shall fully specify the inquiry made, of what persons and in what manner, so that by the facts stated therein it may appear that diligent inquiry has been made for the purpose of effecting actual notice; or

(c) in such other or additional manner as may be provided by Rule of the Supreme Court or by order of the court having jurisdiction of the action.

C. 2:26-59.5. Service of summons on incompetents.

5. An infant or incompetent person shall be represented in an action by his guardian appointed in this State, whether appointed as to his person or property, or, if there be none appointed or if the court shall so direct because of a conflict in interest between guardian and ward or for other cause, then by his guardian ad litem appointed by the court.

An order for the appointment of a guardian ad litem may be made

(a) Upon a verified petition of an infant, if he be of the age of fourteen years, accompanied by the consent of the guardian ad litem to act, acknowledged by him.

(b) In the case of an infant under that age or of an incompetent, then upon petition of some friend on his behalf, accompanied by a like consent.

(c) Upon motion of another party to the action, where no petition is filed on behalf of the infant or incompetent and either his default has been entered by the clerk or in an action brought in a summary manner on order to show cause pursuant to Rules of the Supreme Court, ten days have elapsed after the service of the order or in a probate action brought on notice, ten days have elapsed after the mailing to him of the notice. Ten days' notice of the motion shall be given, in the

case of an infant, to his father, mother or the guardian of his person or a competent adult member of his family with whom he resides or, if notice cannot be given to any of them, then as provided by order of the court, and if the infant be of the age of fourteen years or over, notice shall be given also to the infant and in the case of an incompetent, to the guardian of his person or a competent adult member of his family with whom he resides or, if he is living in an institution, then the director or chief effective officer of the institution, or if notice cannot be given to any of them, then as provided by order of the court, and, unless the court otherwise orders, notice shall be given also to the incompetent. In a case where process is served personally, the notice may be served personally at the time of the service of process or at any time thereafter; in other cases it may be served either personally or by mail. In lieu of the provisions of this section, such notice of the motion may be given to such persons and in such manner as the court may on motion without notice order.

or (d) upon motion of the court.

C. 2:26-59.6. Service of summons where interest is unknown.

6. In any action in which the interests of a person not in being are or may be affected or in which it shall not be known or shall be difficult to ascertain who is the person or class affected thereby, the court in its discretion may appoint a party to the cause to represent such person or persons and the judgment of the court shall then be binding upon the person or persons so represented.

C. 2:26-59.7. Service of summons when name is unknown.

7. When it shall be necessary or proper to make a person a party defendant and it shall appear by affidavit of inquiry, made in the manner hereinafter provided, that the affiant has been unable to ascertain the name of the defendant or a part of his name or to ascertain his identity, the court may on motion with or without notice order the action to proceed against him, adding a description of his interest in the action and stating so much of his name as is known. The person intended shall thereupon be considered a defendant to the action

and as sufficiently described for all purposes, including service of process.

Such inquiry shall be made by the plaintiff, his attorney actually entrusted with the conduct of the action, or by the agent of the attorney; it shall be made of any person who, the inquirer has reason to believe, possesses knowledge or information as to the defendant's residence or address or the matter inquired of; the inquiry shall be undertaken in person or by letter, and the inquirer shall state that an action has been or is about to be commenced against the person inquired for, and that the object of the inquiry is to give him notice of the action, that he may appear and defend it; and when made by letter, postage or a postage stamp shall be enclosed sufficient for the return of an answer.

An affidavit of inquiry shall be made by the inquirer; it shall fully specify the inquiry made, of what persons and in what manner, so that by the facts stated therein it may appear that diligent inquiry has been made for the purpose of effecting actual notice.

C. 2:26-59.8. Service of summons affecting specific property upon status of defendant is unknown.

8. When it shall appear by such affidavit of inquiry in any civil action affecting specific property, or any interest therein, or any res within the jurisdiction of the court, that the affiant has been unable to ascertain whether or not any male or female person, who is a proper party defendant in such action, is married or, if married, that affiant has been unable to ascertain the Christian name of the wife of such male person or the Christian name and surname of the husband of such female person, as the case may be, or that the affiant has been unable to ascertain whether or not any person, who is a proper party defendant in such action, is still the owner of such specific property, or such res, or any interest therein, and has been unable to ascertain the names and residences of any of his successors in right, title and interest in the same, or that affiant has been unable to ascertain whether or not such person is still alive, or if such person is known or believed to be dead, that affiant has

been unable, in either case, to ascertain the names and residences of such person's heirs, devisees or personal representatives or his, their, or any of their, successors in right, title or interest in such property, or such res, or such interest therein, or of such of them as may be proper parties defendant in the action, it shall be sufficient description of any such person or of any such unknown person or persons, in any summons, notice, motion, advertisement, or otherwise, in such civil action and he and they may be made parties defendant according to such of the following descriptions as shall be appropriate to the particular case, that is to say:

(1) As to any such male person and such wife, if any he has, by designating such male person by his proper Christian name and surname as it appears of record or otherwise and by designating such wife by the Christian name and surname of such male person, as it so appears, with "Mrs." prefixed thereto; or

(2) As to any such female person and such husband, if any she has, by designating such female person by her proper Christian name and surname, as it so appears, and by designating such husband either

(a) By the name of such female, as it so appears, as "Mr. ....., husband of ....." using such surname of such female person in the first blank and such Christian name and such surname of such female person in the second blank; or

(b) By the name "John Doe, husband of ....., said name John Doe being fictitious," using the Christian name and surname of such female person in the blank; or

(3) As to any such person, whether such person is still alive or whether it is not known whether such person is alive or dead, or if such person is

known or is believed to be dead, and as to any such person's unknown heirs, devisees or personal representatives or his, their, or any of their, successors in right, title and interest in such specific property, or interest therein, or such res, thus "....., his heirs, devisees and personal representatives and his, their, or any of their, successors in right, title and interest," using the name of such person in the blank.

9. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. C. 2:26-59.9. Act effective.

Approved September 10, 1948.

CHAPTER 356

AN ACT concerning the service of summons in civil actions in certain cases, and amending sections 2:26–43 and 2:26–44 of the Revised Statutes.

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

1. Section 2:26–43 of the Revised Statutes is amended to read as follows: Section amended.

2:26–43. Service of a summons in a civil action commenced against a domestic corporation in any of the courts of this State may be made by delivering a copy thereof to an officer, director, trustee or a managing or general agent of the corporation personally, or by leaving a copy thereof at his dwelling house or usual place of abode with some competent member of his family of the age of fourteen years or over then residing therein, or by delivering a copy thereof to any person authorized by appointment or by law to receive service of process on behalf of the corporation, or by leaving a copy thereof at the registered office of the corporation with any person in charge thereof. Service of summons on domestic corporation.

Section amended.

2. Section 2:26–44 of the Revised Statutes is amended to read as follows:

Service of summons on foreign corporation.

2:26–44. Service of a summons in a civil action commenced against a foreign corporation may be made in the same manner as is provided in section 2:26–43 of the Revised Statutes for service of summons upon a domestic corporation.

Act effective.

3. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 357

AN ACT concerning sales of real estate under statutes or judicial proceedings, and amending section 2:75–1 of the Revised Statutes.

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

Section amended.

1. Section 2:75–1 of the Revised Statutes is amended to read as follows:

Advertising posting notice of sale.

2:75–1. In all cases whatsoever where any sheriff, coroner, master, executor, administrator, guardian, commissioner, auditor or other officer or person is authorized or required by any public statute or the direction of any court of competent jurisdiction in this State to make sales of real estate, he shall, unless otherwise specially directed or authorized by law, before making such sale, give notice of the time and place of such sale by public advertisement, signed by himself, and set up in the office of the sheriff of the county or counties where such real estate is situate and at the premises to be sold at least three weeks next before the time appointed for such sale. Such notice need not be set up at any other place.

Such officer or person, shall also cause such notice to be published four times in two newspapers to be by him designated, and printed and published in the county wherein the real estate to be sold is situate, at least once a week, during four consecutive calendar weeks. One of such newspapers shall be either a newspaper printed and published at the county seat of such county or a newspaper printed and published in the municipality in such county having the largest population according to the latest census. The first publication shall be at least twenty-one days prior and the last publication not more than eight days prior to the time appointed for the sale of such real estate.

Whenever, in the opinion of any such officer or person the ends of justice shall require it, or the sale so being conducted by him will be benefited thereby, the notice of such sale may be published in three of such newspapers instead of two as required by the second paragraph of this section, if there be that number printed and published in the county wherein the real estate to be sold is situate.

The officer or person so advertising in the newspapers shall be entitled therefor, in addition to his other fees, to the sum of one dollar and fifty cents ($1.50), except where it is otherwise specifically provided. Fee.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. Act effective.

Approved September 10, 1948.

CHAPTER 358

AN ACT concerning attachment, superseding sequestration as original process in civil actions of an equitable nature and repealing chapter forty-two of Title 2, and sections 2:29–88 to 2:29–109, inclusive, of the Revised Statutes.

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

C. 2:42-86. Terms defined.

1. Definitions. As used in this act.

a. "Applying claimant" includes all persons having a claim against a defendant who shall have been admitted under the attachment by order of the court;

b. "Defendant" means the defendant in attachment;

c. "Judge" means a judge of the court out of which a writ of attachment issues;

d. "Plaintiff" means the claimant upon whose application a writ of attachment is issued.

C. 2:42-87. Construction of act.

2. Construction of act. This act shall be liberally construed, for the detection of fraud, the advancement of justice and the benefit of creditors.

C. 2:42-88. Issuance of writ, grounds.

3. Issuance of writ; grounds. A writ of attachment may issue out of the Superior or County Courts upon the application of any resident or nonresident plaintiff against the property, real and personal, of any person, corporation or organization against whom or which a summons might issue, upon proof, by affidavit entitled in the cause then proposed or then pending to the satisfaction of the court in which an action is about to be commenced, or to a judge thereof establishing:

a. The facts on which plaintiff would be entitled to an order in a civil action that a writ of capias ad respondendum issue, and in such cases the attachment may issue against a female, corporation or organization as though she or it were liable to

arrest in a civil action, except that, in actions founded upon a tort, an attachment shall not issue against a corporation upon which a summons can be served; or

b. That plaintiff has a cause of action, the nature and particulars of which he shall specify, and that defendant absconds from his creditors or is a nonresident of this State, and that summons cannot be served on him; but an attachment shall not issue hereunder againt the rolling stock of a common carrier of another State or against the goods of a nonresident in transit in the custody of a common carrier of this or another State; or

c. That a cause of action existed against a decedent which survives against his heirs or devisees, and that they or some of them are unknown or nonresident, and that there is property in this State by law liable to answer such cause of action; or

d. That plaintiff has a liquidated claim against the defendant, the nature and particulars of which he shall specify, and that the defendant is a nonresident of this State; or

e. That plaintiff has a claim of an equitable nature in which a money judgment is demanded against the defendant, the nature and particulars of which he shall specify, and that the defendant is a nonresident of this State; the writ of sequestration as original process in such actions being hereby superseded.

C. 2:42-89. Designation of unknown heirs or devisees.

4. Designation of unknown heirs or devisees. If the writ is awarded under paragraph "c" of section three of this act, plaintiff shall, in the writ, his complaint, and all subsequent proceedings in the action, designate by name such of the heirs or devisees as are known, and such of them as are unknown as "unknown heirs or devisees" of such decedent, which designation shall have the same force and effect as if all the heirs and devisees who are proper parties defendant had been named in the writ and subsequent proceedings.

C. 2:42-90. Order for writ, contents.

5. Order for writ; contents of order; bond to defendant; order for bail. Upon proof made as provided by section three of this act, the court, or judge thereof, shall make an order awarding plaintiff a writ of attachment against the rights and credits, moneys and effects, goods and chattels and real estate of defendant in this State, or, if the action is against defendant in a representative capacity, under his custody or control. The order shall direct that the writ shall issue, for such sum as the court, or the judge thereof shall fix. The order shall prescribe, if the court in its discretion so directs, the amount of the bond to be given by plaintiff to defendant with sufficient sureties to indemnify defendant for all damages resulting from the attachment and taxed costs of the action, if the action is dismissed, or if judgment therein is given for defendant.

Bond, amount.

Order for bail not issued.

If an attachment shall issue as herein provided an order for bail shall not be made.

C. 2:42-91. Issue of writ, practice and procedure.

6. Issue of writ; practice and procedure. Upon the filing, with the clerk of the court out of which a writ of attachment may issue, of the order awarding the writ, the proof upon which the order is founded and the bond, if any be required, approved by the court or any judge, the clerk shall issue a writ of attachment in duplicate for the sum directed in the order to the sheriff of the county wherein the property to be attached is located or found. Further writs may be issued prior to judgment on further affidavit and order. The practice and procedure in relation to the writ, its effect, levy and return, and in relation to the custody and sale of personal property attached, shall be the same in all cases of attachment. Any attack, upon the writ of attachment or the levy, by the defendant shall be by motion made before answer filed, but the motion shall not constitute a general appearance. The practice and procedure in relation to the vacation of the writ when improperly issued, shall be the same as for setting aside an order for bail except as otherwise herein provided.

7. Attachment against property of joint debtors. An attachment may issue against the separate and joint estate of joint debtors or any of them, either by their names or the name of the partnership or by whatever name they may be generally distinguished, or against their heirs, executors or administrators, or the heirs, executors or administrators or any of them. The estate so attached, whether separate or joint, may be sold or assigned for the payment of the joint debt. C. 2:42-92. Attachment against property of joint debtors.

In case of fraud by one of several joint debtors which accrues to the benefit of all the joint debtors an attachment may issue against the separate estate of such joint debtor or against the joint property of all.

8. Writ not proceeded upon not binding after twenty years. A writ of attachment upon which no proceedings are had for twenty years shall, at the expiration of that period, cease to bind the property and estate of defendant thereby attached. C. 2:42-93. Writ not to bind after 20 years.

9. Property exempt. Household goods and furniture not exceeding two hundred dollars ($200.00) in value of a debtor having a family residing in this State shall be exempt from attachment, except for a debt incurred in the purchase thereof. C. 2:42-94. Exempt property.

If the attaching officer believes that the goods and furniture exceed such value, he may attach and include them in his inventory and appraisement, and the family entitled to the exemption shall forthwith, on demand by the attaching officer, select, from the inventoried and appraised property, goods and furniture to the value of two hundred dollars ($200.00). A failure to make the selection shall be deemed to be a waiver of the exemption.

10. Wages and personal property not attachable in certain cases. Wages or other compensation for labor or services due to a nonresident employee shall not be attached at the action of a nonresident creditor or his assigns; nor shall the personal property in this State of a nonresident be attached at the action of a nonresident creditor, if such C. 2:42-95. Certain wages and personal property not attachable.

property is exempt from liability for debts by the law of the State of which the debtor and creditor are residents.

C. 2:42-96. Attachment may issue.

11. An attachment may issue against:

a. Females, married or sole;

b. Corporations not created by the laws of this State and not authorized to do business in this State;

c. Joint stock associations or organizations;

d. Corporations not created by the laws of this State but authorized to do business in this State, unless in any case the laws of the State in which such a foreign corporation is created do not permit attachments against corporations created by the laws of this State when authorized to do business in such foreign State.

C. 2:42-97. Claims against decedents.

12. Claims against decedent in hands of fiduciary, heir or devisee. An attachment may issue, for a claim against a decedent, against his nonresident executor, administrator, trustee, heir or devisee, in all cases where it might have issued against the decedent immediately prior to his decease.

C. 2:42-98. Property attachable for claims against decedent.

13. Property attachable for claims against decedent. When an attachment is issued against the executor, administrator, trustee, heir or devisee of a decedent as authorized by section twelve of this act, all real estate descended from or devised by such decedent to the heir or devisee and his personal estate in the hands of any of the above enumerated persons may be attached, and any or all of such persons or other persons may be joined as defendants in the same action.

C. 2.42-99. Distribution of proceeds.

14. Distribution of proceeds of attachment for claims against decedent. In the distribution of the proceeds of an attachment issued against the executor, administrator, trustee, heir or devisee of a decedent, plaintiff shall not be preferred, but he shall share ratably with the applying claimants.

C. 2:42-100. Attachment of legacy.

15. Attachment of legacy or distributive share for debts of legatee or next of kin. A legacy or distributive share of an estate in the hands of an executor, administrator or trustee may be attached

in an action based upon a claim against the legatee or next of kin.

C. 2:42-101. Attachment book, entries.

16. Attachment book; entries in. The clerk shall enter, in a book to be kept for that purpose, the names of the plaintiff and defendant, and the time of issuing the writ and the amount therein demanded, which book shall be a public record, accessible to the public.

C. 2:42-102. Execution of writ.

17. Execution of writ; inventory and appraisement. The sheriff shall make the levy within thirty days from the date of the writ, (a) in the case of real estate, by filing a certified copy of the writ in the office of the register of the county where such real estate is situate, or if there be no register thereof, in the office of the clerk of the county, (b) in the case of personal property other than choses in action, by serving a certified copy of the writ upon the person holding the same or by taking the same into custody, (c) in the case of choses in action, by serving a certified copy of the writ upon the person owing the same, or (d) in the case of legacies or distributive shares in an estate of a decedent, by serving a certified copy of the writ upon the fiduciary. The sheriff shall make a true inventory and appraisement of the property attached, shall endorse upon the writ and the duplicate thereof the levy made by him and shall annex thereto a copy of the inventory and appraisement. He shall file the same with the court, and mail notice of the levy to the plaintiff or his attorney, within five days after the levy.

C. 2:42-103. Property bound.

18. Property bound from time of execution of writ. The writ shall bind the attached goods and chattels, rights and credits, moneys and effects of defendant so attached from the time of the execution of the writ.

C. 2:42-104. Lien of writ, amendment, disposal of real estate, conveyance void.

19. Lien of writ on real estate of defendant; amendment of writ; rules and orders for disposal of real estate; conveyances by defendant void. The writ, from the time of its issue, becomes and remains a lien on the real estate of the defendant throughout the State, if issued from the Superior

Court, and, if issued from the County Court, on defendant's real estate in the county, even though the officer fails to attach the same or part thereof, and the defendant cannot thereafter assign, transfer or convey the same or any interest therein. The writ shall also be a lien upon all real estate acquired by defendant in the county after the issue of the writ and before final judgment; and the court or a judge may order the clerk to amend the return to the writ by annexing thereto a description of such real estate, and may make orders for the disposal thereof. All conveyances by the defendant pending the attachment shall be void against the plaintiff and applying claimants.

C. 2:42-105. Continuance of lien.

20. Continuance of lien. The lien given by section nineteen of this act shall continue to be a lien until the claims of plaintiff and the applying claimants are satisfied, the attachment is discharged or judgment is given against plaintiff and the applying claimants. The attached property, unless released as in this act provided, shall, during the pendency of the action, remain as security for any judgment which may be entered in the action.

C. 2:42-106. Conveyance of attached property.

21. Conveyance of attached property after lien of attachment fixed. Any conveyance or transfer of the attached property or any interest therein, made after the issue of the writ of attachment, shall be absolutely void as against plaintiff and the applying claimants, and the judgment, execution and sale and conveyance under said writ, made pursuant to the provisions of this act.

C. 2:42-107. Judgment a lien.

22. Lien of judgment on defendant's real estate. The judgment in the action shall be a lien on defendant's real estate acquired either before or after the entry thereof.

C. 2:42-108. Custody of personal property, bond.

23. Custody of personal property attached; forthcoming bond. Personal property of a defendant attached as provided by this act shall remain in the safe-keeping of the attaching officer to answer and abide the judgment of the court, unless the person having possession or control of the attached property, at the time levy was made under

the writ, files with the clerk of the court a bond in such amount and form and with such sureties as the court by order may direct and approve, after notice to the plaintiff and any applying claimants. Any such bond shall in no event be in an amount less than the value of the attached property to be released, or greater than the amount of the claims of plaintiff and applying claimants when founded upon contract, or in an amount to be fixed by the court if the claims of plaintiff and applying claimants are founded in tort, plus in all cases a reasonable sum to cover all costs.

C. 2:42-109. Expenses of keeping personal property attached.

24. Expenses of keeping personal property attached. The attaching officer shall receive such compensation for the cost of storage, wages of watchmen and other expenses necessary to securely keep the personal property attached as shall be fixed by the court or a judge thereof to be paid by the parties or out of the proceeds of the attached property, as the court shall provide.

C. 2:42-110. Power of officer in executing writ.

25. Powers of officer in execution of writ. The attaching officer, if refused admittance after demand therefor, is empowered and required to break open any house, chamber, room, shop, door, chest, trunk or other place or receptacle where or in which he is informed or has reason to believe any money, goods, chattels, books of account, bonds, bills, notes, papers or writing of defendant may be deposited, secreted, had or found.

C. 2:42-111. Issuing writ, filing complaint.

26. Issue of writ and filing of complaint as commencement of action; summons unnecessary; complaint; answer. The issuance of a writ of attachment as provided by this act and the filing of the complaint as herein provided shall be the commencement of the civil action, and no summons shall be necessary to bring defendant into court.

The plaintiff shall file his complaint not later than ten days after the return of the writ as filed and shall serve upon the defendant notice of the attachment and levy and a copy of the complaint, within two weeks after the return of the writ is filed, or within such time as may be fixed by the

order of the court. Service of the same shall be made in the case of an individual defendant, other than an incompetent or infant, personally within or without the State as prescribed by the rules of court, or in any case, as the court may order. The defendant shall have twenty days after the service of the notice and complaint within which to serve his answer, or more against the complaint, the writ of attachment or the sheriff's levy thereunder.

Except as herein otherwise provided, the practice and procedure after defendant has been served as aforesaid shall be the same as in other civil actions.

The court upon application of the plaintiff alone, if there be no applying claimants or with the written consent of the applying claimants, if any, may enter an order of dismissal of the action and setting aside the attachment.

C. 2:42-112. Entry of default against defendant.

27. Entry of default against defendant. In default of a pleading as required by section twenty-six of this act, default may be entered against defendant, and the practice and procedure thereon for the entry of judgment by default and generally in the action shall be the same as in other civil actions, except as otherwise provided in this act.

C. 2:42-113. Applying claimant, affidavit, order.

28. Who may become applying claimant; affidavit; order. Any person having a claim against the defendant, whether his claim be due or not, upon an affidavit, made pursuant to the rules of court, and upon the order of the court, may be admitted as an applying claimant under the attachment.

C. 2:42-114. When and how appearance entered.

29. When and how appearance entered. Defendant in attachment, or his executor, administrator, heir or devisee, may, at any time before final judgment, enter his appearance in the action, in which event (a) no applying claimants may thereafter intervene, (b) the lien of the attachment, unless discharged as hereinafter provided, shall continue in favor of the plaintiff and the applying claimants, (c) proceedings with respect to the attached property may be had as if no appearance had been entered, and (d) any judgment in favor of the

plaintiff and applying claimants shall be general. If the defendant does not enter an appearance, any judgment shall be special against the attached property only.

C. 2:42-115. Claims by third persons, procedure.

30. Claims by third persons; procedure. Any person claiming the property attached may proceed in the action on order to show cause as prescribed in the rules of court. The claimant shall pay the costs of the proceeding brought by him if a finding shall be made that none of the property claimed belongs to him. If it is found that some of such property belongs to the claimant, the plaintiff shall pay the costs, in which even the plaintiff shall be reimbursed therefor out of the proceeds of the attachment before any distribution to any applying claimant.

C. 2:42-116. Release from attachment.

31. Release from attachment. The defendant and any person having possession or control of the attached property at the time levy was made under the writ may, at any time during the course of the action, secure the release of the property, in whole or in part, from the lien of the attachment and the return thereof to him, by filing with the clerk a bond in such amount and form and with such sureties as the court by order may direct and approve, after notice to the plaintiff and any applying claimants. Any such bond shall in no event be in an amount less than the value of the attached property to be released, or greater than the amount of the claims of plaintiff and applying claimants when founded upon contract, or in an amount to be fixed by the court if the claims of plaintiff and applying claimants are founded in tort, plus in all cases a reasonable sum to cover all costs.

C. 2.42-117. Sheriff's action to obtain possession of property in hands of third person.

32. Actions by sheriff to obtain possession of attached property in hands of third person. The court may order the institution and prosecution of appropriate actions and proceedings by the sheriff to obtain possession of any attached property in the hands of a third person, including the collection of attached choses in action and legacies and distributive shares in the estate of a decedent.

C. 2:42-118. Sheriff's general powers.

33. General powers of sheriff as to attached property. The sheriff, when so ordered by the court or a judge, may complete any attached goods which are in process of manufacture and put the same in a marketable condition, and may, under like order, put and keep the attached real estate in tenantable condition, and may, without such order, cause attached real estate or personal property to be insured against fire, making such expenditures out of any moneys in his hands as may be necessary for the purposes aforesaid. The court may make such further orders as may be necessary to protect and preserve the attached property pending the determination of the proceedings.

C. 2:42-119. Possession of real estate, collection of rents, leasing.

34. Possession by sheriff of attached real estate, collection of rents; lease of real estate. The court may order the sheriff to take possession and charge of the attached real estate and collect the rents, issues and profits thereof for the benefit of the plaintiff and applying claimants, and, to lease the same for terms not exceeding one year, and the court may make all necessary orders to assist the sheriff in obtaining possession of the same and collecting the rents, issues and profits thereof.

C. 2:42-120. Sale of real estate by sheriff, notice.

35. Sale of real estate by sheriff; notice. When final judgment in the attachment action shall be entered against defendant, the sheriff may, by order of the court, make sale, assurance and conveyance of the defendant's real estate on which the attachment remains a lien, or so much thereof as shall be necessary to satisfy the claims of plaintiff and applying claimants. Notice of any such sale shall be given as on a sale under execution. No such sale shall be had until after two months from the time of entering the writ of attachment in the clerk's office.

C. 2:42-121. Sale of personal property by sheriff, notice.

36. Sale of personal property by sheriff; notice. Personal property, including rights, credits, choses in action and effects, may be sold by the sheriff under order of the court or a judge thereof, either before or after final judgment and at private or public sale. Notice of a public sale shall be given as on a sale of chattels under execution.

C. 2:42-122. Plaintiff may become purchaser.

37. Purchasers at sale of real or personal property. Plaintiff or an applying claimant may become the purchaser at any sale of real or personal property herein authorized.

C. 2:42-123. Effect of sales by sheriff.

38. Effect of sales by sheriff. Every grant, bargain, sale, assignment, transfer, assurance, alienation and conveyance of the attached property, real or personal, made by the sheriff or other officer by virtue of this act, shall be as valid and effectual in law as if executed by defendant at and before the time when the attachment became a lien thereon.

C. 2:42-124. Execution on judgment, sale of attached property.

39. Execution to sheriff on judgment; sale of attached property. Plaintiff, when judgment is rendered for him in the attachment against defendant therein, may issue execution on the judgment directed to the sheriff or a coroner of the proper county, commanding him to proceed thereon as in other executions, and to sell the attached property as of the date of the issue of the writ of attachment, which shall be specified in the execution, or at any time thereafter.

Construing.

The provisions of this section and section forty of this act shall not be construed to affect the right of any party to proceed as otherwise provided in this act, but shall be taken to be an additional remedy.

C. 2:42-125. Sale by sheriff under execution.

40. Sale by sheriff under execution. A sale by a sheriff or coroner of the attached property pursuant to an execution issued pursuant to section thirty-nine of this act and a conveyance made pursuant thereto shall convey all the title to such property had by a defendant therein at the time of the issuance of the writ of attachment or by him acquired at any time afterwards.

C. 2:42-126. Payment to plaintiff.

41. Payments by sheriff to plaintiff or applying claimant. The sheriff, after final judgment, shall, as speedily as possible, convert all the attached property into money by the sale thereof. He shall, from the proceeds of such sale after paying costs and charges directed by order of the court to be paid therefrom, pay plaintiff's judgment, and distribute the residue, if any, among the applying

claimants whose claims have been allowed by the final judgment, in proportion to their judgments and costs but not in excess thereof.

He may, from time to time, make such partial payments to plaintiff or applying claimants as moneys coming into his possession will allow.

C. 2:42-127. Bond of plaintiff receiving payment, exceptions.

42. Bond by plaintiff and applying creditors receiving payments from sheriff; exception as to State or municipality. Except where defendant has entered his appearance as provided by this act, plaintiff and the applying claimants shall, before receiving payments from the sheriff as provided by section forty-one of this act, enter into bond to defendant in double the sums received, with sufficient surety approved by the court or sheriff, and conditioned to appear to any action that may be brought against him by defendant within one year next after the date of the bond and to pay to defendant any sums by them so received, which, by judgment in such action, shall be determined not to be due or owing to them, with the costs of such action. The bond shall be filed with the clerk of the court out of which the attachment issued for the benefit of defendant. If individual instead of corporate surety is given it shall consist of one or more freeholders of this State.

No bond need be given by the State or any municipality thereof when the State or any such municipality is the plaintiff or an applying claimant in such acton.

C. 2:42-128. Death of defendant not to abate proceedings.

43. Death of defendant not to abate proceedings. The death of defendant after the issue and entry of the writ of attachment shall not abate the action, which shall proceed to judgment, sale, transfer, distribution and final determination as if defendant were alive. All proceedings had and deeds made shall be as valid and effectual in law as if had and made in the lifetime of defendant. Any bond given to defendant by plaintiff or an applying claimant as provided by section forty-two of this act may, upon his death, be prosecuted to judgment in his name or the name of his personal representatives.

44. Errors in form or substance which do no substantial damage shall not vitiate the attachment proceedings, and the court may, at any stage of the proceedings, permit amendments of the pleadings, affidavits and process, or the submission of additional affidavits. C. 2:42-129. Errors in form or substance not to vitiate proceedings.

45. Chapter forty-two of Title 2, and sections 2:29–88 to 2:29–109, inclusive, of the Revised Statutes are repealed. C. 2:42-130. Repealer.

46. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. C. 2:42-131. Act effective.

Approved September 10, 1948.

CHAPTER 359

AN ACT concerning bonds of certain fiduciaries, and amending sections 3:8–1, 3:8–2 and 3:8–4 of the Revised Statutes.

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

1. Section 3:8–1 of the Revised Statutes is amended to read as follows: Section amended.

3:8–1. The court or surrogate appointing a fiduciary in any of the instances enumerated below shall secure faithful performance of the duties of his office by requiring the fiduciary thereby authorized to act to furnish bond to the Superior Court in such a sum and with such proper conditions and sureties, having due regard to the value of the estate in his charge and the extent of his authority, as the court shall approve: Bond furnished by fiduciary.

a. When an appointment is made upon failure of the will, or other instrument creating or continuing a fiduciary relationship, to name a fiduciary;

b. When a person is appointed in the place of and instead of the person named as fiduciary in the

will, or other instrument creating or continuing the fiduciary relationship;

c. When the office to which the person is appointed is any form of administration of the estate of an intestate or guardianship of a minor or mental incompetent, except where the guardian is appointed by will, in which event the requirement for bond shall be governed by the provisions of section 3:7–18 of this Title;

d. When letters are granted to a nonresident executor; or

e. When an additional or substituted fiduciary is appointed.

Where a fiduciary removes from the State the court may require him to give such security as it may determine.

When specific conditions as to a particular bond are prescribed by law no such bond shall be approved unless the prescribed conditions are included therein, and where by law security is authorized to be given other than by sureties on the bond, compliance with such law shall be deemed compliance with this section.

Construing.

Nothing contained in his section shall be construed to require a bond in any case where by law it is specifically provided that no bond need be furnished, nor shall anything contained in this section prevent the granting of letters testamentary on the estate of any deceased person to a nonresident executor, without security, in cases where the will provides that no security shall be required of the person named as the executor therein.

Section amended.

2. Section 3:8–2 of the Revised Statutes is amended to read as follows:

Bond where will fails to name obligee, prosecution.

3:8–2. When a will nominating an executor or devising or bequeathing property to a trustee by its terms requires the executor or trustee to give bond but is silent as to who shall be the obligee in the bond, the Superior Court of this State may be made the obligee therein and the bond shall be delivered to the surrogate of the county wherein the will was probated, or, if the will was probated

before the Superior Court, the bond shall be delivered to the clerk of the Superior Court.

The bond shall, on its delivery to the surrogate or clerk of the Superior Court, be examined by the surrogate or court, as the case may be, as to amount and sureties, and, if approved thereby, shall be filed in the office of the surrogate or clerk, as the case may be, and the bond shall thereupon be in full force and effect.

If forfeited, the bond may, on the order of a Judge of the Superior Court be prosecuted in any court of record, by and at the expense of a party aggrieved by the forfeiture, and in the name of the State at the relation of such aggrieved party and the money recovered thereon shall be applied toward making good the damage sustained by the failure to perform the condition, in such manner as the Superior Court shall direct.

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

3:8–4. The bond of an administrator of the estate of a person dying intestate shall be conditioned substantially as follows: Conditions of administrator's bond.

a. To make a true and perfect inventory of the personal property of the decedent which has or shall come to his hands, knowledge or possession or into the hands of any other person for him;

b. To exhibit in the office of the clerk of the Superior Court or of the surrogate of the proper county, as the case may be, the inventory within three months from the date of the obligation or within such further time as the court may allow;

c. To administer well and truly all the personal property of the decedent which may come into his hands or possession or into the hands or possession of any other person for him;

d. To make a just and true account of his administration within twelve months from the date of the bond or within such further time as the court may allow;

e. To deliver and pay to the distributees entitled thereto by law, after the account has been exam-

ined and allowed by the court, such surplus personal property of the decedent as may remain pursuant to the account; and

f. To deliver his letters of administration to the proper court, when required so to do, if a will of the decedent is found and exhibited to it and by it admitted to probate.

Act effective.

4. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 360

AN ACT concerning the recording and enrolling of pleadings, judgments, decrees and other papers by the Clerks of the Supreme Court and the Superior Court, respectively, and the destruction of the originals thereof and of certain other books, records and documents.

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

C. 2:1A-24. Records to be microfilmed.

1. When any cause has been finally determined in the Superior Court or the Supreme Court or in the former Court of Chancery, in the former Prerogative Court, in the former Supreme Court, or in the former Court of Errors and Appeals, and the time for appeal or review has expired and no appeal or proceedings to review the same has been taken, the Clerk of the Supreme Court and the Clerk of the Superior Court, respectively, shall, subject to the direction of the Administrative Director with the approval of the Chief Justice, record or enroll the pleadings, judgment, decree and other papers by the use of any photostatic, photographic or micrographic process whatever, including any photographic process which will pro-

duce compact records on films in reduced size (commonly known as microfilm), which in the judgment of the Chief Justice will insure an efficient recording system and provide, under proper supervision, for ready access to the record of the same, in any cause so recorded and any party to any action may, at his own expense, require the recording, in the same manner, of any other documents in any cause otherwise not required to be recorded.

C. 2:1A-25. Books to be microfilmed.

2. The Administrative Director with the approval of the Chief Justice hereby is authorized to direct the Clerk of the Supreme Court and the Clerk of the Superior Court, respectively, to cause to be copied or reproduced, page by page and in order, the contents of each book in which are entered, enrolled or recorded proceedings and decrees in causes in the former Court of Chancery or in the Prerogative Court and proceedings and judgments in causes in the former Supreme Court or the former Court of Errors and Appeals by the use of any photostatic, photographic or mechanical process whatsoever including any photographic process which will produce compact records on films in reduced size (commonly known as microfilm) which, in the judgment of the Chief Justice, will insure an efficient recording system and provide, under proper supervision, ready access to the record of such proceedings, decrees and judgments.

C. 2:1A-26. Method of performing work.

3. The work of reproducing or copying of such books and recording the papers as provided by section one and section two of this act may be done by employees in the office or may be contracted for, in accordance with all provisions of law relating to contracts entered into by State officers or agencies; *provided, however,* that the decision as to whether the work shall be done by employees in the office of the clerk or by contract shall rest with the Chief Justice and the clerk, who shall together consider whether the office of the clerk is or can be equipped therefor, the cost of such work by such employee or by contract, and the efficiency with which the work can be done either way.

Proviso.

C. 2:1A-27. Cost of work and equipment, payment.

4. The cost or costs of such work, however the same is to be done, including the cost of devices, machines, cameras, supplies, or other equipment to be purchased, if any, shall be approved by the Director of Budget and Accounting of the Department of the Treasury and, if approved, shall be paid out of funds heretofore or hereafter appropriated for that purpose, or out of funds heretofore or hereafter appropriated for other purposes to the court or to the clerk thereof, or both, in such amount or amounts as the Chief Justice, the clerk and the director shall agree is, are or will be available for such cost or costs.

C. 2:1A-28. Records as evidence.

5. After such copies or reproductions and recordings have been duly completed, and the records thereof properly marked, certified, and stored or filed, the record of the proceedings, decree and judgment in each cause so recorded shall be deemed to be the record and entry and enrollment thereof, and shall be as good and effectual in law, to all intents and purposes, as if the same were the original record, entry or enrollment; and photographs or microphotographs of any book, paper or record photographed or microphotographed as herein provided shall have the same force and effect as the originals thereof would have had, and shall be treated as originals for the purpose of their admissibility in evidence; duly certified, exemplified or authenticated copies of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs; and thereupon the Chief Justice shall give ten days' written notice to the Division of the State Library, Archives and History, in the State Department of Education, of his intention to destroy or otherwise dispose of the entry, enrollment books and record books and the papers from which the photographs or microphotographs have been made in causes seven years after said causes have been finally disposed of and the time for appeal or review has expired and no appeal or proceedings to review the same has been taken.

Notice ten days previous to disposal.

6. So many of such entry or enrollment books and record books as well as papers in a cause as are not in writing requested by the Division of the State Library, Archives and History, may be destroyed or otherwise disposed of in such manner as the Chief Justice shall deem proper. C. 2:1A-29. Distinction of books and records.

7. No original will shall be destroyed or otherwise disposed of under this act. C. 2:1A-30. Original wills not to be destroyed.

8. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. C. 2:1A-31. Act effective.

Approved September 10, 1948.

CHAPTER 361

AN ACT to amend "An act to prescribe a procedure for the collection and enforcement, in summary proceedings, of penalties imposed, and provided to be collected or enforced by summary proceedings or in a summary manner, by any statute heretofore or hereafter enacted," approved July twenty-first, one thousand nine hundred and forty-eight (P. L. 1948, c. 253).

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

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

2. Every district court in any city or in any judicial district in any county, and every county court in any county, and any other court upon which, or any magistrate or other judicial officer upon whom, jurisdiction is conferred by the statute imposing the penalty, shall have jurisdiction of proceedings for the enforcement of any such penalty by the procedure provided by this act. C. 2:72A-2. Courts jurisdiction.

Section amended.

2. Section seventeen of the act of which this act is amendatory is amended to read as follows:

C. 2:72A-17. Form of execution.

17. Execution shall be substantially in the following form:

County: ss—The State of New Jersey

(Seal of court or judicial officer.) to any (title of officer directed to serve process)

Greeting:

You are hereby commanded to levy and make of the goods and chattels of (name of defendant) the sum of dollars, penalty, and dollars, costs, which (name of plaintiff) by a judgment of (name of court or other judicial officer) rendered on the day of A. D. nineteen hundred and , recovered against the said (name of defendant) and also the costs thereof.

(If execution is issued in a county court, insert the following) "and for want of sufficient goods and chattels whereon to levy and make the same, then we further command you that you cause the whole or the residue, as the case may require, of said penalty and costs to be made of the lands, tenements, hereditaments and real estate whereof the said defendant (name of defendant) was seized on the day of nineteen hundred and , or at any time afterwards in whose hands soever the same may be," and forthwith pay the same to the said (name of plaintiff) or in absence, into said court.

(If body execution be awarded, insert the following) "and for want of sufficient property as aforesaid whereon to levy and make the same, to take the body of said (name of defendant) and convey to the common jail of the county aforesaid and deliver to the keeper thereof, who is hereby commanded to receive and keep in safe custody until the said penalty and costs

be fully paid, or in default thereof until the expiration of days from the delivery of the body of said (name of defendant) to said keeper, or until prior thereto be thence delivered by due course of law,"
and due and legal return make of the proceedings had on this execution.

Witness (name of judge or judicial officer) judge of the said (title of court) court, this day of A. D. 19 , at

.....
(Signature and title of clerk or court or judicial officer.)

Section amended.

3. Section nineteen of the act of which this act is amendatory is amended to read as follows:

C. 2:72A-19. Docketing money judgment.

19. Any money judgment rendered in proceedings instituted under this act in any court other than the county court, if not less than ten dollars ($10.00), excluding costs, remains due thereon may be docketed in the county court of the county in which the judgment was rendered.

(1) If the judgment was rendered in a district court, or in a court for the trial of small causes, said judgment shall be docketed in the same manner as other judgments of said courts are docketed and shall be of like effect.

(2) If such judgment is rendered in any court or before any judicial officer other than a county court, a district court, or a court for the trial of small causes, the procedure for docketing the same shall be as follows:

(a) There shall be filed with the clerk of the county court a statement signed by the court or judicial officer before whom the judgment was recovered, under his hand and seal, which shall state the name of the officer and his official title or that of the court before which such judgment was rendered; the parties for and against whom the judgment was rendered; the amount and date of the judgment; and the date of issuance and return of execution, if any, and;

(b) With said statement shall be filed an affidavit of the plaintiff or his attorney setting forth the amount then due and unpaid upon the judgment.

(c) The clerk of the county court shall keep a docket in which shall be entered a copy of the statement, certified as aforesaid, and a note of the amount due as shown by said affidavit, which entry, lawfully made, shall have the same force as a judgment of the county court.

(d) The court or judicial officer issuing the said statement shall be entitled to be paid for issuing the same, the sum of fifty cents ($0.50), and the clerk of the county court shall be entitled to be paid for filing said statement the sum of twenty-five cents ($0.25).

(e) The clerk of the county court shall make a complete alphabetical index to the docket in which such judgments are entered, and said docket shall be a public record to which all persons shall have access.

(f) If any such judgment shall be reviewed by appeal or by procedure in lieu of prerogative writs in the manner required by law or by Rules of the Supreme Court and proper surety given, if required, and such judgment shall be docketed as herein provided either before or after such removal, execution from the county court shall be stayed and suspended until the final determination thereof.

(g) After a judgment shall be docketed in the county court no execution shall issue thereon out of the court in which the same was rendered nor shall any proceeding be had therein except with respect of the taking of an appeal if an appeal be authorized, or with respect to review by procedure in lieu of prerogative writs.

(h) If any judgment docketed as hereinbefore provided shall be reversed upon appeal or review, the clerk of the county court shall enter in the margin of the docket opposite the

entry of such judgment, in short form, the substance of such determination upon the appeal or review upon the filing with him of a duly certified transcript of the judgment of any court other than said county court wherein such appeal or review may have been determined.

4. Section twenty-five of the act of which this act is amendatory is amended to read as follows: Section amended.

25. If the statute imposing the penalty provides for an appeal to the county court of the county in which the proceedings were had, the procedure upon such appeal shall be as follows: C. 2:72A-25. Appeal procedure.

(1) The party appealing shall, within ten days after the judgment is rendered,

(a) Serve, upon the opposite party and file with the court in which judgment is rendered, a written notice of appeal, signed by him or on his behalf, briefly describing the judgment and stating that he appeals therefrom to the county court, and,

(b) If the appeal be taken from a judgment imposing a penalty upon the appellant, deliver to the court, in which said judgment was rendered, a deposit in cash or a bond to the opposite party with at least one sufficient surety, in double the amount of the judgment, or if no money penalty or if imprisonment with a money penalty is imposed by the judgment, then in such sum not exceeding five hundred dollars ($500.00) as shall be fixed by said court, conditioned to prosecute the appeal and to stand to and abide by such further order or judgment as may be made against the appellant.

(2) Upon the taking of such appeal and the delivery of such deposit or bond, the court in which the judgment appealed from was rendered shall forthwith order the release of the appellant, if he be committed or in custody and thereafter no execu-

tion shall issue upon said judgment and such appeal shall operate as a stay of any execution theretofore issued thereon.

(3) The court in which the judgment appealed from was rendered shall send a transcript of the proceedings and judgment in the said cause, under the hand and seal of the said court, together with the bond or deposit, if any, to the clerk of the county court to which such appeal is taken, within ten days after the perfecting of such appeal as aforesaid.

(4) Within ten days after the perfection of such appeal, the appellant shall apply to a judge of the county court to which the appeal has been taken for an order fixing the date of hearing. Written notice of the time of hearing shall be served on the opposite party at least ten days before the date set for the hearing. If the appellant fails to apply to the court for such order or to give said notice, the court, unless good cause shall be shown, shall dismiss such appeal and enter judgment in the same terms as the judgment appealed from with costs of such appeal, if costs are allowed.

(5) The county court shall hear and determine such appeal de novo and in a summary manner and shall give judgment thereon with costs of such appeal if costs are allowed.

(6) Any judgment entered upon such appeal may be proceeded upon in the same manner as though the original proceedings had been instituted in said county court, and if judgment shall be given in favor of the appellant upon such appeal, any cash deposit made by the appellant on taking such appeal shall be returned to him and any such bond given by him shall be canceled.

(7) The procedure hereinbefore provided for appeal shall be available to one or any number of defendants against whom the judgment appealed from was rendered.

Note: Act effective.

5. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 362

AN ACT concerning certain powers, authority and property.

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

1. Upon the taking effect of the judicial article of the new Constitution:

C. 2:16-101. Powers vested in new courts.

(a) All powers of attorney and all authority to act as an agent of another heretofore given by grant or by operation of law to the clerk or register of any court abolished or superseded by the new Constitution shall have the effect of giving the power or authority to the clerk of the court succeeding to the jurisdiction of the court abolished or superseded.

(b) The right, title and interest of the clerk or register of any court abolished or superseded by the new Constitution in any bank account, safety deposit box, security or thing in action are fully and finally and without any right of reversion transferred to and vested in the clerk of the court succeeding to the jurisdiction of the court abolished or superseded, without further act or deed and the last mentioned clerk shall have and hold them in his own right as fully as the same were possessed and held by the clerk of the court from which it was, by operation of the provisions hereof, transferred. All the rights, obligations and relations of the clerk or register of any court abolished or superseded by the new Constitution to any person, creditor, depositor or beneficiary of any trust shall remain unimpaired and the clerk of the court succeeding to the jurisdiction of the court abolished or superseded shall succeed to all the relations, obligations, trusts and liabilities and shall execute and perform all the trusts in the same manner as though he had himself assumed the relation or trust or incurred the obligation or liability.

(c) The right, title and interest of the Chancellor, the ordinary, the Court of Chancery, the prerogative court, the Supreme Court and the circuit court or any justice of the Supreme Court or judge of the circuit court as such justice or judge in any bank account, safety deposit box, security or thing in action are fully and finally and without any right of reversion transferred to and vested in the "Superior Court of New Jersey," without further act or deed and the Superior Court shall have and hold them in its own right as fully as the same were possessed and held by the court or officer whom it was, by operation of the provisions hereof, transferred. All the rights, obligations and relations of the Chancellor, the ordinary, the Court of Chancery, the prerogative court, the Supreme Court and the circuit court or any justice of the Supreme Court or judge of the circuit court as such justice or judge to any person, creditor, depositor or beneficiary of any trust shall remain unimpaired and the Superior Court into which it has been transferred shall succeed to all the relations, obligations, trusts and liabilities and shall execute and perform all the trusts in the same manner as though it had assumed the relation or trust or incurred the obligation or liability.

C. 2:16-102. Authorized to sign papers.

2. The person holding the office of clerk of any of the courts abolished or superseded by the new Constitution and the Chancellor, the ordinary and the justice or judge of any court so abolished or superseded, in office on September fourteenth, one thousand nine hundred and forty-eight, shall, after September fourteenth, one thousand nine hundred and forty-eight, sign any paper and take any further action which is necessary or will assist in effectuating the provisions of section one of this act, in the same manner and with the same force and effect as if the courts and officers abolished or superseded by the new Constitution had continued to exist after September fourteenth, one thousand nine hundred and forty-eight.

C. 2:16-103. Procedure for withdrawing money.

3. No moneys on deposit to the credit of the Superior Court of New Jersey shall be drawn, except by draft or check signed by the clerk of the Superior Court and countersigned by a Judge of the Superior Court designated by order in writing of the Chief Justice of the Supreme Court, a certified copy of which order shall be filed with the depository.

C. 2:16-104. Assignments, satisfactions, etc., signed by clerk and judge.

4. All assignments, changes in registration, satisfactions, releases, transfers, discharges and other papers which must be executed by the owner in connection with any bank account, safety deposit box, security or thing in action held by the Superior Court shall be by signature of the clerk of the Superior Court, countersigned by a Judge of the Superior Court designated by order in writing of the Chief Justice of the Supreme Court, a certified copy of which order shall be delivered to the transfer agent or other interested person if requested.

C. 2:16-105. Act effective.

5. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 363

AN ACT concerning juries, amending section 2:89–2 and supplementing subtitle ten of Title 2 of the Revised Statutes.

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

C. 2:87A-1. Jury ordered and organized.

1. The grand jurors and petit jurors for each county shall be ordered in the Superior Court by the assignment judge and shall be organized by the assignment judge in the Superior Court, or in his absence, or by his order, in the County Court by a judge of that Court, and the petit jurors shall serve also as the petit jurors of the County Court.

Section amended.

2. Section 2:89–2 of the Revised Statutes is amended to read as follows:

Foreman to administer oaths, list certified.

2:89–2. The foreman of the grand jury shall, from the time of his selection until his discharge, have power to administer the usual oath to such witnesses as shall give evidence before the grand jury of which he is the foreman; and the foreman shall, before he is discharged, certify to the court, under his hand, the names of the witnesses sworn by him.

Note: Act effective.

3. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 364

AN ACT concerning the surrogates, revising parts of the statutes, and repealing certain statutes.

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

C. 2:1C-1 Provision to apply.

1. The provisions of Article 2 of Chapter 7 of Title 2 of the Revised Statutes shall be applicable to the surrogates continued in office by the new Constitution and to the surrogates elected pursuant thereto and to surrogates appointed to fill vacancies.

C. 2:1C-2. Surrogate's court, rules

2. Every surrogate shall hold a Surrogate's Court of the county and the practice and procedure before the surrogates and the Surrogates' Courts shall be governed by the rules made and promulgated by the Supreme Court applicable to the said surrogates and Surrogates' Courts as provided by law.

C. 2:1C-3. Surrogate not to act.

3. In the event of any dispute or doubt arising, in respect to which the surrogate is required not to act by the rules made and promulgated by the

Supreme Court, applicable thereto, and an application being made to the Probate Division of the County Court of the county pursuant to the said rules, the surrogate shall not further act in the matter except in accordance with the order of the said court. Every County Court, in its Probate Division, shall have jurisdiction to hear and determine all such disputes or doubts, and to hear, review and determine in a summary manner any order, determination or judgment made by the surrogate or the Surrogate's Court of the county, in accordance with said rules.

County court, jurisdiction.

4. Each surrogate may perform the services hereinafter mentioned as part of the routine work of his offices, for which he may charge the fees specified by law, which fees shall be paid to the county the same as all other fees received by the surrogates in the administration of their respective offices:

C. 2:1C-4. Surrogate's duties.

a. Prepare notices to creditors to present their claims and copies of the same, post such notices, send notices to newspapers with directions as to publication, prepare proofs of posting notices, take affidavits thereto, obtain proofs of publication, keep records of notices and newspapers to which they are sent for publication, and of moneys received to defray the cost of posting and advertising, and transmitting advertising charges to newspapers; and

b. Prepare notices of settlement of accounts and copies of the same, post such notices, prepare proofs of posting and take affidavits thereto, forward notices to newspapers with directions as to publication, obtain proofs of publication, keep a record of notices and newspapers to which they are sent and the moneys received to defray the cost of posting and advertising and transmitting advertising charges to newspapers.

5. Any oath, affirmation, affidavit, deposition or proof required to be made or taken in any proceeding before a surrogate or in the County Court of any county, or necessary or proper to be used be-

C. 2:1C-5. Oaths, etc., taken before surrogate.

fore the surrogate or the court, may be made and taken before the surrogate or deputy surrogate of the county or before any officer authorized by law to administer oaths.

Any oath of an executor, administrator or appraiser required by law to be taken to, upon or in connection with any inventory may be taken before any person authorized by law to administer oaths in this State.

C. 2:1C-6. May issue process.

6. A surrogate may issue process of subpœna to any person within the State to appear and give evidence in any cause or matter pending before him.

C. 2:1C-7. Nonappearance of witnesses, penalty.

7. Any person subpœnaed as a witness by a surrogate, who does not appear pursuant thereto, or appearing refuses to serve or give evidence, without reasonable cause assigned, shall, for every such default or refusal, be subject to a fine of not more than fifty dollars ($50.00) nor less than one dollar ($1.00), as the surrogate issuing the subpœna thinks proper to impose, which fine, when collected, shall be paid to the county.

Commitment upon default.

In default of the payment of a fine so imposed the witness shall be committed to the county jail of the county of the surrogate issuing the subpœna until the same is paid, unless sooner discharged by order of such surrogate.

C. 2:1C-8. Bonds filed.

8. The surrogate shall file all administration and guardianship bonds taken by him, and other written instruments required by law in the conduct of the business of his office.

C. 2:1C-9. Instruments to be recorded, books furnished.

9. The surrogate of each county, either as surrogate or Clerk of the Probate Division of the County Court of his county, shall record, in proper books to be kept for that purpose, which books shall be provided at the expense of the county in which they are to be used, the following instruments, documents and papers, among others:

a. As Clerk of the Probate Division of the County Court, all orders and judgments of such court;

b. Bonds required by law to be taken by him as surrogate or given pursuant to an order or judgment of the County Court;

c. Accounts of executors, administrators, guardians, assignees and trustees, all partitions, all sales of land and acceptances, and all revocations, requests, renunciations and releases, necessary or proper to be made, if desired by any party in interest;

d. Wills proved before him or the Probate Division of the County Court, together with the proofs thereof, including wills concerning personalty only;

e. Letters testamentary, of administration and of guardianship granted or issued by him, and all things concerning the same, and also all inventories proved before him;

f. Receipts and discharges given to executors, administrators, guardians or trustees upon the payment by them of legacies, distributive shares or moneys to the persons entitled thereto, or their executors or administrators, which receipts and discharges shall be acknowledged or proved as deeds of real estate are by law required to be acknowledged or proved and be recorded as provided by this act;

g. Receipts and discharges given to receivers, masters in chancery, trustees, or commissioners ordered to sell real estate, upon the payment by them, in the proper execution of their trust, of shares or sums of money to persons entitled by law thereto, or to their executors, administrators or legal representatives, which receipts and discharges shall be acknowledged or proved as deeds of real estate are required by law to be acknowledged or proved and be recorded as provided by this act.

C. 2:1C-10. Receipts and discharges recorded immediately.

10. The receipts and discharges mentioned in paragraphs "f" and "g" of section 9 of this act shall, upon their production by the proper executor, administrator, guardian, trustee, receiver, master or commissioner ordered to sell lands, or his execu-

tors or administrators, be immediately recorded, with the acknowledgment or proof thereof, in a book to be kept for the record of receipts and discharges by (a) the surrogate of the county in which letters testamentary, of administration or of guardianship have been or shall be issued, or (b) by the surrogate of the county wherein the receiver, master or commissioner resides or where the property relating to his trust was situate.

Endorsement.

The surrogate shall indorse on receipts and discharges recorded by him the book and page in which they are recorded, with the time of the recording, and shall sign his name thereto.

C. 2:1C-11. Transcript of receipts and discharges as evidence.

11. All records which a surrogate is, by section 9 of this act, except the record of receipts and discharges mentioned in paragraphs "f" and "g" of said section 9, or by any other law, required to keep, and transcripts thereof, certified under the hand and seal of office of the surrogate, shall have the same force, validity and effect as like records and properly certified transcripts of the prerogative office, or of the Superior Court or of a County Court, and shall be received as evidence in all courts of the State.

C. 2:1C-12. Record of receipts and discharges as evidence.

12. The record of receipts and discharges as provided by section 10 of this act, or copies thereof under the hand and seal of office of the recording surrogate, shall be received in evidence in all courts of record of the State, if it is shown to the satisfaction of any such court that the original receipt or discharge has been lost or that the person offering the copy in evidence is unable to produce the original.

C. 2:1C-13. Transcript of probate filed.

13. When a will is admitted to probate or letters of administration or guardianship are granted by the Superior Court, the executor, administrator or guardian shall file, in the office of the surrogate of the county in which the testator or intestate resided at the time of his death or in which the ward may reside, a transcript of the probated will, the proofs thereof, the order for probate and the letters testamentary, or a transcript of the letters issued, which

transcripts shall be duly certified by the clerk under the seal of the Superior Court and be recorded by the surrogate in his office.

C. 2:1C-14. May cause transcript to be recorded.

14. Any person interested may cause either of the transcripts mentioned in section 13 of this act to be recorded in the office of the surrogate before whom the will might have been probated or the letters granted.

C. 2:1C-15. May file certified copy.

15. When a will devising real estate has been duly admitted to probate before any surrogate of the State, or by the Superior Court or a County Court, any person interested therein may file with the surrogate of any county a certified copy of the will, the application or complaint for probate, the proofs thereof, the order or judgment for probate and the letters testamentary issued thereon. The surrogate shall thereupon record the same, which record, or a certified copy thereof, shall be received in evidence in any controversy respecting the title to real estate in that county as if the will had been originally admitted to probate before such surrogate.

C. 2:1C-16. Foreign wills.

16. A copy of any will or of the record of any will of a decedent not resident in this State at the time of his death, admitted to probate in any State of the United States, or in any foreign country, and of the certificate, order or decree of probate thereof, and, if title to land of such decedent depends or shall depend on the conveyance by an executor, administrator with the will annexed, or trustee or substituted trustee, of the record of the grant of letters testamentary thereon, or of the administration with the will annexed thereon, or of the copy of the letters testamentary thereon, or of administration with the will annexed thereon, exemplified and authenticated according to the act of Congress, if it be the record of any State of the United States, or certified in the manner required by the laws of the foreign country in which such will shall have been proved and recorded to make it legal evidence in such foreign country, if it be the record of a foreign country, heretofore or hereafter filed

and recorded in the office of the surrogate of any county in this State, shall, if it thereby appears that such will was executed in accordance with the laws of this State, have the same force and effect in respect to all lands and real estate whereof the testator died seized, as if such will had been admitted to probate and such letters testamentary or of administration with the will annexed thereon had been issued in this State; and such will and the certificate, order or decree of probate thereof shall be of like force and effect, although the records so exemplified or certified as aforesaid are or shall be devoid of or defective in respect to the proofs of the execution thereof, whenever it shall appear from the attestation clause or from the attestation clause and proofs attached to the will or forming part thereof that such will was executed in accordance with the laws of this State, and all conveyances of such real estate heretofore or hereafter made by any executor, or administrator with the will annexed, trustee, substituted trustee, or the survivor or survivors of them, or by any devisee or persons claiming under such devisee, shall be as valid as if such will had been admitted to probate and letters testamentary or of administration with the will annexed had been issued in this State, and such record or certified copies of such will, proofs, order for probate and letters or of the record thereof, shall be received in evidence in all the courts of this State.

C. 2:1C-17. Ancients wills recorded.

17. Where any will has been admitted to probate one hundred years or more, in any other State of the United States, or in any foreign country, if the testator thereof was, at the time such will was made, in the military or naval service of the United States, a copy of such will, together with the record of probate thereof, certified under the great seal of the State or country, or exemplified under the act of Congress of March twenty-seventh, one thousand eight hundred and four, may be recorded in the office of the surrogate of the county of this State where any lands therein devised may be

situate, although the State or country named in the will as testator's residence was not the State or country where such will was probated; and such record or certified copy thereof shall be receivable in evidence whenever the title to lands devised by such will shall come in question in any judicial proceedings in this State, and, when so received, shall be conclusive evidence that the lands devised in such will vested in the devisee, notwithstanding that such testator may or may not have been a resident of such State or country at the time of making such will or at the time of his death, if such will was executed in accordance with the laws of this State in force when such will was probated in such State or foreign country.

C. 2:1C-18. Conveyances under foreign will validated.

18. Whenever the will of any person residing in this State, who died prior to January first, one thousand eight hundred and ninety-five, which will has not been admitted to probate (or the probate thereof denied) in this State, but which has been admitted to probate in any State of the United States, and of which a copy, together with a copy of the certificate, order or decree of probate, or of the record thereof, duly exemplified and authenticated according to the act of Congress, has been filed and recorded, or hereafter shall be filed and recorded, in the surrogate's office of any county in this State, then for the purpose of making title to real estate in this State, if it shall appear either from the attestation clause attached thereto, or forming a part thereof, or by the certificate, order or decree of probate, or the proofs of probate, or from any and all of them, that such will was executed in the manner and form as required by the laws of this State, the record of such will shall have the same force and effect in respect to lands and real estate whereof the testator died seized as if such will has been admitted to probate in this State, and all conveyances of such real estate heretofore or hereafter made by any executor, trustee, or the survivors or survivor of them, or by any devisee, under such will shall be as valid as if such will had

been admitted to probate in this State, and such record, or certified copies thereof, shall be received in evidence in all courts of this State. Any person interested in such will, or thereunder, may cause such copy of such will, or of the record thereof, certificate, order or decree of probate and written proofs, if any there be, to be filed and recorded in the surrogate's office in any county of this State.

C. 2:1C-19. Authorized to sign entries of records and certificates.

19. The surrogate in office shall have authority, either as surrogate or clerk of the Probate Division of the County Court, to sign all entries of record and certificates of the filing of papers in his office, which signatures shall be as valid and effectual as if made by the surrogate or clerk of the Probate Division of the County Court at the time the entries of record or filings were or should have been made.

C. 2:1C-20. Records indexed.

20. The surrogate shall keep all papers and records appertaining to his office properly indexed, which index shall be alphabetical, and in which records of all official acts of the previous week, made of record in his office, shall, in so far as possible, be recorded, properly indexed as aforesaid.

Penalty.

For each and every week that the surrogate shall fail to comply with the provisions of this section, he shall forfeit the sum of ten dollars ($10.00), to be sued for and recovered, for the use of the county in which such failure shall occur, by the director of the board of chosen freeholders of such county, brought in his own name.

C. 2:1C-21. Record deemed valid, notice.

21. When any instrument required or permitted by law to be recorded in the office of any surrogate shall, for a period of three years or more, have stood on record in any of lawful and appropriate books of record in such office, such record shall, after the lapse of such period, be valid and effective as notice, notwithstanding the obliteration, destruction, obscuration or disappearance of the whole or any part of the record, of the acknowledgment thereto or proof thereof, or the certificates thereto or thereof; and such records and certified copies thereof shall be received in evidence in any court

of this State, and shall be as effectual as if the original instrument had been produced and proved.

C. 2:1C-22. May order new recording.

22. Whenever the record of any instrument of record in the office of the surrogate of any county of this State shall become so worn out, mutilated, obliterated or obscured as to endanger the title to real estate or other property, any judge of the Superior Court, or a judge of the County Court of any such county, may order such instrument to be recorded anew in a book to be kept in the office of such surrogate, which book shall be known as the book of rerecorded instruments, and transcripts thereof, when certified as such by such surrogate under his hand and seal of office, shall be received as legal evidence of the contents of any instrument so recorded in the courts of this State. All instruments so rerecorded shall be indexed in the appropriate books of indexes of such recorded instruments in such counties, being marked as reindexed. This section only shall govern the rerecording of instruments in the offices of the several surrogates of this State.

Indexed.

C. 2:1C-23. Records delivered to succeeding surrogate.

23. Upon the death or removal from office of any surrogate, or upon the expiration of his term of office, he, or his executor or administrator in case of his death, shall, upon oath or affirmation, deliver to the succeeding surrogate the minutes, papers, writings, documents, books and records of and belonging or appertaining to the office.

Penalty.

For refusal or neglect to so deliver upon demand therefor by his successor in office, the outgoing incumbent or his executor or administrator shall forfeit the sum of five hundred dollars ($500.00), to be recovered, with costs, in an action at law, by the county treasurer, for the use of the State.

C. 2:1C-24. Removal of records to fireproof building.

24. Where, in any county, an office has been or shall be built or provided, of materials not liable to be destroyed by fire, within half a mile of the courthouse, for the use of the surrogate, the surrogate shall, upon notice in writing for that purpose given to him by the director of the board of chosen freeholders, remove to the office so provided all the

Penalty.

books, records and papers appertaining to his office. If any surrogate shall neglect or refuse for thirty days after receiving such notice to so remove all such books, records and papers, he shall forfeit and pay, for each day he shall so neglect or refuse, after the expiration of the thirty days, the sum of ten dollars ($10.00), to be sued for and recovered by the director of the board of chosen freeholders, in the county where the delinquency shall happen, in his own name, for the use of the county when recovered.

C. 2:1C-25. Subject to rules, etc., of chief justice.

25. The surrogates and the Surrogates' Courts shall be subject to the rules, orders and directions of the Chief Justice of the Supreme Court, as the administrative head of all the courts in the State.

C. 2:1C-26. Repealer.

26. Articles one and two of chapter thirty-one of Title 2 and sections 2:31–90 and 2:32–92 of the Revised Statutes are repealed.

C. 2:1C-27. Act effective.

27. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 365

AN ACT concerning the county courts, revising parts of the statutes and repealing certain statutes.

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

ARTICLE 1. IN GENERAL

C. 2:1B-1. County court, powers, functions and duties.

1. The County Court of each county shall have and exercise all of the jurisdiction, powers and functions formerly had and exercised by the court of common pleas, orphans' court, court of oyer and terminer, court of quarter sessions and court of

special sessions of the county, and such other jurisdiction as may be conferred by law.

C. 2:1B-2. Judges, terms, appointment and qualifications.

2. The judges of the respective courts of common pleas shall constitute the judges of the County Court of such county, each for the period of his term of office which remains unexpired on September fifteenth, one thousand nine hundred and forty-eight, and thereafter the judges of the County Courts of each county shall be nominated and appointed by the Governor with the advice and consent of the Senate, each of whom prior to his appointment shall have been admitted to the practice of law in this State for at least ten years.

C. 2:1B-3. Number of judges, salary, term.

3. There shall be a judge of each County Court, and such additional judges as shall be provided by law, and the number of such judges of the County Court for each county, and their salaries and other compensation, and their terms of office shall be the same as heretofore provided for the judges of the courts of common pleas of the several counties by chapter six of Title 2 of the Revised Statutes, unless otherwise provided by law.

C. 2:1B-4. Courts bipartisan.

4. In every county in which there are or may be two or more judges of the County Court, all appointments to such judgeships shall be made in such manner that the appointees shall be, as nearly as possible, in equal numbers, members of different political parties, so as to constitute the County Court in any such county bipartisan in character.

Political parties defined.

The words "political parties" mean such political parties as shall have cast the largest and the next to the largest number of votes, respectively, for members of the General Assembly at the last preceding general election held for the election of all the members of the General Assembly, prior to the making of any such appointments.

C. 2:1B-5. Provisions applicable.

5. The provisions of chapter six of Title 2 of the Revised Statutes relating to the courts of common pleas, and the judges and employees thereof, shall be applicable to the County Courts, and the judges and employees thereof, except insofar as the same are inconsistent with the Constitution or this act.

C. 2:1B-6. Powers and functions transferred to chief justice.

6. The power formerly had, and exercised, by the Chief Justice of the former Supreme Court to designate and assign judges of the courts of common pleas of one county to perform the duties of the judge of a court of common pleas of another county, is hereby transferred to, and shall be exercised, as to the County Courts by the Chief Justice of the new Supreme Court.

C. 2:1B-7. Powers and functions transferred to judges of superior court.

7. The powers, duties and functions heretofore had and exercised by justices of the former Supreme Court sitting in the former courts of common pleas, orphans' courts, courts of oyer and terminer, courts of quarter sessions and courts of special sessions are hereby transferred to such judges of the Superior Court as shall be designated and empowered to similarly sit in the County Courts.

C. 2:1B-8. Divisions of county court.

8. The County Court of each county shall be divided into two divisions—a probate division for the exercise of the probate jurisdiction of the court—a law division for the exercise of the remaining jurisdiction, criminal and civil of the court.

C. 2:1B-9. Court clerks.

9. The surrogate of the county shall be the clerk of the probate division of the court, and the county clerk shall be the clerk of the law division of the court.

C. 2:1B-10. Officers of court.

10. The sheriffs and constables of the respective counties shall be officers of the County Court therein, and shall serve all orders and process of the court directed to them or any of them, to be served within their counties.

C. 2:1B-11. Sergeant-at-arms, powers.

11. In all counties where there is, or shall be, a sergeant-at-arms of the County Court, he shall have the same power and authority to serve process and warrants as duly elected constables, and shall receive the same fees therefor, which shall be in addition to the fees or salary paid him as sergeant-at-arms.

C. 2:1B-12. Service of process.

12. Service of all process, including writs of attachment and replevin, returnable in the County Courts, shall be made by the sheriff or other officer,

authorized by law, of the county in which the County Court is situated, except that a subpœna may be served by the sheriff or any person not a party who is eighteen or more years of age.

C. 2:1B-13. Service and return of process.

13. All process returnable in the County Court, when delivered to the sheriff of the county, shall be served and returned by him, subject to the regulations and penalties pertaining thereto, and with the compensation provided by law.

Manner of service.

Service shall be made in the manner prescribed by the rules made and promulgated by the Supreme Court.

C. 2:1B-14. Practice and procedure.

14. The practice and procedure in the County Courts with respect to all matters of a civil nature cognizable in those courts shall be governed by the rules made and promulgated by the Supreme Court, applicable to said courts as provided by law.

C. 2:1B-15. May issue process to give evidence.

15. The County Court may issue process to witnesses to give evidence in any cause before the court.

C. 2:1B-16. Adjournment.

16. The County Court may, upon application of either party and upon just cause shown, adjourn the hearing of a cause to another time.

C. 2:1B-17. Court stenographer.

17. The Judge of the County Court shall, upon the request of an attorney or counselor-at-law employed in any proceeding therein, appoint a competent stenographer to exactly and truly take notes of such proceeding, except the argument of counsel, and record verbatim the evidence in such proceeding; and, when requested, the stenographer shall make and furnish true transcripts of the testimony so recorded to the judge and to each of the parties to the proceeding. For such transcripts the stenographer shall receive the same fees as are paid to the stenographers of the Superior Court sitting in such county for transcripts of testimony.

Fees.

C. 2:1B-18. Successor judge to sign order or judgment.

18. When a judge of the County Court, by whom any judgment or order has been rendered, made or pronounced or any matter or cause heard and determined, or before whom any proceeding has been taken and determined, dies or goes out of office without having signed the judgment or order, his

successor in office, or the judge for the time being, shall sign the judgment or order. All judgments and orders so signed shall be as valid and effectual as if duly signed by the judge in office at the time they were made, rendered or pronounced.

C. 2:1B-19. May amend defects in proceedings.

19. In order to prevent the failure of justice by reason of mistakes and objection of form, the County Court may, at all time and in all cases, amend, with or without costs and upon such terms as to the court may seem fit, all defects and errors in any cause or proceeding, whether or not there is anything in writing to amend by and whether or not the defects or errors were those of the party applying to amend; and all amendments, necessary to determine in an existing cause or proceeding the real question in controversy between the parties or the real question raised on the application to amend, shall be so made.

C. 2:1B-20. Clerks docket.

20. The clerks of the several County Courts shall keep a book or record, which shall be known as the "clerk's docket," in which shall be entered and docketed all documents, pleadings and papers filed in every action or proceeding.

Docket indexed.

The clerk's docket shall be indexed in the name of all persons against whom all actions or proceedings are instituted or commenced.

C. 2:1B-21. Case numbered, notice to attorney.

21. Upon the entering of the summons or the first paper or document filed in any action or proceeding by the plaintiff's attorney, the clerk shall number the same and shall notify plaintiff's attorney of the number of the case so docketed, and, after the filing of any pleading or paper in the action by defendant's attorney, shall likewise notify defendant's attorney of the number of the case so docketed. Thereafter the attorneys shall number each and every document, pleading or paper filed by them in each and every such action, proceeding or case before filing the same with the clerk.

The clerk, after notification given as above provided, may refuse to file or receive any documents or papers, other than answers, replies or other pleadings, unless the number of the action, case or

proceeding appears thereon before filing and entering them upon the docket in all actions and proceedings begun, and submitted for filing.

C. 2:1B-22. Appeals.

22. Any person aggrieved by an order or judgment of the County Court may appeal therefrom to the Appellate Division of the Superior Court within the time and in the manner provided by the rules made and promulgated by the Supreme Court.

Article 2. Law Division

C. 2:1B-23. Actions brought in law division.

23. All actions brought in any County Court, on summons or otherwise, for partition, dower or curtesy, or damages because of waste, shall be brought in the Law Division of such court.

C. 2:1B-24. Statutory regulations applicable.

24. All statutory regulations governing civil actions of a legal nature, unless otherwise provided, shall be applicable to the Law Division of the County Courts.

C. 2:1B-25. May consolidate actions.

25. When an action is pending in the Law Division of any County Court and another action involving a common question of law or fact is pending in the same County Court, or in any district or municipal court of that county, the County Court may consolidate the actions and, to that end, remove the action pending in the district or municipal court.

C. 2:1B-26. Entitled to writ of possession.

26. When an order or judgment, made in the Law Division of any County Court, is for the delivery of the possession of real or personal property, party in whose favor it is entered is, upon application to the clerk, entitled, of course, to a writ of possession.

Article 3. Probate Division

C. 2:1B-27. Probate division jurisdiction.

27. Every County Court in its Probate Division shall have jurisdiction to hear and determine disputes or doubts arising before the surrogate or in the Surrogate's Court of the county, and to hear, review and determine in a summary manner any order, determination or judgment made by the surrogate or the Surrogate's Court of the county.

C. 2:1B-28 Powers.

28. Every County Court shall have power and authority to open, vacate, modify or set aside, or to direct the entry as of a former time, a decree, order or judgment heretofore, or hereafter, made by the surrogate or the Surrogate's Court of the county, or to grant or direct the granting of a new trial, or a new hearing in respect thereto for fraud, newly discovered evidence, clerical error or other sufficient cause; but only in like case, and in the same manner as courts of record and of general jurisdiction exercise similar powers. The practice and procedure in exercising the powers granted by this section shall, as nearly as practicable, be in accordance with the general practice prescribed for the Probate Division of the County Court by the rules made and promulgated by the Supreme Court.

Practice and procedure.

C. 2:1B-29. Service of summons.

29. Summons issued out of the County Court and process of attachment to compel obedience to, or the performance of, an order or judgment of the court may be issued into any county of the State, and shall be served by the sheriff or other proper officer of the county, to whom power is hereby given to serve and execute the same. Obedience to all its orders and process may be enforced by the court as if they had been served within the county from whence they issued.

C. 2:1B-30. Enforcement of process, orders, etc.

30. The Probate Division of the County Court may compel obedience to its process, orders, judgments and sentences by imprisonment of body or distress and sale of real estate and goods and chattels as fully and amply as any other court of record in this State.

C. 2:1B-31. May discharge prisoner.

31. Any person imprisoned by virtue of an order, writ or process, made by or issued out of the Probate Division of the County Court, may be discharged from his imprisonment by the court making the order or out of which the writ or process issued, in its discretion, whenever the ends of justice require the discharge.

C. 2:1B-32. May proceed on order to show cause.

32. The Probate Division of the County Court may, in any proceeding against executors, administrators, guardians, trustees or other persons, proceed by order to show cause, a copy of which shall be served as the court may direct upon the persons therein named.

C. 2:1B-33. Causes summarily heard.

33. All causes in the Probate Division of the County Court may be summarily heard and determined, unless otherwise provided by law or by the rules made and promulgated by the Supreme Court.

C. 2:1B-34. Minutes.

34. The surrogate, as clerk of the said division of the County Court, shall keep regular minutes of all trials and proceedings in the court.

C. 2:1B-35. Trial by advisory jury.

35. The Probate Division of the County Court, in its discretion, may try with an advisory jury, any issue of fact, not triable of right by a jury.

C. 2:1B-36. Judgments and orders signed by judge.

36. All judgments or orders of the Probate Division of the County Court, imposing a fine or ordering money to be paid by one person to another, shall be signed by the judge of the court and shall be recorded, and thereupon shall have the same liens and priorities as other civil judgments of the County Court, and like executions may issue thereon, except as provided in section 37 of this act. The court may, if necessary, enforce performance of and obedience to its judgments or orders by attachment, injunction or ne exeat in the same manner as in the Superior Court.

Enforcing performance.

C. 2:1B-37. Abstract filed before judgment becomes a lien.

37. No judgment of the Probate Division of the County Court shall be a lien upon or bind any real estate until a party interested therein files in the office of the Clerk of the Law Division of the County Court of the same county a statement or abstract thereof, stating the names of the persons against whom it is rendered, the time when it was signed, and the amount of the fine imposed or money therein ordered to be paid.

Abstract filed.

The Clerk of the Law Division of the County Court shall forthwith file such statement or abstract in his office, and record and index the same in the books for the recording and indexing of civil judgments of the County Court.

C. 2:1B-38. Execution recorded before becoming a lien.

38. No execution issued out of the Probate Division of the County Court shall be a lien upon or bind real estate, unless it shall, before it is delivered to the sheriff, be recorded in the book for recording executions issued out of the Law Division of said court.

C. 2:1B-39. Priority of judgments.

39. Judgments or orders of the Probate Division of the County Court shall have the same liens and priorities as judgments of the Superior Court, binding the real estate of the person against whom made, when a party interested therein files in the office of the Clerk of the Superior Court a statement or abstract thereof, certified by the county clerk or surrogate of the county wherein the same was made, stating the names of the parties thereto (designating particularly those against whom it was rendered), the time when it was signed, the amount of the debt, damages, costs, fine imposed or money therein ordered to be paid, with an affidavit annexed thereto stating the amount due on the judgment at the time of its filing, which affidavit shall be sworn to by the filing party or his attorney.

Abstract recorded.

The Clerk of the Superior Court shall forthwith record the statement or abstract so filed, in a proper book kept by him for that purpose, which book shall be properly indexed by such clerk and shall be a public record, to be accessible to all persons desiring to examine it.

C. 2:1B-40. Docketed judgment a lien.

40. When a judgment of the Probate Division of the County Court has been rendered against an executor, administrator, guardian or trustee and has been docketed in the Superior Court as provided by section 39 of this act, and the person against whom the judgment has been rendered is personally and individually liable thereon, no suit shall be necessary on such judgment or the bond as against such person, but such judgment, when so docketed, shall, on order of the said division of said County Court made as provided by section 41 of this act, bind the real estate of the person against whom it has been rendered as though it were a judgment of the Superior Court rendered

against him; and execution thereon shall issue as provided by said section 41 of this act.

C. 2:1B-41. Order executing judgment.

41. Execution on a judgment docketed as provided by section 39 of this act shall issue out of the Superior Court on order of the Probate Division of the County Court in which the judgment was made. The order shall specify how the execution shall issue, and a certified copy thereof shall be filed with the Clerk of the Superior Court. No such order shall be made except upon application therefor to the said division of said County Court by the applicant therefor and upon due notice to the person to be affected thereby, or his attorney.

C. 2:1B-42. Satisfaction of judgment.

42. Satisfaction of a judgment docketed as provided by section 39 of this act may be had either in the manner provided for satisfaction of judgments in the Superior Court, or by an order of the Probate Division of the County Court in which it was rendered, duly made, a certified copy of which shall be filed with the Clerk of the Superior Court.

C. 2:1B-43. Fee and costs.

43. The fees and costs allowed by law for services rendered under sections 39 to 42 of this act shall be a part of the amount due in the judgments mentioned in said sections.

C. 2:1B-44. Construing.

44. Nothing in sections 39 to 42 of this act shall be construed to affect any remedy against a principal or surety on a bond, or to make liable or release any principal or surety on a bond heretofore or hereafter made or given.

C. 2:1B-45. Order directing sale of real estate.

45. When a sale of real estate is ordered by the Probate Division of the County Court, the officer or person authorized or directed to make the sale may, in his discretion and unless it is otherwise provided in the order of sale, make the same at public or private sale and on such terms as he may deem most advantageous to the parties concerned therein. Any such sale shall not be valid until it is confirmed by the court ordering the sale upon a report thereof and proof before the court, by affidavit or otherwise, that the price obtained was a fair price and that the sale was not injurious to the interests of the parties concerned therein.

C. 2:1B-46 Bills of costs.

46. Bills of costs in the Probate Division of the County Court shall be drawn, taxed and filed by the surrogate, who shall, if the same be not paid, issue execution therefor against the real and personal property of the party adjudged to pay the same. The court may enforce the payment of the taxed costs by attachment or other process as other orders and judgments of the courts are enforceable.

C. 2:1B-47. Surrogate to pay fees from costs.

47. The costs, when paid or levied, shall be received by the surrogate, who shall pay therefrom to the sheriff and crier their fees as taxed, and the residue to the persons entitled thereto.

C. 2:1B-48. Repealer.

48. Article one of chapter seven of Title 2, article three of chapter thirty-one of Title 2, and sections 2:6–1, 2:31–93 and 2:31–94, of the Revised Statutes are repealed.

C. 2:1B-49. Act effective.

49. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 366

AN ACT concerning fees and costs in certain courts of this State, amending sections 22:4–14 to 22:4–16, inclusive, and 22:4–18, and repealing sections 22:2–7, 22:2–10 to 22:2–13, inclusive, 22:2–16 and 22:2–17.2 of the Revised Statutes.

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

C. 22:1A-1. Fees upon filing first papers in supreme court.

1. For services hereinafter mentioned, the Clerk of the Supreme Court shall be entitled to demand and receive the following fees:

Upon the filing or entering of the first paper or proceeding by either party in any action or proceeding, such party shall pay to the Clerk of the

Supreme Court twenty-five dollars ($25.00), which shall cover all costs payable therein except such as may be otherwise provided herein or provided by law or the rules of the court.

The first copy of any order, judgment or other paper shall be certified by the clerk and supplied to the attorney or litigant free of charge where such copy is furnished to the clerk for certification. All copies other than the first copy supplied as aforesaid, shall be furnished upon the payment of two dollars ($2.00) for the first twenty folios thereof; and ten cents ($0.10) for each folio in excess of twenty; *provided*, that a minimum charge of two dollars ($2.00) shall be made for any such copy. Proviso.

2. Counsellors attending the Supreme Court to make or oppose a motion shall be entitled to a fee of ten dollars ($10.00). C. 22:1A-2. Counsellor's fees.

For arguing a cause before the Supreme Court, counsellors shall be entitled to a fee of twenty-five dollars ($25.00).

No costs shall be taxed for more than one counsellor on each side.

3. The Supreme Clerk may by general rule or by a special rule in any action pending therein make such order for the payment of the cost of printing the record, briefs, appendices, and other proceedings, and other disbursements and expenses by either party, and the taxation and allowances thereon in the bill of costs as the court may deem just. C. 22:1A-3. Order for payment of printing, etc., costs.

4. Whenever any duly authorized ethics committee of a county or State bar association or lawyers' club, which has been recognized as such by the Supreme Court, shall make any application pursuant to the Rules of the Supreme Court, the clerk of said court shall issue process of subpœna, or any further orders pursuant to said section, without requiring the payment of any fee for the same. C. 22:1A-4. May issue process of subpœna without cost.

5. Upon the filing or entering of the first paper or proceeding by either party to any account or proceeding in the Law Division of the Superior C. 22:1A-5. Fee upon filing first paper.

Court, such parties shall respectively pay to the clerk of such court twenty-five dollars ($25.00), which shall cover all costs payable therein down to the final disposition of the cause, except such as may be otherwise provided therein or provided by law or the rules of court.

C. 22:1A-6. Filing fees law division.

6. Upon the filing, entering, docketing or recording of the following papers, documents or proceedings by either party to any action by proceeding of the Law Division of the Superior Court, the party or parties filing, entering, docketing or recording the same shall pay to the clerk of said court the following fees:

Entering remittitur or mandate from the Supreme Court or otherwise, two dollars ($2.00).

Filing and entering of rules or orders, litigated or unlitigated, upon consent or otherwise, including the taxation of costs (except as herein otherwise provided), three dollars ($3.00).

Filing retraxit or disclaimer, two dollars ($2.00).

Entering judgment on bond and warrant by attorney, five dollars ($5.00).

On the judgments or orders from other courts, two dollars ($2.00).

Satisfaction of judgment or other lien, one dollar ($1.00).

Recording assignment of judgment or records, two dollars ($2.00).

Issuing of executions and recording same, two dollars ($2.00).

Recording of instruments not herein stated, two dollars ($2.00).

The first copy of any order, judgment or other paper shall be certified by the clerk and supplied to the attorney or litigant free of charge where such copy is furnished to the clerk for certification. All copies other than the first copy, supplied as aforesaid, shall be furnished upon the payment of two dollars ($2.00) for the first twenty folios thereof and ten cents ($0.10) for each folio in excess of twenty; *provided*, that a minimum charge

Proviso.

of two dollars ($2.00) shall be made for any such copy.

C. 22:1A-7. May include necessary disbursements in bill of costs.

7. A party to whom costs are awarded or allowed by law or otherwise in any action, motion or other proceeding, in the Law Division of the Superior Court, is entitled to include in his bill of costs his necessary disbursements, as follows:

The legal fees of witnesses, including mileage for each attendance, masters, commissioners and other officers;

The fees for taking depositions, as provided by law;

The legal fees for publication where publication is directed pursuant to law;

The legal fees paid for a certified copy of a deposition or other paper or document, or map, recorded or filed in any public office, necessarily used or obtained for use on the trial of an issue of fact or the argument of an issue of law, or upon appeal, or otherwise;

The reasonable expenses of printing the papers and points for a hearing or argument;

Sheriff's fees for service of process or other mandate or proceeding;

All filing and docketing fees and charges paid to the clerk of court;

Such other reasonable and necessary expenses as are taxable according to the course and practice of the court or by express provision of law, or rule of court.

C. 22:1A-8. Schedule of costs awarded in law division.

8. Costs awarded to a party in any action, motion or proceeding in the Law Division of the Superior Court shall be as follows:

For all proceedings down to the final disposition of the cause. Except as herein otherwise provided or as otherwise provided by law or rules of court, fifty dollars ($50.00).

Upon the entry of judgment final, by default, or upon consent, or stipulation, or admissions, or by summary judgment, in all actions or proceedings, to the moving party, forty dollars ($40.00).

Upon any other litigated or special motion, subsidiary or interlocutory a sum to be fixed by the court or judge, in addition to necessary disbursements as provided by section 22:2–8 of this Title, not exceeding fifteen dollars ($15.00).

Where no sum shall so be fixed as allowance above provided, eight dollars ($8.00).

Upon an appeal to the Appellate Division of the Superior Court, ten dollars ($10.00).

In proceedings after judgment in aid of execution, if the result of the examination shall, in the opinion of the court or judge thereof, as evidenced by his certificate to that effect, show that such proceedings were well-founded, the moving party shall be allowed in addition to his necessary disbursements, as provided by section 22:2 of this Title, fifteen dollars ($15.00).

If the examination shows that said proceedings were not well-founded, the party against whom such proceedings were taken, shall be allowed in addition to such disbursements, ten dollars ($10.00).

C. 22:1A-9. Schedule of costs awarded in chancery division.

9. Costs awarded to a party in certain enumerated proceedings in the Chancery Division of the Superior Court shall be as follows:

Upon the completion and determination of the following actions the costs of plaintiffs, defendants, and other applicants, to the attorney, clerk (now State), als. (others), shall be as provided in the following schedules or forms.

PLAINTIFF'S COSTS—FORECLOSURE

	A. & C.	*Clk.*	*Als.*
Drawing pleadings, orders, writ and judgment	$50.00	.....	.....
Counsel fee	00.00	.....	.....
Filing pleadings, orders, writ and judgment	.....	$25.00	.....

	A. & C.	*Clk.*	*Als.*
Sheriff's fees and mileage	.....	.....	$00.00
Master's fees and depositions	.....	.....	00.00
Witness fees	.....	.....	00.00
Search fees	.....	.....	00.00
Printer's fees for publishing	.....	.....	00.00

PLAINTIFF'S COSTS—PARTITION

Drawing pleadings, orders and judgment	$70.00	.....	.....
Counsel fee	00.00	.....	.....
Filing pleadings, orders, writs and judgment	.....	$35.00	.....
Sheriff's fees and mileage	.....	.....	$00.00
Master's fees and depositions	.....	.....	00.00
Witness fees	.....	.....	00.00
Search fees	.....	.....	00.00
Master's fees on Report of Sale	.....	.....	00.00

PLAINTIFF'S AND RECEIVER'S COSTS—RECEIVERSHIP

Drawing pleadings, orders and judgment	$125.00	.....	.....
Counsel fee	00.00	.....	.....
Filing pleadings, orders, writs and judgment	.....	$35.00	.....
Sheriff's fees and mileage	.....	.....	$00.00
Actual disbursements (taxable)			.....

PLAINTIFF'S COSTS—RECEIVERSHIP

	A. & C.	*Clk.*	*Als.*
Drawing pleadings and judgment	$62.50	.....	.....
Filing pleadings, orders and judgment	.....	$35.00	.....

RECEIVER'S COSTS—RECEIVERSHIP

Drawing pleadings and order	$62.50	.....	.....

PLAINTIFF'S COSTS—DIVORCE

Drawing pleadings, orders and judgment	$30.00	.....	.....
Filing pleadings, orders, writs and judgment	.....	$25.00	.....
Master's fee, disposition, et cetera	.....	.....	$00.00
Sheriff's fees and mileage	.....	.....	00.00
Witness fees	.....	.....	00.00

PLAINTIFF'S COSTS—RELIEF OF OTHER CAUSES OF ACTIONS

Drawing pleadings, orders and judgment	$65.00	.....	.....
Counsel fee	00.00	.....	.....
Filing pleadings, orders, writs and judgment	.....	$25.00	.....
Sheriff's fees and mileage	.....	.....	$00.00
Witness fees	.....	.....	00.00

PLAINTIFF'S COSTS—INCOMPETENT

	A. & C.	*Clk.*	*Als.*
Drawing pleadings, order and judgment	$47.50	.....	.....
Counsel fee	00.00	.....	.....
Filing pleadings, orders and judgment	.....	$25.00	.....
Sheriff's fees and mileage	.....	.....	$00.00
Juror fees	.....	.....	00.00
Commissioners' fees..	.....	.....	00.00

PLAINTIFF'S COSTS—SALE OF LANDS

Drawing pleadings, orders and judgment	$50.00	.....	.....
Counsel fee	00.00	.....	.....
Filing pleadings, orders and judgment	.....	$25.00	.....
Master's fees and depositions and disbursements (taxable)	.....	.....	$00.00
Drawing and acknowledging deed	.....	.....	10.00
Approving bond	.....	.....	00.00
Witness fees	.....	.....	00.00

PLAINTIFF'S COSTS—RELEASE DOWER OR CURTESY

Drawing pleadings, orders and judgment	$50.00	.....	.....
Counsel fee	00.00	.....	.....
Filing pleadings, orders and judgment	.....	$25.00	.....
Master's fees and depositions	.....	.....	$00.00
Drawing and acknowledging deed of release	.....	.....	10.00
Witness fees	.....	.....	00.00

PLAINTIFF'S COSTS—MORTGAGE LANDS

	A. & C.	*Clk.*	*Als.*
Drawing pleadings, orders and judgment	$50.00	.....	.....
Counsel fee	00.00	.....	.....
Filing pleadings, orders and judgment	.....	$25.00	.....
Master's fees and depositions	.....	.....	$00.00
Witness fees	.....	.....	00.00

PLAINTIFF'S TAXED COSTS ON COMPLAINT FOR INTERPLEADER

Drawing pleadings, orders and interlocutory judgment	$35.00	.....	.....
Filing pleadings, orders and judgment	.....	$25.00	.....
Counsel fee as per judgment	.....	.....	$00.00
Sheriff's fees and mileage	.....	.....	00.00

TAXED COSTS OF PLAINTIFF ON APPLICATION FOR THE APPOINTMENT OF A TAX RECEIVER

Drawing pleadings, orders and judgment	$27.50	.....	.....
Filing pleadings, orders and judgment	.....	$25.00	.....
Serving copies of judgment and costs	.....	.....	$0.80

ON COMPLAINT FOR PAYMENT OF MONEYS INTO COURT; TO HOLD REAL ESTATE; TO LIMIT CREDITORS

Drawing pleadings, orders and judgment	$22.50	.....	.....
Filing pleadings, orders and judgment	.....	$25.00	.....

TAXED COSTS ON COMPLAINT FOR CUSTODY

	A. & C.	*Clk.*	*Als.*
Drawing pleadings, orders and judgment	$30.00	.....	.....
Filing pleadings, orders and judgment	.....	$25.00	.....
Sheriff's fees	.....	.....	$00.00
Master's fees and depositions	.....	.....	00.00
Witness fees	.....	.....	00.00
Serving copies of judgment and costs	.....	.....	.80

TAXED COSTS ON COMPLAINT FOR THE APPOINTMENT OF TRUSTEE OR SUBSTITUTED TRUSTEE

Drawing pleadings, orders and judgment	$33.50	.....	.....
Filing pleadings, orders and judgment	.....	$25.00	.....
Serving copies	.....	.....	$00.00
Serving copies of judgment and costs	.....	.....	.80

TAXED COSTS ON MOTION TO DISMISS A PLEADING

Drawing pleadings and order	$10.00	.....	.....
Filing fee on motion ..	.....	$00.00	.....
Serving copies of order and costs	.....	.....	$0.80

TAXED COSTS ON APPLICATION DIRECTING SPECIAL GUARDIAN TO PAY MONEYS OVER TO GENERAL GUARDIAN

Drawing pleadings and orders	$15.00	.....	.....
Serving copies of petition, et cetera	.....	.....	$00.00

TAXED COSTS ON APPLICATION TO DISCHARGE SPECIAL GUARDIAN

	A. & C.	*Clk.*	*Als.*
Drawing pleadings and orders	$12.00	.....	.....

TAXED COSTS ON CONTEMPT PROCEEDINGS

Drawing pleadings, orders and warrants	$25.00	.....	.....
Filing fee on application	.....	$15.00	.....
Sheriff's fees on warrant	.....	.....	$00.00
Serving copies of order and costs	.....	.....	.80

TAXED COSTS ON APPLICATION TO FIX DOWER OR CURTESY

Drawing pleadings and orders	$22.50	.....	.....
Filing fee on application	.....	$15.00	.....
Master's fees and depositions	.....	.....	$00.00
Witness fees	.....	.....	00.00

TAXED COSTS OF PLAINTIFF ON APPLICATION FOR THE PAYMENT OF MONEYS OUT OF COURT

Drawing pleadings and orders	$23.50	.....	.....
Filing fee on application	.....	$15.00	.....
Master's fees and depositions	.....	.....	$00.00
Witness fees	.....	.....	00.00

TAXED COSTS OF TRUSTEE ON APPLICATION FOR INSTRUCTION

	A. & C.	*Clk.*	*Als.*
Drawing pleadings and orders	$30.00	.....	.....
Filing fee on application	.....	$15.00	.....

TAXED COSTS OF TRUSTEE ON APPLICATION TO APPROVE ACCOUNT

Drawing pleadings and orders	$30.00	.....	.....
Filing fee on application	.....	$15.00	.....

TAXED COSTS ON APPLICATION FOR EXECUTION

Drawing pleadings and orders	$10.00	.....	.....
Filing fee on application	.....	$15.00	.....
Serving copies of order and costs	.....	.....	$0.80

TAXED COSTS OF PARTY MAKING APPLICATION TO MODIFY FINAL JUDGMENT, JUDGMENT NISI OR ORDER IN A MATRIMONIAL CASE

Drawing pleadings and orders	$20.00	.....	.....
Filing fee on application	.....	$15.00	.....
Serving copies of order and costs	.....	.....	$0.80

TAXED COSTS ON APPLICATION FOR WRIT OF POSSESSION

	A. & C.	*Clk.*	*Als.*
Drawing pleadings, orders and writs ...	$30.00	.....	.....
Filing fee on application	.....	$15.00	.....
Serving copies of demand and order	.....	.....	$00.00
Sheriff's fees on writ of possession	.....	.....	00.00
Serving copies of order and costs	.....	.....	.80

TAXED COSTS ON APPLICATION FOR ALIMONY PENDENTE LITE OR COUNSEL FEE AND SUIT MONEY

Drawing pleadings and orders	$20.00	.....	.....
Filing fee on application	.....	$5.00	.....
Serving copies of order and costs	.....	.....	$0.80

TAXED COSTS OF DEFENDANT FILING A NOTICE TO HAVE ENCUMBRANCE REPORTED UPON

Drawing pleadings ...	$10.00	.....	.....
Filing notice	.....	$5.00	.....

TAXED COSTS OF DEFENDANT, FINAL JUDGMENT IS TAKEN BY DEFENDANT

Drawing pleadings, orders and judgment..	$30.00	.....	.....
Filing fee for answering pleadings	.....	$5.00	.....
Serving copies of the judgment and costs	.....	.....	$0.80

TAXED COSTS OF DEFENDANT WHERE FINAL JUDGMENT IS NOT TAKEN BY DEFENDANT

	A. & C.	*Clk.*	*Als.*
Drawing answering pleadings and orders	$20.00	.....	.....
Filing fee for answering pleadings	.....	$5.00	.....
Serving copies of judgment and costs	.....	.....	$0.80

The costs taxable to any defendant shall be the items allowable to defendant, and the costs shall be combined as nearly as may be in manner and form as aforesaid.

In all cases where blanks (00.00) are left in the various columns aforesaid the amounts shall be written in the taxed bills accordingly as they shall be ascertained, as provided by law.

C. 22:1A-10. Attorney and counsel fees.

10. Except as provided in section nine of this act, attorneys and counsel in the Chancery Division of the Superior Court shall be entitled to receive for the services hereinafter mentioned the following fees:

For a retaining fee, two dollars ($2.00).

For drawing every complaint, answer, replication, motion and other pleading, and exceptions and other proceedings, per folio, twenty cents ($0.20).

For engrossing the same, per folio, ten cents ($0.10).

For drawing and engrossing every subpœna or attachment, forty cents ($0.40).

For drawing other process and writs, per folio, twenty cents ($0.20).

For every notice served upon or mailed to absent defendants, one dollar and fifty cents ($1.50).

For drawing notice of every motion, copy and service, forty cents ($0.40).

For every motion of course, eighty cents ($0.80).

No motion to be allowed for common process, nor for rules to answer, reply or the like, which are to be entered of course by the clerk.

For every special motion, one dollar and fifty cents ($1.50).

For counsel arguing every pleading or motion, or upon petition, or exceptions, or other special matter, three dollars ($3.00).

For counsel arguing upon the final hearing, four dollars ($4.00).

No costs to be taxed for more than one counsel in a cause.

For drawing every judgment, per folio, twenty cents ($0.20).

For engrossing the same, per folio, ten cents ($0.10).

For copy of every bill of costs to be taxed before a judgment, twenty cents ($0.20).

For copy of every bill of costs to be taxed after a judgment, thirty cents ($0.30).

C. 22:1A-11. Fees upon filing first papers in chancery division.

11. Upon the filing of the first paper in any action or proceeding in the Chancery Division of the Superior Courts there shall be paid to the clerk of the court, for the use of the State, the following fees, which, except as hereinafter provided, shall constitute the entire fees to be collected by the clerk for the use of the State, down to the final disposition of the cause:

Receivership and partition, thirty-five dollars ($35.00);

For withdrawal of surplus and other moneys deposited with the court where the sum to be withdrawn is less than ten dollars ($10.00), no fee; where the sum to be withdrawn is ten dollars ($10.00) or more but less than one hundred dollars ($100.00), a fee of one dollar ($1.00); sums of one hundred dollars ($100.00) or more, a fee of fifteen dollars ($15.00);

Application for permanent alimony; for withdrawal of mortgages and other applications for relief filed subsequent to final judgment, fifteen dollars ($15.00);

All other actions and proceedings except in probate causes, twenty-five dollars ($25.00).

C. 22:1A-12. Fee for filing answering paper and appeals.

12. Each defendant or respondent filing an answering pleading or other answering paper (other than a disclaimer) shall at the time of filing the same, pay to the Clerk of the Superior Court the sum of five dollars ($5.00); which shall constitute the entire fee for such service to be collected by the clerk to the use of the State; and for each party filing a notice of appeal from final judgment, five dollars ($5.00).

C. 22:1A-13. Application for additional fee.

13. In any cause or proceeding in which the papers filed with the clerk shall be exceptionally numerous or other work done by him shall be exceptionally onerous, he may make application to the court, on notice, for an order fixing and allowing a reasonable additional fee to be paid to him for the use of the State; and the court, in each such case, may make such order fixing and allowing such additional fee, if any, as shall be deemed just and reasonable under the circumstances and directing how and by whom the same shall be paid.

C. 22:1A-14. First copy free.

14. The first copy of any order, judgment, pleading or other paper shall be certified by the clerk and supplied to the attorney or litigant, free of charge, where such copy is furnished to the clerk for certification. All copies other than the first copy, supplied as aforesaid, shall be furnished upon the payment of two dollars ($2.00) for the first twenty folios thereof, and ten cents ($0.10) for each folio in excess of twenty; *provided,* that a minimum charge of two dollars ($2.00) shall be made for any such copy.

Charge for subsequent copies.

Proviso.

C. 22:1A-15. Fees for clerk's services.

15. The clerk is authorized, empowered and directed to charge the following additional fees for the services in this section enumerated:

For affixing the seal of the court to any document, one dollar ($1.00);

For an exemplification, two dollars ($2.00);

For a warrant of satisfaction, one dollar ($1.00);

For a master's certificate certifying his appointment, one dollar ($1.00); a minimum charge for all other papers or services by the clerk, one dollar ($1.00);

Commissions on master's fees and appeals accounts—one and one-half per centum (1½%) on one hundred dollars ($100.00) or less; one per centum (1%) on any excess of one hundred dollars ($100.00);

Commissions on paying out trust fund accounts (including all funds, moneys or other assets brought into and deposited in court)—two per centum (2%) on first one hundred dollars ($100.00); one and one-half per centum (1½%) on the next nine hundred dollars ($900.00); one per centum (1%) on the excess over one thousand dollars ($1,000.00).

C. 22:1A-16. Attorneys liable for fees.

16. Attorneys for the respective parties shall be liable and responsible for all fees charged by the clerk except as in sections eleven to fifteen of this act otherwise enumerated.

C. 22:1A-17. Clerk's fees for probate proceedings.

17. For performing services in all probate proceedings in the Superior Court in the Chancery Division, the Clerk of the Superior Court shall receive the same fees as provided by law for like services payable to the surrogates of the County Courts respectively, except as may be otherwise provided herein or otherwise provided by law or rules of court.

On commissions on deposit if under one hundred dollars ($100.00), one-half of one per centum (½ of 1%) of it; if over one hundred dollars ($100.00) and under one thousand dollars ($1,000.00),one-fourth of one percentum (¼ of 1%) on such excess; if over one thousand dollars ($1,000.00), one-eighth of one per centum (⅛ of 1%) on such excess.

C. 22:1A-18. Clerk's fees for recording.

18. The Clerk of the Superior Court shall receive the following fees for recording documents and making copies thereof in all probate proceedings in the Chancery Division.

When written in whole, per folio, fifteen cents ($0.15). When written and printed or typewritten in whole or in part with type of eight-point face and with not less than four-point space between the lines, or when written and printed or typewrit-

ten in whole or in part with type of more than eight-point face, per folio, fifteen cents ($0.15).

When printed or typewritten in whole or in part with type of less than eight-point face with less than four-point space between the lines, in broken measure, tabular, schedule or figure work, per folio, twenty cents ($0.20).

For official copies and abstracts of such instruments or documents from the records and files of the Superior Court, Chancery Division, per folio, twenty cents ($0.20).

C. 22:1A-19. Fees to be same as surrogates.

19. For all official services in all probate proceedings in the Chancery Division, the Clerk of the Superior Court shall be entitled to charge and receive, for the use of the State as provided by law, the same fees as are allowed by law to the surrogates of the several counties for like services.

C. 22:1A-20. Fees on appeals to appellate division.

20. On all appeals to the Appellate Division of the Superior Court, the same fees, costs and allowances shall be paid and allowed in that court as provided for on appeals to the Supreme Court by sections, one, two and three of this act.

C. 22:1A-21. Fees and allowance civil courts.

21. The fees and the allowances provided in sections 22:2–18 to 22:2–28, inclusive, and sections 22:2–37 to 22:2–43, inclusive, of the Revised Statutes and all other fees and allowances in effect in the Circuit Courts, Courts of Common Pleas and the Orphans' Courts in the respective counties on September fourteenth, one thousand nine hundred and forty-eight, shall be payable and allowable on and after September fifteenth, one thousand nine hundred and forty-eight, to the clerks of the County Courts and allowed to the parties to whom costs are awarded and allowed as in said sections provided.

C. 22:1A-22. Fees and allowances criminal courts.

22. The fees and allowances provided in sections 22:3–1 to 22:3–8, inclusive, of the Revised Statutes, and all other fees and allowances in effect in criminal causes and proceedings in the Courts of Oyer and Terminer, quarter sessions and special sessions on September fourteenth, one thousand nine hundred and forty-eight, shall be payable and

allowable on and after September fifteenth, one thousand nine hundred and forty-eight, to the clerks of the County Courts as in said sections provided.

Section amended.

23. Section 22:4–14 of the Revised Statutes is amended to read as follows:

Accounting for fees.

22:4–14. All fees, costs, allowances, percentages and other perquisites of whatsoever kind which the Clerk of the Supreme Court and the Clerk of the Superior Court, as such, and as clerk of the respective courts, and their office assistants are allowed by law to charge and receive for official acts or services they may render, shall be for the sole use of the State as public money, to be regularly accounted for and paid over as hereinafter set forth.

The Clerk of the Supreme Court and the Clerk of the Superior Court shall, on the tenth day of each month, render a full and itemized statement af account and return to the State Comptroller of all such sums received by them or their assistants and of all sums which may have been charged or taxed, or which may have accrued or become payable for services during the month preceding the making of such statement. The statement of account shall be made under oath in such form as the Comptroller shall specify and shall be filed in his office to be forthwith audited by him and kept as a public record.

All such fees, costs, allowances, percentages and other perquisites shall be paid to the State Treasurer on or before the tenth day of each month, and whether collected or not, such officers shall be personally liable therefor.

Penalty.

The penalty for each day's neglect of any such officer in rendering his account or in paying over such money to the State Treasurer shall be one hundred dollars ($100.00), to be recovered in the name of the State in a civil action in the Superior Court.

24. Section 22:4–15 of the Revised Statutes is amended to read as follows: Section amended.

22:4–15. All fees allowed by law for the services of the Supreme Court, Superior Court, and any justice or judge thereof whether such services be performed in open court or in chambers shall be taxed, collected and accounted for by the clerks of the respective courts in the same manner as fees allowed to such clerks. Collection of fees for services of judicial officers.

Fees for an order made, writ allowed, rule or motion granted or other service rendered at chambers by a justice of the Supreme Court or by a judge of the Superior Court, shall be paid to, demanded and received by the clerk of the court to which the same may appertain, at the time of the filing or entering of the order, writ, rule, motion or other service in the minutes of the court or docket of the clerk thereof.

25. Section 22:4–16 of the Revised Statutes is amended to read as follows: Section amended.

22:4–16. For their own protection the Clerk of the Supreme Court and the Clerk of the Superior Court may exact in advance of the service the fees and costs therefor. For convenience such officers may receive reasonable deposits in advance from persons desiring services for which fees and costs are payable and such officers shall account at least annually to the persons making or maintaining such deposits. Collection of fees in advance.

26. Section 22:4–18 of the Revised Statutes is amended to read as follows: Section amended.

22:4–18. Fees allowed by law for services performed or licenses granted by the judges of the County Court shall be paid to the clerks of the respective County Courts, who shall, except as otherwise provided by law, account for and pay over such fees in the manner provided in section 22:4–17 of this Title and for failure so to do shall be liable to the same penalty. Collection and disposition of fees for service of county judges.

27. The fees and allowances payable pursuant to the provisions of any other law for the performance of services for which no fees or allow- C. 22:1A-23. Sundry fees allowed.

ances are provided in this act shall continue to be allowed and be payable for the performance of the same or similar services in the same amount as heretofore by and to the several officers or persons, by and to whom they were formerly payable, or by and to the officer or person succeeding to the authority and duties of such officers or persons.

C. 22:1A-24. Fees and allowances.

28. The fees to be paid to the Clerk of the Supreme Court, the Clerk of the Superior Court, or the clerks of the County Courts for services in connection with any action or proceeding transferred to any such court on September fifteenth, one thousand nine hundred and forty-eight, shall be the same as were presecribed for the same or similar services in the court in which the proceedings were commenced.

C. 22:1A-25. Repealer.

29. Sections 22:2–7, 22:2–10 to 22:2–13, inclusive, 22:2–16 and 22:2–17.2 of the Revised Statutes are repealed.

C. 22:1A-26. Act effective.

30. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 367

AN ACT concerning the administration of justice and regulating the causes and proceedings pending in the courts upon the taking effect of the Judicial Article of the Constitution and which are transferred to the courts established by said Judicial Article.

Preamble.

WHEREAS, The Judicial Article of the Constitution of 1947 takes effect on the fifteenth day of September, one thousand nine hundred and forty-eight; and

WHEREAS, Paragraph 8 of Section IV of Article XI of the Constitution transfers, when the said Judicial Article takes effect, causes and proceedings to the courts established by said Judicial Article; and Preamble.

WHEREAS, The Legislature is directed by Paragraph 2 of Section I of Article XI of the Constitution to enact all laws necessary to make the Constitution fully effective; now, therefore, Preamble.

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

1. As used in this act, the following terms shall have the following meaning: "Constitution" shall mean the Constitution of one thousand nine hundred and forty-seven; "causes and proceedings" shall mean and include all actions, suits and special proceedings, statutory or otherwise, and controversies of a justiciable nature, whether constituting the whole or a part of any such action, suit or special proceeding, within the meaning of Paragraph 8 of Section IV of Article XI of the Constitution. C. 2:16-70. Terms defined.

2. The purpose of this act is to facilitate the transfer of causes and proceedings pending in the courts on September fifteenth, one thousand nine hundred and forty-eight, according to the provisions of Paragraph 8 of Section IV of Article XI of the Constitution so as to obviate doubts, advance justice and expedite the further prosecution of said causes and proceedings, and to fully protect the rights and interests of the parties to such causes and proceedings. C. 2:16-71. Purpose.

3. On or after September fifteenth, one thousand nine hundred and forty-eight, all pleadings and other papers filed in any cause or proceedings transferred pursuant to the provisions of Paragraph 8 of Section IV of Article XI of the Constitution shall be entitled in the name of the court to which such cause or proceeding is transferred and such cause or proceeding shall be conducted as C. 2:16-72. Entitling transferred cases.

nearly as may be in accordance with the practice and procedure applicable to causes and proceedings of the same character in such court.

C. 2:16-73. Powers of court.

4. The court to which any such cause or proceeding is so transferred shall have power to hear and determine any issue or other matter arising or involved therein as fully and to the same effect, and shall have power to issue any writ, make any order, judgment or direction in respect thereto as the court from which the cause or proceeding was transferred could have done had the Constitution not been adopted and shall have such additional powers in relation thereto as may be vested in it by the Constitution to hear any additional controversies in connection therewith and to fully and finally determine and enforce the rights of the parties thereto according to the right and justice of the matter.

C. 2:16-74. Empowered to issue order to preserve status quo of cause.

5. The court to which any such cause or proceeding is so transferred shall also have the power to issue any writ, make any order, judgment and direction, in respect thereto, which may be necessary to preserve the status quo, and fully and finally determine and enforce the rights of the parties thereto, according to the right and justice of the matter.

C. 2:16-75. Extensions granted and relief granted.

6. Notwithstanding any former rule of court or contrary statutory provision, extensions of time may be granted, defaults may be opened, and relief afforded, to the parties to any such cause or proceeding, in respect thereto, unless a vested right intervenes.

C. 2:16-76. Empowered to grant a new trial, etc.

7. In any cause or proceeding so transferred, notwithstanding that an adjudication has been entered therein, the court to which the same is transferred may order a new trial, grant a re-hearing, stay proceedings, recall a remittitur, allow a review, issue a scire facias, certify a return, and afford any relief, in similar manner and to the same effect as the court from which the cause or proceeding was transferred could have done had the new Constitution not been adopted.

C. 2:16-77. Chief justice empowered to grant relief.

8. In respect to any such cause or proceeding so transferred to the Supreme Court, the Chief Justice of that court shall have the power to grant any relief and make any order, certification or return that could have been made by the Chancellor or former Chief Justice had the Constitution not been adopted.

C. 2:16-78. Powers of superior court judges.

9. In respect to any such cause or proceeding so transferred to the Superior Court, any judge of that court, when authorized by a rule of the Supreme Court may make any order, certification or return that could have been made by the Chancellor, the former Chief Justice, by a Justice of the Supreme Court or Judge of the Circuit Court, had the Constitution not been adopted.

C. 2:16-79. Return of process issued before the forming of new courts.

10. All writs, process, rules, orders, notices and the like, issued, made or given prior to September fifteenth, one thousand nine hundred and forty-eight, in any cause or proceeding so transferred and returnable after said date either in the court in which it was issued, made or given or in any court succeeding to the jurisdiction of such court, shall be deemed to be returnable in the court to which such cause or proceeding is transferred and action thereon may be taken by the court or the clerk of the court or by any judge thereof holding the court in the same manner as nearly as may be and to the same effect as though the same had been issued, made or given in such court.

C. 2:16-80. Validates previous process.

11. Wherever in any cause or proceeding any writ, process, rule, order, notice, or the like issued or given prior to September fifteenth, one thousand nine hundred and forty-eight, was made returnable in or before a court, or judge thereof, to be established by the Judicial Article of the Constitution, the same shall be effective notwithstanding that said Judicial Article had not gone into effect.

C. 2:16-81. Taking of appeals.

12. Appeals taken prior to September fifteenth, one thousand nine hundred and forty-eight, and pending on said date shall be heard and disposed of by the court to which the same is transferred

by the Constitution. Where an appeal has not been so taken but may be taken thereafter from an adjudication made prior to said date, it shall be taken as follows:

(1) From the Court of Chancery—to the Supreme Court.

(2) From the former Supreme Court—to the Supreme Court.

(3) From the Prerogative Court—to the new Supreme Court.

(4) From the Circuit Court of a county—to the Supreme Court.

(5) From the Court of Oyer and Terminer of a county, in a capital case—to the Supreme Court.

(6) From the Court of Oyer and Terminer, in other than a capital case, the Court of Quarter Sessions, the Court of Special Sessions or the Common Pleas Court, of a county—to the Appellate Division of the Superior Court.

(7) From the Orphans' Court of a county—to the Appellate Division of the Superior Court.

(8) From any other court, where an appeal could have been taken to the former Supreme Court, or to the Prerogative Court, had the Constitution not been adopted—to the Appellate Division of the Superior Court.

C. 2:16-82. Appealable to supreme court.

13. In any such cause or proceeding, so transferred, the final determination thereof, on appeal, by the Appellate Division of the Superior Court, shall be appealable to the Supreme Court, if an appeal could have been taken to the Court of Errors and Appeals from the former Supreme Court had the Constitution not been adopted.

C. 2:16-83. Cases involving prerogative, writs procedure.

14. All causes and proceedings involving the prerogative writs, so transferred to the Appellate Division of the Superior Court, shall be heard and disposed of in said division, but where evidence is to be taken in such cause or proceeding, the

evidence may be taken before a judge of the Law Division of such court upon such terms as the Appellate Division deems proper and upon completion of the taking of the evidence it shall be made a part of the record before the Appellate Division.

C. 2:16-84. Application for direction as to manner of procedure.

15. Any party to a cause or proceeding, so transferred, may apply, on notice to the adverse party, to the court, or a judge thereof, to which the cause or proceeding is transferred, for a hearing or for direction as to the manner in which such cause or proceeding shall be further prosecuted, and the said court or judge shall grant such hearing or make such direction as will protect the rights of the parties and provide for a disposition of the cause or proceeding on the merits.

C. 2:16-85. Liberally construed.

16. This is a remedial act and shall be liberally construed to prevent surprise and injustice to the litigants concerned with such pending causes and proceedings.

C. 2:16-86. Act effective.

17. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 368

AN ACT concerning proceedings pending in the circuit courts and upon judgments entered in said courts.

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

C. 2:5-22. Proceedings taken in superior court.

1. All proceedings to be taken on or after September fifteenth, one thousand nine hundred and forty-eight, upon any judgment entered in any circuit court prior to said date shall be taken in the Superior Court and any execution on any such judgment issued after said date shall issue out of the Superior Court.

C. 2:5-23. Deputy clerk.

2. The county clerk of the county shall act as Deputy Clerk of the Superior Court for the purpose of filing any paper or document required to be filed in connection with the taking of any such further proceedings and for the purpose of issuing and recording any such execution and filing the same upon its return.

C. 2:5-24. Files to remain in county.

3. The files of the circuit courts shall remain with, and be retained by, the clerks of the respective counties, except as otherwise provided by law or by this act.

C. 2:5-25. Actions, causes and proceedings transferred.

4. All actions, causes and proceedings of whatever character, pending in any of the circuit courts on the fifteenth day of September, one thousand nine hundred and forty-eight, shall be transferred to, and be proceeded upon in, the Law Division of the Superior Court as though such action, cause or proceeding had been begun in the Superior Court and the venue had been laid in the county of the circuit court in which such action, cause or proceeding was begun.

C. 2:5-26. Papers filed in duplicate judgments and executions out of superior court.

5. All pleadings and other papers filed in any such action, cause or proceeding after said date shall be filed in the office of the county clerk of said county in duplicate but judgment shall be entered in the office of the Clerk of the Superior Court, and execution shall issue thereon, and all further proceedings shall be taken therein, in the same manner and with the same force and effect, as though such action, cause or proceeding had been begun in the Superior Court.

C. 2:5-27. Entered in civil docket.

6. The county clerk of each county shall send to the Clerk of the Superior Court the duplicate copies of all pleadings or other papers filed in said cause immediately upon their filing in his office and the Clerk of the Superior Court shall enter upon the civil docket and file the same in his office in the same manner as original pleadings and papers filed in the Superior Court are entered and filed and shall enter judgment in any such cause in the same manner as judgment is entered in other causes.

Original papers filed.

Upon the entry of judgment in any such cause, the

county clerk shall send his file of the original pleadings and other papers in said cause to the Clerk of the Superior Court who shall retain the same in his files.

C. 2:5-28. Act effective.

7. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 369

AN ACT concerning notices of lis pendens, and amending sections 2:26–27, 2:26–30 and 2:26–36 of the Revised Statutes.

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

Section amended.

1. Section 2:26–27 of the Revised Statutes is amended to read as follows:

Written notice of pendency of action, contents.

2:26–27. In every action or suit instituted in any court of civil jurisdiction of this State, the object of which is to enforce a lien, other than a mechanic's lien, upon real estate or to affect the title to real estate or a lien or encumbrance thereon, plaintiff or his attorney shall, after the filing of the bill or complaint, file in the office of the county clerk or register of deeds and mortgages, as the case may be, of the county in which the affected real estate is situate, a written notice of the pendency of the cause, which shall set forth the title and the general object thereof, with a description of the affected real estate.

No lis pendens shall be filed under this article in an action at law to recover a judgment for money or damages only.

Section amended.

2. Section 2:26–30 of the Revised Statutes is amended to read as follows:

Notice of proceedings for satisfaction, contents.

2:26–30. In proceedings for the satisfaction or foreclosure of a duly recorded or registered mort-

gage or the foreclosure of a duly recorded certificate of tax sale, the notice of lis pendens shall, in addition to describing the affected real estate, specify the book and page of the record or registration of the mortgage or of the record of the certificate of tax sale, as the case may be; and the notice shall be filed, and the time of its filing and the time of the filing of the bill or complaint with the name of the plaintiff or complainant and the first defendant named, shall, in lieu of any other indexing and recording, be noted in the margin of the record of the mortgage or of the record of the abstract thereof or in the margin of the record of the certificate of tax sale, as the case may be.

Section amended.

3. Section 2:26–36 of the Revised Statutes is amended to read as follows:

Order discharging real estate from claim.

2:26–36. If, in an action or suit for the enforcement against real estate of a claim for the payment of money, except for the foreclosure of a mortgage, as to which notice of lis pendens has been filed as herein provided, the defendant therein gives such sufficient security as the court having jurisdiction of such action or suit shall direct to pay such sum of money as may, by the final determination of the cause, be ascertained to be chargeable upon the affected real estate, the court may make order discharging the real estate from such claim.

Act effective.

4. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 370

AN ACT concerning mechanics' liens, and amending sections 2:60–132, 2:60–135, 2:60–137, 2:60–139 to 2:60–143, inclusive, 2:60–152 to 2:60–158, inclusive, 2:60–160, 2:60–164, 2:60–166 to 2:60–169, inclusive, 2:60–173, 2:60–174 and 2:60–177 of the Revised Statutes.

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

1. Section 2:60–132 of the Revised Statutes is amended to read as follows: Section amended.

2:60–132. At any time before final judgment and either before or after the commencement of suit, a judge of the Superior Court or a judge of the County Court may direct the amendment of a lien claim; (a) in matters of substance as well as form, upon application of the lien claimant and on reasonable notice to all parties interested, or (b) so as to alter the description of the curtilage as set forth in the lien claim and to determine the true size and description of the curtilage, upon application of the owner, builder, or lien claimant and on the same notice provided for by subdivision (a) of this section; and any amendment made under the provisions of this section shall be put in writing with a subscription to the effect that said amendment was directed by said justice or judge after due notice and in accordance with the statute, which subscription shall be signed by said judge and filed with the proper County Clerk and in all subsequent proceedings in the action the lien claim shall be treated as if, when originally filed, it was in the form as amended, but no amendment made shall affect the rights acquired by any bona fide purchaser or mortgagee between the time of filing the original lien claim and the filing of such amendment. Amendment of lien claim.

Section amended.

2. Section 2:60–135 of the Revised Statutes is amended to read as follows:

Enforcement of lien, commencement by summons.

2:60–135. When a lien claim is filed pursuant to this article upon any lien created thereby, the same shall be enforced by an action in the County Court of the county or in the Superior Court, or if the amount claimed does not exceed five hundred dollars ($500.00), in any District Court in the county, in which the building is situate, which action shall be commenced by summons against the builder and owner of the land and building and every person holding a mortgage of record, or other person, whose interest in the property would be affected or cut off by judgment and sale thereunder.

Section amended.

3. Section 2:60–137 of the Revised Statutes is amended to read as follows:

Time of issuing indorsed on summons, action prosecuted in one year.

2:60–137. The County Clerk shall, upon the sealing of the summons, if the summons was issued out of the County Court or, upon the presentation of the certificate mentioned in section 2:60–140 of this Title, if the summons was issued out of the Superior or a District Court, indorse on the lien claim the time of issuing such summons. If no such indorsement is made within four months or within the extended period provided by section 2:60–136 of this Title, from the last date of the labor performed or materials furnished, or if such claimant shall fail to prosecute his claim diligently within one year from the issuance of the summons, or such further time as the court may by order direct, the lien shall be discharged by an order signed by a judge of the Superior Court or a judge of the County Court.

Section amended.

4. Section 2:60–139 of the Revised Statutes is amended to read as follows:

Summons with complaint annexed, tested, service and return.

2:60–139. The summons mentioned in section 2:60–135 of this Title, with the complaint annexed, shall be directed and tested and may be served and returned in like manner as other writs of summons in the court from which it issued.

Such summons and complaint may be served upon the defendant, in any county of this State, by

the sheriff thereof if the action is brought in the Superior Court or in a County Court, or by a constable or sergeant-at-arms if the action is brought in any District Court of any county, and for this purpose the same, or a duplicate thereof, may be issued to such sheriff, or constable or sergeant-at-arms, as the case may be.

Service on absent or nonresident defendant.

If any defendant cannot be found in this State, the summons and complaint may be served upon him by affixing a copy thereof upon said premises, and also by serving a copy on said defendant personally or by leaving a copy of the same at his residence, which shall be deemed actual service, or if defendant is a nonresident, service may be made by affixing a copy on the premises and sending a copy by mail directed to him at the post-office address nearest his residence, if known to the plaintiff, or if his residence is not known to the plaintiff, by affixing a copy to the premises and inserting a notice thereof, prescribed by order of court, for four weeks, once in each week, in a newspaper of this State published or circulating in the county where the premises are situate, either of which shall be legal service.

To proceed upon affidavit of service.

When an affidavit of the facts authorizing and constituting any such service not made by a sheriff or officer is made and filed, the action may proceed against the parties so served as though the summons was returned by the sheriff or other officer.

Section amended.

5. Section 2:60–140 of the Revised Statutes is amended to read as follows:

Certificate of commencement of action, indorsement by county clerk.

2:60–140. The plaintiff, or his attorney in an action brought in the Superior Court or a District Court on a lien claim, shall obtain from the clerk of such court a certificate to the effect that an action has been commenced in that court on such lien claim, specifying the court wherein the action is brought, and the day and year when such action was commenced. The certificate shall be presented to the proper County Clerk within four days after issuance of summons, who shall indorse on the lien claim that an action has been commenced on the

same, specifying the court wherein the action is brought, and the day and year when summons was issued.

Section amended.

6. Section 2:60–141 of the Revised Statutes is amended to read as follows:

Form of summons.

2:60–141. Summons in an action to enforce a lien claim shall be in the following form:

"The State of New Jersey to (state the names of the defendants). You, A. B., builder, and C. D., owner (or if the owner contracted the debt, A. B., builder and owner), and E. F., mortgagee (if there be a mortgage or mortgages), are hereby summoned and required to serve upon ..... plaintiff's attorney, whose address is ...., an answer to the complaint which is herewith served upon you, within twenty days after the service of this summons upon you, exclusive of the day of service, in a civil action, in the Superior Court (or, the.....County Court or District Court of the city of ..... or, of the district of ....., as the case may be) in which said G. H. claims a building lien on certain buildings and lands of said C. D. described in said complaint, and upon which said E. F. holds a mortgage of record. If you fail to do so, judgment by default may be rendered against you for the relief demanded in the complaint."

Dated..... .....

Clerk of the.....Court.

Section amended.

7. Section 2:60–142 of the Revised Statutes is amended to read as follows:

Complaint, form and content.

2:60–142. The complaint in an action to enforce a lien claim shall be against the builder, owner, mortgagees and such others whose interest in the property is sought to be cut off by the action, and in the same form as in other civil actions founded on contract and shall conclude with an averment that the debt is, by virtue of this article, a lien upon the building and land, describing the same as in the claim, and a schedule may be annexed to the complaint.

8. Section 2:60–143 of the Revised Statutes is amended to read as follows: Section amended.

2:60–143. The practice, proceedings and pleadings in an action to enforce a lien claim shall be conducted, and the judgment entered, as in actions in the Superior Court to recover moneys due on contract; and all or any of the defendants may, jointly or severally, have any defense or plea to the same that might be had by the builder to any action on the contract without this article; and, in addition thereto, the owner or mortgagee may plead that the building or land is not liable to the debt; and any defendant mortgagee may further plead that the lien claim is subject to such mortgagee's lien, and the judgment in any such case shall determine the priority of the liens of plaintiff and each defendant. Practice and procedure.

9. Section 2:60–152 of the Revised Statutes is amended to read as follows: Section amended.

2:60–152. When, in an action to enforce a lien claim under authority of this article, the judgment is entered either generally against the builder or against the building and land as provided by section 2:60–150 of this Title, such judgment, if entered or docketed in a County Court, may be docketed in the Superior Court and execution issued thereon as in the case of other judgments. Docketing judgment.

10. Section 2:60–153 of the Revised Statutes is amended to read as follows: Section amended.

2:60–153. A final judgment of a District Court pursuant to this article shall be docketed in the County Court of the county by the party recovering the same or his executors, administrators or assigns, and shall, from the time of such docketing in the County Court, operate as a judgment obtained in an action originally commenced in the County Court, and satisfaction thereof may be entered in the manner and upon the same evidence as provided by law in case of judgments obtained in the County Court pursuant to this article. Execution may issue thereon out of the County Court and shall have the same effect as if the judgment had been originally obtained in the County Court in an action commenced therein. Docketing final judgment of district court, effect, execution.

No final judgment shall be docketed as herein provided, after the granting of a new trial, or taking of an appeal or institution of proceedings in lieu of prerogative writs and pending the determination thereof.

Section amended.

11. Section 2:60–154 of the Revised Statutes is amended to read as follows:

Dockets indexed, public inspection.

2:60–154. The Clerk of each County Court and the Clerk of the Superior Court shall keep an alphabetically indexed docket, in which shall be entered all judgments mentioned in section 2:60–153 of this Title, upon compliance with the provisions of section 2:60–155 of this Title, which docket shall be a public record, accessible to all persons desiring to examine the same.

Section amended.

12. Section 2:60–155 of the Revised Statutes is amended to read as follows:

Clerk's statement, contents when judgment is obtained in district court.

2:60–155. When judgment is obtained in a District Court pursuant to this article there may be filed in the office of the Clerk of the County Court of the proper county a statement signed by the Clerk of the District Court, under the seal of the court, containing:

a. The name of the court;

b. The names of the parties;

c. Whether judgment is general against the builder or against the building and land only, or both; and

d. The amount and date of judgment.

There shall be filed with or as a part of the statement an oath of the party, his attorney or agent, that a certain amount is still due thereon, at the time of filing the statement, stating the amount so due.

Fees.

The fees of the Clerk of the County Court and the Clerk of the District Court for services rendered under this section and section 2:60–156 of this Title shall be those prescribed by law.

Section amended.

13. Section 2:60–156 of the Revised Statutes is amended to read as follows:

Transcript of judgment docketed, contents.

2:60–156. The Clerk of the County Court shall, upon filing the statement mentioned in section

2:60–155 of this Title, enter in the docket provided for that purpose, a transcript of the judgment in words at length containing:

a. The name of the District Court in which the judgment was obtained;

b. The names of the parties to the judgment;

c. The style of action;

d. The amount recovered, with costs, and date of judgment; and

e. The amount stated in the affidavit to be due.

Section amended.

14. Section 2:60–157 of the Revised Statutes is amended to read as follows:

Execution not to issue, new trial.

2:60–157. No execution shall issue out of a District Court on a final judgment rendered therein, pursuant to this article, nor shall a proceeding be had thereon except the granting of a new trial, or an appeal or the institution of proceedings in lieu of prerogative writs.

Section amended.

15. Section 2:60–158 of the Revised Statutes is amended to read as follows:

Revival of judgment by scire facias.

2:60–158. A judgment docketed pursuant to sections 2:60–152 or 2:60–153 of this Title may be revived by scire facias in the Superior Court or County Court, as the case may be, as if the judgment had been originally obtained in such court.

Section amended.

16. Section 2:60–160 of the Revised Statutes is amended to read as follows:

Satisfaction of judgment by warrant of attorney.

2:60–160. A judgment in an action to enforce a lien claim may be satisfied of record by a warrant or authority made and executed by the attorney of record of the plaintiff, if there be one, in the manner prescribed by law for the satisfaction of record of other judgments for the recovery of money only.

Section amended.

17. Section 2:60–164 of the Revised Statutes is amended to read as follows:

Proceeds of sale, distribution.

2:60–164. The sheriff or other officer conducting the sale authorized by this article shall pay the proceeds thereof to the Clerk of the Superior or to the Clerk of the proper County Court, which court shall distribute the same among the claims filed or which shall be filed according to this article before a petition for distribution thereof is filed in

said court and among such only. The amount due a claimant shall not be paid over to him until after his claim has been filed for three months nor if a caveat is filed against a claim by the owner, or any claimant or claimants owning together one-third of the lien claims filed against the building, until such claim is established by a special judgment thereon.

Section amended.

18. Section 2:60–166 of the Revised Statutes is amended to read as follows:

Rules of practice and procedure.

2:60–166. The Supreme Court shall adopt rules of practice and procedure and make all necessary and proper orders to carry into effect the objects of this article and to secure a proper disposition of proceeds of any sale to persons entitled thereto by the provisions of this article.

Section amended.

19. Section 2:60–167 of the Revised Statutes is amended to read as follows:

Execution stayed on appeal.

2:60–167. If a judgment recovered in the District Court pursuant to this article is reviewed by an appeal or under proceedings in lieu of prerogative writs, and the necessary bond is perfected, and the judgment is docketed as provided by section 2:60–153 of this Title, either before or after the taking of such appeal or review, execution shall be stayed and suspended until final determination.

Section amended.

20. Section 2:60–168 of the Revised Statutes is amended to read as follows:

Determination of appeal entered in docket.

2:60–168. Upon the final determination of the review mentioned in section 2:60–167 of this Title, the Clerk of the Superior Court or the Clerk of the County Court of the proper county shall, when a duly certified transcript of the judgment of the court wherein the appeal was determined is delivered to him, file the same and enter, in short form, the substance of the determination in the margin of the docket opposite the entry of the judgment.

Section amended.

21. Section 2:60–169 of the Revised Statutes is amended to read as follows:

Bond in favor of lien claimant, conditions.

2:60–169. When a lien claim is filed against any building and lands, or either of them, under the provision of this article, the owner thereof or person having an interest therein may execute and file

with the proper County Clerk, a bond, approved by a judge of the Superior Court or County Court in such county, in favor of the lien claimant, with a surety company, duly authorized to transact business in the State, as surety thereon, in double the amount claimed by the lien claimant conditioned for the payment of any judgment and costs that may be recovered by the lien claimant under his claim.

Section amended.

22. Section 2:60–173 of the Revised Statutes is amended to read as follows:

Discharging building or land from lien.

2:60–173. A building or land upon which a lien is created pursuant to this article may be discharged from the same:

a. By payment and receipt therefor, given by the claimant, which, when the same is executed in the presence of and is attested by an officer entitled to take the acknowledgment of the execution of a deed, or when acknowledged or proved before such officer, shall be filed by the proper County Clerk, and the words "discharged by receipt" shall be entered by him, in the lien docket, opposite the entry of the lien;

b. By payment of the amount of the claim with interest and costs to the proper County Clerk who shall pay the same to the lien claimant;

c. By the expiration of the time limited for issuing a summons on such lien claim, without any summons being issued, or without notice thereof indorsed on such claim; and further when a judge of the Superior Court or of the County Court of the proper county, is satisfied, by affidavit or otherwise, that more than the time limited for issuing a summons on such lien claim without any summons being issued or without notice thereof being indorsed on the claim, and the lien still remains on record as unsatisfied, he may forthwith order the clerk of the proper county to enter a discharge thereof, in the lien docket, opposite the entry of the lien;

d. By filing an affidavit that the notice mentioned in section 2:60–138 of this Title has been served

upon the lien claimant and the time limited thereby to commence the action has lapsed, without such action being commenced, or without any entry of the time of issuing the summons being made on the claim;

e. When a judge of the Superior Court or of the County Court of the proper county is satisfied by affidavit or otherwise that the lien is paid and the claimant or his attorney has died or removed from the State since the filing of the lien and it still remains on record as unsatisfied he may order the clerk of the proper county to enter a discharge thereof, in the lien docket, opposite the entry of the lien; or

f. When judgment of dismissal or final judgment in favor of the owner defendant is entered in an action to enforce the lien claim under this article, and no appeal is taken within the time prescribed by law, the judge before whom the trial was had shall, upon application, execute an order setting forth such judgment and directing the proper County Clerk to cancel and discharge the lien of record, and the clerk shall, upon receipt of the order, indorse upon the record of the lien "discharged by order of court."

Section amended.

23. Section 2:60–174 of the Revised Statutes is amended to read as follows:

Certificate of abandonment or satisfaction of claim, contents, filing.

2:60–174. When a mechanic's notice of intention has been filed pursuant to section 2:60–112 of this Title and the claim for which the notice was filed has been paid, satisfied or settled by the parties or abandoned by the party filing the notice, the party filing such notice shall file, with the proper county clerk, a certificate duly acknowledged or proved, which shall contain:

(a) The date of filing the mechanic's notice of intention;

(b) The file number indorsed thereon;

(c) The name of the owner of the land named in the notice; and

(d) The name of the person for whom the labor was performed or materials furnished.

The certificate shall also direct the proper county clerk to discharge the mechanic's notice of intention of record.

If the claimant shall fail or refuse to file such certificate, then upon application by any proper party in interest, the Superior Court or the County Court of the proper county, upon five days' written notice to the claimant, said notice to be served upon him in the same manner as provided by section 2:60–118 of the Revised Statutes, or upon satisfactory proof that the claimant has died or is not to be found within the State, may, upon good cause being shown, order the mechanic's notice of intention discharged.

When a mechanic's notice of intention has been filed pursuant to section 2:60–112 of this Title, and it is alleged that the claimant improperly refuses or neglects to file such certificate, upon application in the manner aforesaid, the Superior Court or the County Court of the proper county may inquire into the facts in a summary way, and upon good cause being shown, order the mechanic's notice of intention discharged, and may require the claimant to pay the costs and reasonable attorney's fees.

The county clerk shall thereupon attach the certificate or order to the original notice of intention on file and shall note on the record thereof "discharged by certificate" or "discharged by court order," as the case may be, and for so doing he shall be entitled to the fee prescribed by section 22:2–19 of the Title Fees and Costs, for each certificate so filed and noted.

Section amended.

24. Section 2:60–177 of the Revised Statutes is amended to read as follows:

Satisfaction by warrant of attorney.

2:60–177. A lien claim may also be satisfied of record by a warrant or authority made and executed by the attorney of record of the claimant, if there be one, in the manner provided by law for the satisfaction of record of other judgments for the recovery of money only.

Act effective.

25. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 371

AN ACT concerning the "Municipal Mechanics' Lien Law," amending sections 2:60–194, 2:60–196, 2:60–197, 2:60–201, 2:60–204 to 2:60–206, inclusive, and repealing section 2:60–199, of the Revised Statutes.

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

Section amended.

1. Section 2:60–194 of the Revised Statutes is amended to read as follows:

Enforcement of claim by suit in superior court.

2:60–194. Any claimant who has filed the notice mentioned and described in sections 2:60–188 and 2:60–189 of this Title may enforce his claim against the fund therein designated by a suit in the Superior Court and actions to determine or terminate said liens may be brought in said court by the contractor, subcontractor or public agency.

Section amended.

2. Section 2:60–196 of the Revised Statutes is amended to read as follows:

Parties to suit.

2:60–196. The claimant first bringing a suit for the enforcement of his claim in the Superior Court as provided by this article, shall make parties to the suit all who have filed claims, the contractor, the subcontractor referred to in the claims, and the public agency with whom the contract was made. If the public agency is not a corporation, then the county or municipality under which it is constituted shall be made a party defendant.

Section amended.

3. Section 2:60–197 of the Revised Statutes is amended to read as follows:

Summons, issue and service, complaint, contents.

2:60–197. Summons may be issued against all those made parties pursuant to section 2:60–196 of this Title and served either actually or by publication according to the Rules regulating the practice in the Superior Court. The plaintiff shall serve a copy of the complaint with the summons, which shall state whether or not a personal claim is made against the defendant so served.

4. Section 2:60–201 of the Revised Statutes is amended to read as follows: Section amended.

2:60–201. The Superior Court shall determine the validity of the liens of the plaintiffs and defendants and of all other liens which may be filed within the time prescribed by this article and the amount due from the public agency to the contractor under the contract and from the contractor or subcontractor to the respective claimants and shall enter judgment directing the public agency, out of moneys due from it to the contractor, to pay to the several claimants the sums found due to them respectively, with interest and costs upon claims adjudged to be just and valid under this article. If the amount due from the public agency to the contractor is not sufficient to make the payments in full, distribution shall be made ratably without regard to the priority in filing claims, and in either case the claims of the subcontractors shall be chargeable with the amounts paid to the claimants under them for labor performed and materials furnished in the execution of the subcontract. A laborer shall have a lien prior to other liens upon filing notice under this article at any time before payments are due and made. Determine validity of liens, distribution, priority of laborer.

5. Section 2:60–204 of the Revised Statutes is amended to read as follows: Section amended.

2:60–204. The public agency may at any time during the progress of the suit pay into the Superior Court the amount which it admits to be due the principal contractor upon the contract. The contractor or claimants shall not be thereby precluded from requesting judgment for a further sum subject to costs in case of failure to sustain the contention. Payment by public agency into court during suit.

6. Section 2:60–205 of the Revised Statutes is amended to read as follows: Section amended.

2:60–205. Costs shall be awarded against the plaintiffs or defendants in the discretion of the court. Awarding costs.

Section amended.

Liens, how discharged.

7. Section 2:60–206 of the Revised Statutes is amended to read as follows:

2:60–206. The lien created by the provisions of this article may be discharged by:

a. Filing in the office of the clerk of the county in which the building is situate, a certificate of the claimant or his successor in interest, duly acknowledged or proved, stating that the lien is discharged;

b. The lapse of sixty days since the completion of the work to be performed or the acceptance of the same by resolution of the public agency without the commencement of suit to enforce the lien claim or the filing of answer, within the time fixed by law or such further time as may be granted by the Superior Court, asserting such lien in a suit brought by another claimant;

c. Satisfaction of a judgment rendered in an action to enforce the lien or claim; or

d. The final judgment of the Superior Court in an action to enforce the lien to which the claimant was a party.

Section repealed.

8. Section 2:60–199 of the Revised Statutes is repealed.

Act effective.

9. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 372

AN ACT concerning the exemplification of the records in judicial proceedings of certain former courts of this State.

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

C. 2:16-87. Exemplyfing records and proceedings.

1. The records and judicial proceedings of the following courts and judicial officers shall, on and after September fifteenth, one thousand nine hundred and forty-eight, be exemplified as in this act provided.

C. 2:16-88. Court of errors and appeals.

2. All records and judicial proceedings filed and taken in the former Court of Errors and Appeals shall be authenticated and proved by the attestation of the Clerk of the Supreme Court and the seal of that court, together with a certificate of the Chief Justice of the Supreme Court that said attestation is in due form.

C. 2:16-89. Supreme, chancery and prerogative courts.

3. All records and judicial proceedings filed and taken in the former Supreme Court, the former Court of Chancery or the former Prerogative Court shall be authenticated and proved by the attestation of the Clerk of the Superior Court and the seal of that court, together with a certificate of a judge of that court that said attestation is in due form.

C. 2:16-90. Circuit courts.

4. All records and judicial proceedings filed and taken in the Circuit Court of any county shall be authenticated and proved by the attestation of the County Clerk of the county and his seal, if such records and proceedings shall be in his possession and, if they shall not, they shall be authenticated and proved by the attestation of the Clerk of the Superior Court and the seal of said Court, together with a certificate of a Judge of the Superior Court, in either case, that said attestation is in due form.

C. 2:16-91. Common pleas, oyer and terminer, quarter and special sessions courts.

5. All records and judicial proceedings filed and taken in the former Court of Common Pleas, the former Court of Oyer and Terminer, the former Court of Quarter Sessions and the former Court of Special Sessions of any county shall be authenticated and proved by the attestation of the County Clerk of the county and his seal, together with a certificate of a Judge of the County Court of the county that said attestation is in due form.

C. 2:16-92. Orphans' courts.

6. All records and judicial proceedings filed and taken in the former Orphans' Court of any county shall be authenticated and proved by the attestation of the surrogate of the county and his seal, together with a certificate of a Judge of the County Court of the county that said attestation is in due form.

C. 2:16-93. Act effective.

7. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 373

AN ACT concerning civil actions for the possession of land, superseding actions of ejectment, and amending sections 2:51–1 to 2:51–11, inclusive, 2:51–13 to 2:51–15, inclusive, 2:51–17, 2:51–19 to 2:51–29, inclusive, 2:51–32, 2:51–35, 2:51–36, 2:51–40, 2:51–41, 2:51–44 to 2:51–47, inclusive, 2:51–49 and 2:51–52 to 2:51–54, inclusive, of the Revised Statutes.

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

Section amended.

1. Section 2:51–1 of the Revised Statutes is amended to read as follows:

Legal representative defined.

2:51–1. The words "legal representative" as used in this chapter with reference to the death of a party to a civil action for possession of land and the effect thereof, shall mean the heir, devisee or other representative of the decedent, who, at the time and by reason of decedent's death, became seized or possessed of or otherwise entitled to the estate or interest of the decedent in the premises in question.

Section amended.

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

Jurisdiction and control of courts.

2:51–2. The jurisdiction and control of the courts over actions for possession of land commenced therein, shall be such as heretofore exercised in the action of ejectment so as to insure a trial of the title to the property only, of actual ouster when necessary, and for all other purposes for which such jurisdiction may at present be exercised and as will carry out the intent and purpose of this chapter to which ends the Supreme Court may make the necessary and proper rules and regulations.

3. Section 2:51–3 of the Revised Statutes is amended to read as follows: Section amended.

2:51–3. The defendant in an action for possession of land shall be the person in possession of the premises, if they are occupied, if unoccupied, then some person exercising ownership on the premises or claiming title thereto. Parties defendants, joinder with persons in possession.

The plaintiff may join as a defendant with the person in possession any other person who as landlord, remainderman, reversioner or otherwise may claim title to the premises adversely to the plaintiff.

4. Section 2:51–4 of the Revised Statutes is amended to read as follows: Section amended.

2:51–4. The forms to be used in the action for possession of land shall be in conformity with those prescribed in the rules of the Supreme Court for an action for possession of land. Forms prescribed by supreme court rules.

5. Section 2:51–5 of the Revised Statutes is amended to read as follows: Section amended.

2:51–5. An action for possession of land shall be commenced by filing a complaint with the court in the name of the person claiming the premises, as plaintiff. Commencing action by filing complaint.

6. Section 2:51–6 of the Revised Statutes is amended to read as follows: Section amended.

2:51–6. Summons shall be in the form prescribed by the rules of court applicable thereto and served in the manner as summons in other civil actions. If such service cannot be made, the summons shall be served as the court or judge thereof may direct. Summons, form and service.

7. Section 2:51–7 of the Revised Statutes is amended to read as follows: Section amended.

2:51–7. A tenant served with summons in an action for possession of real estate in his possession, shall forthwith notify his landlord or his agent or attorney thereof, or forfeit to his landlord the value of three years' rent of the premises, recoverable by a civil action. Notice by tenant to landlord.

Section amended.

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

Practice and procedure.

2:51–8. The practice and procedure in actions for possession of lands shall conform to the practice in civil actions as near as it may be applicable, unless otherwise specially provided; and the consent rule and all the fictions heretofore used in such actions are abolished.

Section amended.

9. Section 2:51–9 of the Revised Statutes is amended to read as follows:

Time for filing pleadings.

2:51–9. The pleadings in an action for possession of lands shall be filed within the time limited for filing the same in civil actions and shall conform with the requirements of the rules of court.

Section amended.

10. Section 2:51–10 of the Revised Statutes is amended to read as follows:

Judgment on default of answer.

2:51–10. If no answer is filed within the time limited therefor pursuant to section 2:51–9 of this Title, the plaintiff shall upon entry of default have judgment for the recovery of possession of the premises claimed in the complaint, upon which a writ of possession may issue. Upon entry of such judgment by default, the court need not require proof of title by the plaintiff.

Section amended.

11. Section 2:51–11 of the Revised Statutes is amended to read as follows:

Landlord may appear and defend, notice.

2:51–11. A landlord of a tenant in possession of property or other proper person may, by leave of court or a judge thereof, be admitted to appear and defend the action, in all cases where the same would have been allowed heretofore, upon application made therefor within twenty days after service of summons or within such further time as the court or judge thereof may grant. Five days' notice shall be given to plaintiff of the application and shall be accompanied by a pleading setting forth the defense for which intervention is sought.

Section amended.

12. Section 2:51–13 of the Revised Statutes is amended to read as follows:

Complaint and defense.

2:51–13. If a landlord or a person other than the defendant named in the summons is admitted to defend the civil action for possession of land, the

plaintiff shall make complaint against him and the defendant named in the summons, and he may join with the tenant in possession in the defense or they may defend separately.

Section amended.

13. Section 2:51–14 of the Revised Statutes is amended to read as follows:

Admission of possession by answer.

2:51–14. The defendant's answer in an action for possession of land shall be an admission for the purposes of the action, that he was in possession of the premises for which he defends or that he claimed title thereto at the time of the commencement of the action.

Section amended.

14. Section 2:51–15 of the Revised Statutes is amended to read as follows:

Defendants may defend jointly or separately.

2:51–15. Defendants in an action for possession of land, may answer and defend either jointly or separately.

Section amended.

15. Section 2:51–17 of the Revised Statutes is amended to read as follows:

Judgment for part of premises not defended, discontinuance, costs.

2:51–17. If by an answer filed in an action for possession of lands, the defense is limited to a part only of the premises pursuant to section 2:51–16 of this Title, the plaintiff shall have judgment for the recovery of possession of the part not defended for, upon which a writ of possession may issue, and as to the part defended for, he may file a notice of dismissal of the action as to that part and enter judgment for the residue without thereby becoming liable for costs.

Section amended.

16. Section 2:51–19 of the Revised Statutes is amended to read as follows:

Discontinuance of action as to one or all defendants.

2:51–19. The plaintiff may, at any time dismiss his action for possession of lands as to one or all of the defendants, upon payment of his or their costs, in the manner prescribed by the rules of court.

Section amended.

17. Section 2:51–20 of the Revised Statutes is amended to read as follows:

Discontinuance of action by one or several plaintiffs.

2:51–20. One of several plaintiffs desiring to dismiss his action for possession of lands, may apply to the court or judge thereof to have his name stricken out of the proceedings which may be

ordered upon such terms as the court or judge may deem just, and the action shall proceed at the instance of the other plaintiff or plaintiffs.

Section amended.

18. Section 2:51–21 of the Revised Statutes is amended to read as follows:

Disclaimer by defendant.

2:51–21. A defendant not in actual possession of the premises at the commencement of the action may by his answer and without leave of court disclaim all right or title in or to the premises or to a specified part of them; and may by order of the court be allowed costs; and upon the service of his answer, plaintiff shall have judgment against such defendant forthwith for the recovery of possession of the premises or the part specified without proof of his title thereto.

Section amended.

19. Section 2:51–22 of the Revised Statutes is amended to read as follows:

Retract by one or several defendants, judgment, execution.

2:51–22. If one of several defendants defending separately for a portion of the property retracts his answer and serves upon the plaintiff an offer to allow judgment to be taken against him as to the portion, the plaintiff may apply to the court to forthwith enter judgment without proof of his title to such portion and issue execution for the recovery of possession of the same and for his costs caused by the defense, relating to the same, and the action may proceed as to the residue. The plaintiff shall not, if another defendant defends for the same portion, issue execution for the recovery of the possession of that portion until he has recovered a judgment against all defendants defending therefor.

Section amended.

20. Section 2:51–23 of the Revised Statutes is amended to read as follows:

Cotenant's answer, notice and denial of actual ouster.

2:51–23. If the action for possession of lands is brought by a joint tenant or tenant in common against his cotenant, the plaintiff shall allege in his complaint and show at the trial that the defendant ousted him. A cotenant defending an action for possession of land brought by one of several joint

tenants or tenants in common, may set up in his answer that he defends as such and admits the plaintiff's right to an undivided share of the property, stating what share, but denies an actual ouster of him from the property. Upon the trial of the issue, the additional question of whether an actual ouster has taken place shall be tried.

Section amended.

21. Section 2:51–24 of the Revised Statutes is amended to read as follows:

Plaintiff's actions dismissed, verdict and judgment.

2:51–24. If it is proved in the action that the defendant mentioned in section 2:51–23 of this Title is a joint tenant, or tenant in common, with the plaintiff and no actual ouster took place, the plaintiff's action shall be dismissed, with costs, but if proved that defendant is not a joint tenant, or tenant in common, or that an actual ouster did take place, the jury shall so find by their verdict, and the plaintiff shall have judgment in accordance therewith, for the recovery of possession and costs.

Section amended.

22. Section 2:51–25 of the Revised Statutes is amended to read as follows:

Written demand for definite statement of claim.

2:51–25. Either party may, after the pleadings are closed in an action for possession of lands, demand in writing of the other a definite statement of his claim or title to the premises which shall be delivered within twenty days after the demand or within such further time as the court or a judge thereof may, upon good cause shown, grant. In default thereof, no evidence of the title shall be given on the trial.

Section amended.

23. Section 2:51–26 of the Revised Statutes is amended to read as follows:

Contents of statement.

2:51–26. The definite statement, mentioned in section 2:51–25 of this Title, shall include an abstract of the documentary evidence of title that the party intends to give in evidence at the trial, and if any such documents may by law be recorded, it shall also state where they are recorded, or if not recorded, then it shall include copies of such thereof as are in the possession of the party, with the names of the subscribing witnesses, if any.

Section amended.

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

Amendment to statement.

2:51–27. The court or judge thereof may, upon good cause shown, permit either party to serve an amended definite statement.

Section amended.

25. Section 2:51–28 of the Revised Statutes is amended to read as follows:

Evidence of title confined to matters in statement.

2:51–28. When a demand for a definite statement has been made, the evidence of title shall at the trial be confined to the matters contained in the definite statement.

Section amended.

26. Section 2:51–29 of the Revised Statutes is amended to read as follows:

Abatement of action.

2:51–29. An action for possession of land shall not abate by reason of the death of either the plaintiff or defendant but may be continued by a suggestion of death upon the record as hereinafter provided or as prescribed by rules of court.

Section amended.

27. Section 2:51–32 of the Revised Statutes is amended to read as follows:

Motion for substitution, legal representative.

2:51–32. If the right of action of a sole plaintiff or of one of several plaintiffs dying before trial does not survive to another plaintiff, the court shall on motion order substitution of the proper parties. The motion for substitution may be made by the legal representatives of the deceased party or by any party and, together with notice of hearing shall be served on the parties and upon persons not parties as provided by rules of court. Judgment shall be had upon the verdict in favor of or against the party substituted, as hereinbefore provided with reference to judgments for or against the deceased plaintiff.

Section amended.

28. Section 2:51–35 of the Revised Statutes is amended to read as follows:

Action to proceed against surviving defendant, notice.

2:51–35. If one of several defendants, defending an action for possession of land jointly, dies before judgment, a suggestion may be made of the death, which suggestion shall not be traversable, but may be set aside if found untrue, and the action may proceed against the surviving defendant to judgment and execution. If such defendant dies before

trial, the court, in its discretion, may order that notice be given to his legal representative to appear and defend the action within a time to be limited by the court. The notice shall be served in such manner as the court may direct. If such representative appears and pleads, his pleadings and the subsequent proceedings against him shall be the same as if he had been originally admitted to defend the action. If no such order is made, or if one is made and such representative does not appear and plead within the time so limited and an affidavit of the due service of the notice is filed, the plaintiff suggesting the death, in the manner aforesaid, may proceed against the surviving defendant to judgment and execution.

Section amended.

29. Section 2:51–36 of the Revised Statutes is amended to read as follows:

Death of sole defendant, procedure.

2:51–36. If a sole defendant or all of the defendants die before trial the court shall on motion order substitution of the proper parties. The motion for substitution may be made by the legal representatives of the deceased party or by any party and, together with the notice of hearing, shall be served on the parties and upon persons not parties in the manner provided in the rules of court.

If the substituted party appears and pleads, his pleadings and the subsequent proceedings against him shall be the same as if he had been originally admitted to defend the action. If no pleading is filed within the time limited, by the order of substitution, and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default, or the court may direct its entry. The party entitled to a judgment by default shall apply to the court therefor as provided in the rules of court and the court need not require proof of title by the plaintiff.

Section amended.

30. Section 2:51–40 of the Revised Statutes is amended to read as follows:

Proceedings if new trial is granted.

2:51–40. For the purpose of preventing an abatement of an action for possession of lands after a verdict is given and a new trial granted, the same

proceedings may be had as if there had been no trial.

Section amended.

31. Section 2:51–41 of the Revised Statutes is amended to read as follows:

Procedure at trial.

2:51–41. After pleadings are closed, the parties shall proceed to trial as in other actions.

If only the plaintiff appears at the trial, the jury shall render a verdict against the defendant without requiring proof of title by plaintiff. If only defendant appears the plaintiff's action shall be dismissed.

If both parties appear at the trial, the question at the trial shall be, except as hereinafter provided, whether the plaintiff or plaintiffs, or either, and which of them, is entitled to recover possession of the premises and whether of the whole or of part, and if of part, then of which part.

Section amended.

32. Section 2:51–44 of the Revised Statutes is amended to read as follows:

Judgment where plaintiff's title expires pending action.

2:51–44. If it appears at the trial that a plaintiff's title existed, as alleged in the complaint, in a manner that he was, at the commencement of the action, entitled to recover possession of the premises or of some part thereof, but such title appears to have expired at the time of the trial, he shall not be entitled to a judgment for their possession.

Section amended.

33. Section 2:51–45 of the Revised Statutes is amended to read as follows:

Conclusiveness of judgment.

2:51–45. Subject to the provisions of sections 2:26–27 to 2:26–39 of this Title requiring notice of the pendency of action to be given, where such notice is required, a judgment in an action for possession of land commenced pursuant to this chapter shall be conclusive as to the right of possession and the title to the premises, as the case may be, as established by such judgment, upon the party against whom it is recovered and all persons claiming from, through, or under such party, by title arising after commencement of such action.

34. Section 2:51–46 of the Revised Statutes is amended to read as follows: Section amended.

2:51–46. A plaintiff recovering a judgment, may bring a subsequent action against the defendant for the mesne profits and damages or may declare for and recover the same in his action for possession of land under such regulations as to procedure as the Supreme Court may, by rule, prescribe. Action for mesne profits.

35. Section 2:51–47 of the Revised Statutes is amended to read as follows: Section amended.

2:51–47. An action for the recovery of mesne profits shall be brought in the name of the plaintiff in the action for possession of land or his personal representative if he shall have died after recovery of judgment. Action brought in name of plaintiff.

36. Section 2:51–49 of the Revised Statutes is amended to read as follows: Section amended.

2:51–49. The successful party shall, except as otherwise provided by this chapter, recover his costs of the other party and may have execution therefor as in civil actions in tort. Successful party to recover costs.

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

2:51–52. If by the answer filed, the defense is limited to part only of the premises claimed, and plaintiff takes judgment for the undefended part and enters a dismissal as to the residue, the plaintiff's costs shall only be recoverable in an action for mesne profits as heretofore. On answer to part only discontinuance as to residue.

38. Section 2:51–53 of the Revised Statutes is amended to read as follows: Section amended.

2:51–53. An appeal upon a judgment may be had in the same manner as in other civil actions and as prescribed by rules of court. Appeals, how taken.

39. Section 2:51–54 of the Revised Statutes is amended to read as follows: Section amended.

2:51–54. No execution shall be stayed or delayed by an appeal from a judgment in an action for possession of lands unless the appellant shall give a Stay of execution, supersedeas bond.

supersedeas bond or make a cash deposit as prescribed by the rules of court.

Act effective.

40. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 374

AN ACT concerning replevin, and amending sections 2:73–1, 2:73–2, 2:73–5, 2:73–11, 2:73–13, 2:73–15, 2:73–18, 2:73–22, 2:73–27 to 2:73–31, inclusive, 2:73–33, 2:73–34 and 2:73–37, and repealing section 2:73–26 of the Revised Statutes.

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

Section amended.

1. Section 2:73–1 of the Revised Statutes is amended to read as follows:

Writ of replevin.

2:73–1. If the goods or chattels of any person be taken and wrongfully detained, the sheriff, by a writ of replevin, shall cause such goods and chattels to be replevied and delivered.

Section amended.

2. Section 2:73–2 of the Revised Statutes is amended to read as follows:

Unlawful taking.

2:73–2. Any unlawful detention of goods and chattels from their lawful owner, or the person entitled by law to the possession thereof, shall be deemed an unlawful taking for the purpose of supporting an action of replevin.

Content of complaint.

If the action is for a wrongful detainer only, a demand and refusal of possession, before beginning the action, shall be alleged in the complaint.

Section amended.

3. Section 2:73–5 of the Revised Statutes is amended to read as follows:

Issuing writs, summons, service practice and procedure.

2:73–5. If in any civil action the plaintiff in his complaint claims the replevin of goods or chattels, his attorney or the clerk of the court, at the time the summons is issued or at any time thereafter

before the rendition of judgment, may issue one or more writs of replevin.

The summons shall be in the form employed in other civil actions; and the writ of replevin, if it shall issue, shall be directed to the sheriff, or other officer authorized by law, of the county where the goods or chattels may be and shall describe them with particularity.

All writs of replevin shall issue out of the Superior Court, or County Court of the county where the property was taken or is detained.

A copy of the writ shall be served upon the defendant in the manner prescribed for the service of a summons, unless the court otherwise orders.

Except as provided by rules of court or by law, the practice and procedure in actions of replevin shall be as in other civil actions.

Section amended.

4. Section 2:73–11 of the Revised Statutes is amended to read as follows:

Replevin bond required.

2:73–11. No sheriff or coroner shall execute a writ of replevin until the replevin bond and the sufficiency of the sureties shall be approved by one of the judges of the court out of which the writ shall issue, or by a surrogate or by a judge of any court of this State, which approval shall be indorsed on the bond. Thereupon the sheriff or coroner may proceed to execute the writ according to law.

Section amended.

5. Section 2:73–13 of the Revised Statutes is amended to read as follows:

Immediate delivery not required.

2:73–13. If plaintiff in replevin does not require the immediate delivery to him of the property in question, the officer to whom the process issues, shall, if so directed by plaintiff or his attorney, serve the process and other papers given him, as in other cases without taking possession of or delivering the property in question, and, upon the process being returned into court, the cause shall proceed as in other civil actions.

Order for possession part of judgment.

Upon judgment being entered awarding the possession of the property in question to plaintiff in replevin, the court may make an order, as part of

the judgment, directing the proper officer to take possession of and deliver the property in accordance with the judgment, and the officer so directed shall execute such order and deliver the property to the party to whom it has been so awarded.

No bond required.

No bond shall be required of plaintiff in replevin under this section, unless ordered by the court; and the order of the court shall be a justification of the officer for the delivery as directed by this section.

Section amended.

6. Section 2:73–15 of the Revised Statutes is amended to read as follows:

Custody and delivery of property, bond.

2:73–15. Upon receipt of the writ and delivery of a bond or cash pursuant to law, the sheriff or other officer of the county where the goods or chattels may be, shall forthwith cause them to be replevied. The sheriff or coroner to whom any writ of replevin is delivered, shall take the goods and chattels whereof deliverance is sought into his own possession, notwithstanding any claim of property therein by defendant in replevin and shall make deliverance thereof to the plaintiff named in the writ, unless the defendant shall, within twenty-four hours after service of the writ of replevin upon him in the manner prescribed by section 2:73–5 of this Title, deliver to such sheriff or coroner a written claim of property therein, specifying the goods and chattels so claimed, and shall also, within such twenty-four hours, deliver to such sheriff or coroner a bond, with one or more sufficient sureties, who shall be freeholders and residents in the county, and in double the value of the goods and chattels so claimed, with condition to deliver such goods and chattels in as good condition as they were at the time of making such claim to plaintiff in replevin or his lawful representatives, if they shall be adjudged to plaintiff.

Section amended.

7. Section 2:73–18 of the Revised Statutes is amended to read as follows:

Return of defendant's claim.

2:73–18. If the property replevined shall be delivered by the sheriff or coroner to defendant in replevin on his making claim thereto and giving bond as provided by section 2:73–15 of this Title,

the sheriff or coroner shall make return of the facts to the court, and shall annex defendant's claim of property to the writ of replevin, and return the same therewith; and the replevin action shall be proceeded in and determined in the same manner, in all respects, as if such claim of property had not been made.

Judgment and execution for plaintiff.

If plaintiff in replevin recovers, the jury impaneled to try the issues or to ascertain the damages shall find the value of the goods and chattels as well as the damages of plaintiff, and plaintiff shall have judgment thereon in damages as well for the value of the goods and chattels as for taking and detaining them. Upon such judgment, plaintiff, in addition to his remedy on the redelivery bond, may have execution against the defendant in replevin.

Section amended.

8. Section 2:73–22 of the Revised Statutes is amended to read as follows:

Pleadings, form and filing.

2:73–22. Pleadings shall be in the same form, as near as may be, as in civil actions and shall be filed within the times limited for filing pleadings therein; the consequence of failure to file pleadings shall be the same as in civil actions.

Where the title of the plaintiff or the defendant rests upon a special property, the facts constituting the property shall be alleged.

All defenses shall be made by answer. If the defendant claims title to the goods and chattels or relies upon the title of a third person or upon a special property, the answer shall state the defense according to the fact. All claims by the defendant for a return of the goods and chattels, for their value or for damages shall be made by counterclaim.

Section repealed.

9. Section 2:73–26 of the Revised Statutes is repealed.

Section amended.

10. Section 2:73–27 of the Revised Statutes is amended to read as follows:

Return of distress awarded defendant, alternate means.

2:73–27. Where the plaintiff has replevied goods or chattels taken as a distress for rent, and judgment is to be rendered for the defendant on a dis-

missal or trial of the action or otherwise, a return of the distress shall be awarded; or at the election of the defendant, which shall be alleged in a counterclaim, a finding shall be made of (a) the sum in arrear for such rent, at the time the distress was taken, and (b) the value of the goods or chattels distrained. Where the defendant by counterclaim shall elect not to take a return of the distress, he shall have judgment against the plaintiff (a) for such arrearages of rent, in case the value of the goods or chattels equals or exceeds those arrearages or (b) for their value, in case it is less than those arrearages.

Section amended.

11. Section 2:73–28 of the Revised Statutes is amended to read as follows:

Plaintiff to bring on trial of cause.

2:73–28. Plaintiff in replevin shall bring on the trial of the cause as in other actions, and shall be liable to judgment of dismissal for failure to do so.

Section amended.

12. Section 2:73–29 of the Revised Statutes is amended to read as follows:

Failure of plaintiff to file pleadings.

2:73–29. If plaintiff's action in replevin shall be dismissed for plaintiff's failure to file his pleadings or to bring on the trial of the cause, as required by law, the court, besides a judgment of dismissal, shall, except where the taking was as a distress for rent, award a return of the goods and chattels to defendant in replevin, if they have not been redelivered to him by the sheriff, or coroner, and defendant shall thereupon be entitled to his costs, and the same remedy in all respects upon the replevin bond as he would be entitled to on the awarding of the return of the goods and chattels on the verdict of a jury.

Section amended.

13. Section 2:73–30 of the Revised Statutes is amended to read as follows:

Dismissal of or judgment against plaintiff on motion.

2:73–30. In all actions of replevin, except where the goods and chattels have been taken as a distress for rent, if the plaintiff's action shall be dismissed before issue joined, or for not bringing on the cause for trial, or judgment be given for the defendant upon motion, and the goods have not been redelivered to the defendant by the sheriff, or

coroner, the court, instead of awarding a return of the goods and chattels, shall, at the election of the defendant alleged in his counterclaim filed in conformity with the rules of court with or without a jury as may be necessary make a finding of the value of such goods and chattels, and the damages of the defendant.

Section amended.

14. Section 2:73–31 of the Revised Statutes is amended to read as follows:

Judgment for defendant, value of property found, costs.

2:73–31. Upon such finding by court or jury, the defendant shall have judgment against the plaintiff for the value of the goods and chattels and damages so found, together with his costs of suit, and shall have execution thereon against the goods and chattels, lands and tenements of the plaintiff in replevin. If upon the trial of an issue of property in the defendant, a verdict shall be given against the plaintiff, the jurors impaneled to try such issue, shall, at the election of the defendant, which shall be alleged in a counterclaim, find the value of the property of the defendant in such goods and chattels, and his damages; and the defendant shall thereupon have judgment for the sum so found, together with his costs of suit, and shall have like execution for the same.

Section amended.

15. Section 2:73–33 of the Revised Statutes is amended to read as follows:

Defendant to recover damages and costs.

2:73–33. If plaintiff's action in replevin be dismissed, or a verdict is found in favor of defendant in replevin, defendant shall recover his damages and costs against the plaintiff if plaintiff would have recovered them had he succeeded in the action. In any case upon entry of a judgment for the defendant in the replevin action, he shall be entitled to his costs, and the same remedy in all respects upon the replevin bond whether or not the judgment is entered on the verdict of a jury.

Section amended.

16. Section 2:73–34 of the Revised Statutes is amended to read as follows:

No judgment for damages or costs, notice of dismissal by plaintiff.

2:73–34. Where the property has been delivered to plaintiff in replevin by the officer, and defendant in replevin does not appear and defend

but suffers judgment to be entered by default, there shall be no judgment for damages or costs, except where defendant has refused to deliver the property in pursuance to a written demand therefor made before the commencement of the action. In such case plaintiff may suggest the facts upon the record, and, instead of taking judgment by default, may file a notice of dismissal of the action without costs.

Section amended.

17. Section 2:73–37 of the Revised Statutes is amended to read as follows:

Cancellation of bond.

2:73–37. Where a sheriff or coroner shall take a bond, conditioned for the return of the goods and chattels mentioned in any writ of replevin, if a return shall be awarded in the replevin action, and it shall appear to the court that the condition of such bond has been fulfilled, a judge of the court may direct such bond to be delivered up to plaintiff in replevin to be canceled.

Act effective.

18. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 375

AN ACT to provide for the effect to be given, on and after September fifteenth, one thousand nine hundred and forty-eight, to certain statutes which became effective prior to, and remain in effect upon, said date.

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

C. 1::1-22. Prior statutes to remain in effect.

1. Any statute, which became effective prior to September fifteenth, one thousand nine hundred and forty-eight and still remains in effect and which contains any provision governing or relating to any court or officer, existing prior to said date in accord-

ance with the Constitution of 1844, hereinafter designated, shall be given effect, on and after said date, as governing or relating to the court or officer established in accordance with the Constitution of 1947, hereinafter designated, as though the reference therein to the former court or officer were made to such latter court or officer, except as otherwise provided in this act or in the Rules made and promulgated by the Supreme Court and in cases in which the provisions of the Constitution of 1947 may be to the contrary, and any power conferred upon, jurisdiction vested in, duty provided to be performed by, limitation prescribed upon the action of, or provision governing or relating to, any such former court or officer shall, except as aforesaid, be conferred upon, be vested in, be performed by, be applicable to or govern or relate to such latter court or officer as fully as though such latter court or officer were specifically referred to therein:

(a) Where the reference is to the Court of Errors and Appeals, it shall be given effect as though it were to the Supreme Court established by the Constitution of 1947, except where a right of review by the Court of Errors and Appeals, by appeal or otherwise, is provided for in such statute;

(b) Where the reference is to the former Supreme Court, in respect to its appellate jurisdiction, it shall be given effect as though it were to the Appellate Division of the Superior Court, and otherwise as though it were to the Law Division of the Superior Court or a Judge of the Superior Court assigned to the Law Division thereof;

(c) Where the reference is to the Court of Chancery, it shall be given effect as though it were to the Chancery Division of the Superior Court or a Judge of the Superior Court assigned to the Chancery Division thereof;

(d) Where the reference is to the Prerogative Court, in respect to its appellate jurisdiction, it shall be given effect as though it were to the Ap-

pellate Division of the Superior Court, and otherwise as though it were to the Chancery Division of the Superior Court or a Judge of the Superior Court assigned to the Chancery Division thereof;

(e) Where the reference is to the Circuit Court, it shall be given effect as though it were to the Law Division of the Superior Court or a Judge of the Superior Court assigned to the Law Division thereof;

(f) Where the reference is to the Chancellor as acting in, or constituting, the Court of Chancery, it shall be given effect as though it were to the Chancery Division of the Superior Court or to a Judge of the Superior Court assigned to the Chancery Division thereof, and otherwise as though it were to the Chief Justice of the Supreme Court established by the Constitution of 1947;

(g) Where the reference is to the Ordinary, as such, or as the Surrogate General or Judge of the Prerogative Court, or in terms of similar import, as acting in, or as, the Prerogative Court, in respect to his or its appellate jurisdiction, it shall be given effect as though it were to the Appellate Division of the Superior Court, and otherwise as though it were to the Chancery Division of the Superior Court or to any Judge of the Superior Court assigned to the Chancery Division thereof;

(h) Where the reference is to the Chief Justice of the former Supreme Court, it shall be given the same effect as is herein provided where such reference is to a former "Supreme Court Justice;"

(i) Where the reference is to a former Supreme Court Justice, as the Supreme Court Justice presiding in a circuit, or in such terms as indicate that the reference is to such former officer while performing his duty of presiding in or over the circuit of the former Supreme Court of a county, it shall be given effect as though it were to such Judge of the Superior Court as is assigned in a similar capacity in the county if any such Judge is so assigned, otherwise as though it were to a Judge of the Superior Court assigned to the Law Division thereof in the county;

(j) Where the reference is to a Vice Chancellor, it shall be given effect as though it were to a Judge of the Superior Court assigned to the Chancery Division thereof;

(k) Where the reference is to a Vice Ordinary, in respect to the exercise of any appellate jurisdiction or action in an appellate capacity, it shall be given effect as though it were to the Appellate Division of the Superior Court, and otherwise as though it were to a Judge of the Superior Court assigned to the Chancery Division thereof;

(l) Where the reference is to a Circuit Court Judge, it shall be given effect as though it were to the Judge of the Superior Court assigned to the Law Division thereof;

(m) Where the reference is to the Court of Oyer and Terminer, the Court of Quarter Sessions, the Court of Special Sessions, or the Court of Common Pleas, of any county, or to any Judge of any such court, it shall be given effect as though it were to the Law Division of the County Court of such county or to a Judge thereof;

(n) Where the reference is to a Judge of the Court of Common Pleas sitting in the Court of Oyer and Terminer, in the Court of Quarter Sessions, in the Court of Special Sessions, or in the Court of Common Pleas, of any county, or to a Judge of the Court of Quarter Sessions, of the Court of Special Sessions, or of the Court of Common Pleas, of any county, it shall be given effect as though it were to a Judge of the County Court of such county;

(o) Where the reference is to the Orphans' Court, or any Judge of the Orphans' Court, of any county, it shall be given effect as though it were to the Probate Division of the County Court of said county, or to a Judge of the County Court of said county;

(p) Where the reference is to the Clerk of the Court of Errors and Appeals, it shall be given effect as though it were to the Clerk of the new Supreme Court;

(q) Where the reference is to the Clerk of the Supreme Court, the Clerk in Chancery or the Clerk of the Court of Chancery, however described, or to the Register of the Prerogative Court, it shall be given effect as though it were to the Clerk of the Superior Court;

(r) Where the reference is to the Clerk of the Court of Oyer and Terminer, the Clerk of the Court of Quarter Sessions, the Clerk of the Court of Special Sessions, the Clerk of the Court of Common Pleas, or the Clerk of the Circuit Court, of any county, it shall be given effect as though it were to the county clerk of the county;

(s) Where the reference is to the Clerk of the Orphans' Court of any county, it shall be given effect as though it were to the Surrogate of the county, acting as the Clerk of the Probate Division of the County Court of the county;

(t) Where the reference is to an Advisory Master in Chancery, it shall be given effect as though it were to the same or to a similar officer of the Superior Court or such officer as shall be authorized to perform the same or similar duties in the Superior Court as were performed by such officer in the Court of Chancery;

(u) Where the reference is to a Master in Chancery or a Master of the Court of Chancery or to a Solicitor in Chancery, it shall be given effect as though it were to an Attorney at Law.

In the event that any such statute is proceeded under pursuant to law or the Rules of the Supreme Court, in any action, cause or proceeding, on or after September fifteenth, one thousand nine hundred and forty-eight, by complaint, answer, cross-claim or counterclaim, or in any other manner, in any division or part of any court other than the division hereinbefore named, such statute shall be given effect as though the appropriate division or part of said court were named herein.

C. 1:1-23. Former prerogative writs.

2. Where any such statute contains a reference to any proceeding under the former prerogative writs the reference shall be given effect, on and

after September fifteenth, one thousand nine hundred and forty-eight, as though it were to a proceeding in lieu of the prerogative writs provided for by the Rules made and promulgated by the Supreme Court.

C. 1:1-24. Summary proceedings on cause of action of equitable nature.

3. Where any such statute contains a reference to any summary proceeding founded upon a cause of action of an equitable nature to be begun by petition the reference shall be given effect, on and after September fifteenth, one thousand nine hundred and forty-eight, as though it were to a similar proceeding to be begun by complaint.

C. 1:1-25. Term of court.

4. When any such statute contains a reference to a "term of court" or to "terms of court" the reference shall be given effect, on and after September fifteenth, one thousand nine hundred and forty-eight, as though it were to a stated session or stated sessions of such court.

C. 1:1-26. Rules.

5. Where any such statute contains a reference to the Rules of the Court of Chancery, the Rules of the Prerogative Court, the Rules of the former Supreme Court or the Rules of the Orphans' Courts or to a Rule or Rules of any of such courts, by any other designation, the reference shall be given effect on and after September fifteenth, one thousand nine hundred and forty-eight, as though it were to the Rules or a Rule made and promulgated by the Supreme Court governing the practice and procedure in the court succeeding to the jurisdiction of the court referred to in such statute, if any such Rule is appropriate to the subject matter of such reference.

C. 1:1-27. Act effective.

6. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 376

AN ACT concerning the Superior and County Courts, and repealing sections 2:2–24 to 2:2–26, inclusive, 2:6–22 to 2:6–24, inclusive, and 2:16–20 to 2:16–24, inclusive, of the Revised Statutes.

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

C. 2:16-24.1. Stenographic reporters, appointment, removal, salary.

1. The Supreme Court shall appoint such number of official stenographic reporters (hereinafter referred to as reporters), either on a full time or part time basis, as may be necessary from time to time to properly perform the work hereinafter specified for the several parts of each division of the Superior Court and for the County Courts. The Supreme Court may remove any reporter so appointed at any time for cause and appoint another in his place.

The county judge or county judges, as the case may be, with the approval of the board of chosen freeholders of the county may appoint an official stenographic reporter for the County Court of such county and fix for such stenographic reporter an annual salary which shall be paid by the county treasurer in equal semimonthly installments upon a certificate filed with him by the judge or judges so appointing; the county shall bear the whole expense of such stenographic reporter, no refund shall be made by the State for such expense and such expense shall not be included in determining the net cost to the county of stenographic reporters for any year under this act.

C. 2:16-24.2. To be a certified shorthand reporter.

2. A reporter to be appointed under this act shall be a certified shorthand reporter as defined in and qualified under "An act to create a State Board of Shorthand Reporting and to regulate the practice of shorthand reporting and to provide for the licensing of persons to engage in the practice

of shorthand reporting and to provide penalties for violation thereof" (P. L. 1940, c. 175), and he shall take an oath to faithfully perform his duties.

C. 2:16-24.3. First reporters.

3. The reporters to be first appointed under this act shall be the reporters serving as official reporters of the old Supreme Court and the regularly employed and salaried proxies of such official reporters, and as the official reporters of the Court of Chancery, and as the official reporters of the courts of common pleas.

C. 2:16-24.4. Assignments.

4. (a) A reporter appointed as herein provided shall be assigned by the Administrative Director of the Supreme Court (hereinafter referred to as the Director), with the approval of the Chief Justice, to serve in one or more of the divisions of the Superior Court, or parts thereof, or in one or more of the County Courts, or for a judge or judges designated in any of the aforesaid courts or for an advisory master or advisory masters hearing matrimonial proceedings. Such an assignment may be changed from time to time as occasion may require.

Supervisor, salary.

(b) With the approval of the Chief Justice, the Director may designate one or more reporters for specified districts to assist him in maintaining efficient reporting service for the courts therein, and particularly by arranging, subject to the control of the Director, for the temporary transfer of one or more reporters to meet special requirements in any court or part thereof, and in procuring and assigning reporters for temporary service pursuant to section five hereof. A reporter so designated as a supervisor shall perform such services in addition to his regular duties, for which additional services such reporter shall be compensated in an amount fixed by the Supreme Court, not exceeding one thousand five hundred dollars ($1,500.00) per annum, which shall be added to and become a part of his annual salary and paid as such.

C. 2:16-24.5. Temporary service.

5. The Director may appoint and assign reporters for temporary service, not to exceed three consecutive months at any one time, whenever the need

therefor may appear. Such temporary appointments shall be subject to the approval of the Chief Justice. If a certified shorthand reporter, as defined by law, is not available for such purpose, then a reporter otherwise qualified may be so appointed.

C. 2:16-24.6. Duties.

6. Subject to the rules of the Supreme Court, the duties of a court reporter shall be to attend at each session of the court or courts to which he shall have been assigned, and at every other proceeding that may be designated by rule of procedure or order of the Supreme Court, or by a judge of the court to which he shall have been assigned, and shall record verbatim, under the direction of the judge of the court, by any system of shorthand or stenotype such proceedings as a judge of the court may direct or as may be required by rule of procedure or order of the court. It shall not be necessary, however, to record the argument of counsel upon any trial unless directed to do so by the court.

C. 2:16-24.7. Record preserved.

7. The reporter shall attach his official certificate of authenticity to the original shorthand or other original records so taken and file them with the clerk of the court, who shall preserve them in the public records of the court for five years.

C. 2:16-24.8. Copies of transcript furnished on appeals, fees.

8. (a) Where a transcript of the original shorthand notes or other original records of any proceeding is required for the purpose of an appeal, the appellant, on or before the date of filing the notice of appeal, shall serve upon the reporter who reported the cause, or his successor, a written request for the preparation of one original and one first carbon copy of the transcript to be used on the appeal, and deposit with the reporter a sum sufficient to pay the lawful fees therefor (including the fees for the carbon copy). The reporter shall promptly prepare such transcript in accordance with the standards fixed by the Supreme Court from time to time, attach his official certificate to both the original and copy of the transcript and file both with the clerk of the court from which the appeal is being taken, notifying the attorney of each of the parties forthwith. The original copy

shall remain in the office of said clerk until sent up to the appellate court with the record on appeal. Subject to the rules of the Supreme Court, the clerk shall make the carbon copy of the transcript available for the use of the attorneys of the appellant and of the respondent during the periods in which each is preparing his briefs as provided by said rules, and may during such periods permit each of them, upon proper receipt, to remove the carbon copy from his office. Failure to return the carbon copy within the time allotted may constitute a contempt of the appellate court. A party appearing in his own behalf shall be accorded the same privileges.

Transcripts of testimony.

(b) If at any time a party to a proceeding requests a transcript of the testimony, or of any part or parts thereof, for his own individual use, and deposits a sum sufficient to pay the lawful fees therefor (including the fees for the carbon copy hereinafter provided for), or the transcript is requested by a judge of the court, the reporter or his successor shall promptly transcribe an original and one first carbon copy thereof. He shall then attach his official certificate to both and deliver the carbon copy to the party or judge making the request and file the original with the clerk of the trial court where it shall remain for the purpose of being incorporated in the record in case an appeal is thereafter taken. In the event that the party requesting the transcript thereafter appeals, he shall at the time of filing the notice of appeal also file in the office of the trial court the carbon copy of the testimony, or part or parts thereof, transcribed for him as aforesaid, and forthwith notify the attorney of every other party of said filing. Such carbon copy or copies shall then be available for the use of the attorneys of the appellant and of the respondent for the purposes and subject to the terms and conditions specified in the preceding paragraph (8. (a)). A party appearing in his own behalf shall be accorded the same privileges. In the event of an appeal, if the transcript is not a

complete transcription of the original shorthand notes or other original records, it may be completed for the purpose of perfecting the record on appeal as provided in the preceding paragraph (8.(a)).

Price per folio.

(c) When a transcript is made at the request of any party, the reporter shall be paid therefor by such party at the rate of twenty cents ($0.20) for each folio of the original transcript and five cents ($0.05) for each folio of a carbon copy thereof. If the transcript is furnished to a judge of the court, by his order, the reporter shall be paid therefor at the same rates, and such fees shall be paid for in the same manner and from the same sources as the reporter's salary or per diem fees are paid.

State to pay fees.

(d) Fees for transcripts furnished to persons permitted to appeal in forma pauperis shall be paid for by the State or county as the court permitting the appeal in that form shall direct, and at the same rates as hereinabove provided, subject to law and rules of court.

Prepayment of fees.

(e) Except as to transcripts that are to be paid for by the State or county, the reporter may require any party requesting a transcript to prepay the estimated fee therefor in advance of delivery of the transcript.

Certified transcript deemed correct.

(f) The certified transcript of the testimony and proceedings in any matter shall be deemed prima facie a correct statement of such testimony and proceedings, and no transcripts shall be considered as official except those made from the records taken by the reporter appointed as hereinbefore provided.

Records open to inspection of clerk.

(g) The original notes or other original records of the reporter, and any official transcript thereof, filed with the clerk as hereinbefore provided, shall be open to inspection in the office of the clerk as provided by law with respect to books containing the docket or minute of judgments thereof.

C. 2:16-24.9. Salary, fees and retirement.

9. (a) Except as hereinafter provided, a reporter appointed pursuant to this act shall receive an annual salary to be fixed from time to time by

the Supreme Court. In fixing such salary the court shall take into account the amount of time the reporter is required to be in attendance upon the court or courts or part or parts thereof engaged in the performance of his duties. Such salary shall not be less than the sum of five thousand dollars ($5,000.00) per annum and shall not exceed the sum of seven thousand five hundred dollars ($7,500.00) per annum and shall be paid in equal semimonthly installments as hereinafter provided.

(b) Where a reporter is employed wholly within one county, the Director shall file a certificate with the treasurer of such county designating the reporter and the amount of his annual salary and also file a duplicate thereof with the State Comptroller. The county treasurer shall pay such salary as hereinabove provided.

(c) Where a reporter is employed in more than one county, or in a part or parts of the Chancery Division of the Superior Court having a vicinage embracing more than one county, the Director shall apportion to each of said counties the payment of such part of the reporter's annual salary as the population of such county bears to the population of all of said counties according to the latest Federal census. The Director shall file a certificate with the treasurer of each of said counties designating the reporter and the amount of his annual salary apportioned to the particular county, and shall also file a duplicate thereof with the State Comptroller. The county treasurer shall pay the part of such annual salary so apportioned to his particular county as hereinabove provided.

(d) In lieu of an annual salary a reporter employed on a part time or temporary basis as hereinbefore provided may be paid at a per diem fee rate of not more than twenty dollars ($20.00) as may be fixed from time to time by the Supreme Court. Such per diem fees shall be paid semimonthly as hereinafter provided. The Director shall certify to all county treasurers and to the State Comptroller the per diem fee rate so fixed for this class of reporters.

(e) Where a reporter is employed on a per diem fee basis, such fees shall be paid by the county where the services were rendered, or if employed in a part of the Chancery Division of the Superior Court having a vicinage embracing more than one county, then by the particular county where the court is permanently located. Such payments shall be made by the county treasurer, upon receipt of duplicate vouchers verified by the reporter and certified by the judge of the court where the services were rendered, or by the supervising reporter of the district in which the court is located. One of such vouchers shall be immediately filed with the State Comptroller by the county treasurer making the particular payment. In the case of a reporter employed on a per diem fee basis in a part of the Chancery Division of the Superior Court having a vicinage embracing more than one county, the county treasurer making such payment or payments may apply to the Director from time to time to make an apportionment of two-thirds of the amount thereof among all of the counties of said vicinage on the basis provided for in section 9 (c) hereof. Upon such apportionment being made and notice thereof given in writing by the Director to the treasurer of each county in said vicinage, the county treasurer making the original payment shall be reimbursed by the treasurer or treasurers of the county or counties within said vicinage in accordance with said apportionment.

(f) In addition to his salary or per diem fees, a reporter who is required to attend sessions of a court in a county other than where he resides shall be paid his traveling and other necessary expenses incident to his attendance upon said court when certified as reasonable and necessary by a judge thereof. Such expenses shall be paid in the same manner and from the same sources and subject to the same apportionment as the reporter's salary or per diem fees are paid.

(g) One-third of the amount paid directly to reporters by each county as herein provided, whether

as salary, fees in lieu of salary or traveling and other necessary expenses incident to his attendance upon court, shall be refunded to said county by the State Treasurer upon the warrant of the State Comptroller and the treasurer shall make a further refund to any county, if necessary, of such amount as shall be needed to insure that the net cost of court reporters to such county, under this act, for any year beginning July first and ending on the following June thirtieth, shall not exceed the net cost to such county for court reporters for the year beginning July first, one thousand nine hundred and forty-seven, and ending June thirtieth, one thousand nine hundred and forty-eight.

(h) Every reporter shall be entitled to retain for himself the fees collected for transcripts as herein provided. All supplies and equipment shall be furnished by the reporter at his own expense.

(i) Reporters shall be deemed to be State employees eligible for membership in the State Employees' Retirement System; except, however, that reporters who have heretofore become members of any County Employees' Retirement System pursuant to P. L. 1943, c. 160, shall continue therein as county employees for the purposes of that enactment.

C. 2:16-24.10. Administration of provisions.

10. (a) The Director, under the control of the Chief Justice, shall supervise and direct the administration of the provisions hereof. However, subject to such provisions and pertinent laws, it shall be the duty of the judge of the court or part thereof to which a reporter shall be assigned to supervise and direct the reporter in the performance of his duties, including dealings with parties requesting transcripts.

(b) The Director, subject to the approval of the Chief Justice, shall prescribe records which shall be maintained and reports to be filed by the reporter. Such records shall be open to inspection by the Supreme Court, the Chief Justice and the Director, and may include records showing (1) the quantity of transcripts prepared, (2) the fees

charged and the fees collected for transcripts, (3) any expenses incurred by the reporter in connection with transcripts, (4) the amount of time the reporter is in attendance upon the court for the purpose of recording proceedings, and (5) such other information as the Director may determine.

C. 2:16-24.11. Repealer.

11. Sections 2:2–24 to 2:2–26, inclusive, 2:6–22 to 2:6–24, inclusive, and 2:16–20 to 2:16–24, inclusive, of the Revised Statutes are repealed.

C. 2:16-24.12. Act effective.

12. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 377

AN ACT concerning certain life insurance companies and amending section 17:34–3 of the Revised Statutes and section one of "An act to provide for the appointment of certain directors of stock life insurance corporations which shall have become mutual life insurance corporations, and supplementing the provisions of article two of chapter thirty-four of Title 17 of the Revised Statutes," approved March fifteenth, one thousand nine hundred and forty-three (P. L. 1943, c. 16).

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

Section amended.

1. Section 17:34–3 of the Revised Statutes is amended to read as follows:

Additional directors appointed from policyholders powers, pay.

17:34–3. There shall be added to the board of directors of every life insurance company of this State organized as a stock company three directors, who shall be policyholders but not stockholders of the company. These directors shall be

appointed by the Governor with the advice and consent of the Senate. Those first appointed shall hold office for one, two and three years, respectively, and all subsequent appointments shall be for three years. They shall have the same powers, privileges and duties as the other directors, and be paid by the company their traveling expenses in attending meetings and the same compensation as is paid to the other directors, but not less than ten dollars ($10.00) for each meeting of the board which they attend. If any such director at any time acquires any interest in the capital stock of the company his office shall thereby be vacated.

Section amended.

2. Section one of "An act to provide for the appointment of certain directors of stock life insurance corporations which shall have become mutual life insurance corporations, and supplementing the provisions of article two of chapter thirty-four of Title 17 of the Revised Statutes," approved March fifteenth, one thousand nine hundred and forty-three (P. L. 1943, c. 16), is amended to read as follows:

C. 17:34-3.1. To continue in office, appointment of successors.

1. Whenever any stock life insurance corporation shall have become a mutual life insurance corporation pursuant to the provisions of article eight of chapter thirty-four of Title 17 of the Revised Statutes, the directors of such corporation then in office appointed by the Chancellor or the Governor pursuant to the provisions of article two of chapter thirty-four of Title 17 of the Revised Statutes, shall continue in office until the expiration of their respective terms, and successors to such directors shall continue to be appointed by the Governor for terms of three years, respectively, as provided in section three of chapter thirty-four of Title 17 of the Revised Statutes, notwithstanding that such corporation shall have become a mutual life insurance corporation. Such directors so appointed shall be added to the board of directors of such life insurance corporation chosen in any other manner authorized or directed

by law, and their powers, privileges and duties shall be the same as those of the other directors.

Note: Act effective.

3. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 378

AN ACT concerning mortgages, bonds, foreclosure and actions thereon, and amending sections 2:65–2, 2:65–12, 2:65–13, 2:65–16, 2:65–18 and 2:65–19, and repealing section 2:65–15 of the Revised Statutes.

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

Section amended.

1. Section 2:65–2 of the Revised Statutes is amended to read as follows:

Proceedings to collect.

2:65–2. Where both a bond and a mortgage have been given for the same debt, all proceedings to collect the debt shall be:

First, a foreclosure of the mortgage; and

Second, an action on the bond for any deficiency, if, at the sale in the foreclosure proceeding, the mortgaged premises do not bring an amount sufficient to satisfy the debt, interest and costs.

The action on the bond shall be commenced within three months from the date of the sale or, if confirmation is or was required, from the date of the confirmation of the sale of the mortgaged premises, in which action judgment shall be rendered and execution issued only for the balance due on the debt and interest and costs of the action.

No action shall be instituted against any person answerable on the bond unless he has been made a party in the proceedings to foreclose the mortgage.

2. Section 2:65–12 of the Revised Statutes is amended to read as follows: Section amended.

2:65–12. In proceedings for the foreclosure of mortgages, reports of sale and confirmation of sale shall be required only when and as provided by Rules of the Supreme Court. Report of sale, confirmation.

3. Section 2:65–13 of the Revised Statutes is amended to read as follows: Section amended.

2:65–13. Whenever, in any suit to foreclose the equity of redemption of defendants in mortgaged premises, such proceedings shall have been had in the Court of Chancery or the Superior Court or other court of competent jurisdiction that a final decree or judgment has been entered against the defendants named in any bill of complaint, complaint or other original pleading, by virtue of which proceedings a sale of such premises shall have been made by the sheriff of any county of this State or by other person directed to make sale, which sale shall have been confirmed by order of any court of competent jurisdiction when confirmation thereof was required, and a deed for such premises shall have been delivered by any such sheriff or other person to the purchaser of such mortgaged premises, such deed shall transfer to the purchaser, all the right, title and interest of such defendants named in the bill of complaint, complaint or other pleadings aforesaid, who shall have been brought into court by publication, notwithstanding that in any order of publication which may have been entered in such cause, or notice served thereunder, or in any decree pro confesso, or in any final decree or judgment, or execution or order of sale issued thereunder, any defendant who may have been made a party defendant to such bill of complaint, complaint or other original pleading, in a representative capacity has been designated in such order, notice, decree pro confesso, final decree, judgment or execution or order of sale thereunder by his representative title or not, if it appear that such person was actually named by his own proper name in such order of publication, and notice Title conveyed by sheriff.

thereof published thereunder, and in such decree pro confesso, and final decree, or in such judgment, and in such execution or order of sale issued thereunder, and if the proof or publication of such order and notice, and the decree pro confesso, and final decree, or the judgment, and the execution or order of sale issued thereunder discloses compliance in all other respects with the law and rules of court in such case made and provided.

Section amended.

4. Section 2:65–16 of the Revised Statutes is amended to read as follows:

Absent or unknown defendants. procedure.

2:65–16. When any person holds a mortgage upon any real estate in this State and the mortgagor or any one holding under him has absconded, conceals himself, is unknown to the holder of such mortgage, or is dead, and his heirs or devisees or successors in title or interest, or any one or some of them, are unknown to the holder of such mortgage, such holder may, in his complaint, or amended complaint, to foreclose such mortgage in the Superior Court, name such mortgagor or person holding under him, if known, even if he be dead, setting up the facts, and such action may proceed against such absconding, concealed, unknown or deceased persons parties to such action as in other civil actions.

The court shall make such judgment against such absent, absconding, concealed, deceased or unknown owner or owners or persons having interests in or rights to such real estate as if they were known to the court and as may be equitable and just and shall have power to order a sale of the mortgaged premises and that the equity of redemption be foreclosed and cut off in like manner as if all the owners or persons in interest were known, and by name had been made parties to such action. The court shall further order that the proceeds of sale, after the payment of the plaintiff's mortgage with the costs of foreclosure and sale, and such other liens and encumbrances as may have been established and ordered paid in such foreclosure proceedings shall be deposited with the

clerk of the court, and by him deposited by order of the court in any designated depository of moneys paid into the Superior Court for the benefit of such absent or unknown owners or persons having interests in or rights to such real estate and the court shall order the payment thereof from time to time to those who are entitled to receive the same and as they shall be ascertained by the court.

Not to preclude other proceedings.

This section shall not preclude proceedings against absent or unknown defendants in cases of the nature described in this section under any other provision of law applicable.

Section amended.

5. Section 2:65–18 of the Revised Statutes is amended to read as follows:

Supreme court rules to govern.

2:65–18. In proceedings under sections 2:65–16 and 2:65–17 of this Title, the Superior Court shall be governed by the Rules of the Supreme Court and by the other provisions of law relating to the foreclosure and sale of mortgaged premises in the Superior Court.

Section amended.

6. Section 2:65–19 of the Revised Statutes is amended to read as follows:

Unknown claimants as parties defendant, procedure.

2:65–19. Whenever, in any proceeding in the Superior Court to foreclose a mortgage upon real estate situate in this State, mentioned and described in the complaint, it shall appear by the allegations in such complaint that the plaintiff, after diligent inquiry therefor, has been unable to ascertain whether any person or persons, having or having had, claiming or having claimed, or believed by the plaintiff to claim or to have claimed any right, title, interest, estate in or to such real estate, or any part thereof, or any lien upon the same, is or are alive or dead, and that he has been unable to ascertain the names or residences of the heirs and devisees or personal representatives of any such persons who may be dead, or such of them as are proper parties defendant to the foreclosure action, such complaint may be filed against and the foreclosure proceeding may proceed against such person or persons by name and his or their heirs, devisees and personal representatives, as in

other civil actions. All defendants and all persons falling within the description of heirs, devisees or personal representatives of a defendant proceeded against as herein provided shall thereupon be bound by all orders and judgments in the action or proceeding as if they had been duly named and described and served with process in this State.

Not to preclude other proceedings.

This section shall not preclude proceedings against absent or unknown defendants in cases of the nature described in this section under any other provision of law applicable.

Section repealed.

7. Section 2:65–15 of the Revised Statutes is repealed.

Act effective.

8. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 379

AN ACT to amend "An act concerning the amendment of mechanic's notices of intention filed pursuant to article ten of chapter sixty of Title 2 of the Revised Statutes, and supplementing said article," approved June twentieth, one thousand nine hundred and forty (P. L. 1940. c. 138).

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

Section amended.

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

C. 2:60-113.1. Notice of intention filed.

1. At any time before judgment on a lien claim a Judge of the Superior Court or a Judge of the County Court before whom the action on such lien claim is pending, on appliation of the lien claimant and on reasonable notice to all parties interested, may order any mechanic's notice of intention

filed therein pursuant to article ten of chapter sixty of Title 2 of the Revised Statutes, to be amended, in matter of substance as well as in matter of form, whenever it shall appear to him that such amendment can be justly made; and whenever such amendment shall be ordered, the same shall be put in writing and signed by said Judge, and shall be then filed in the office of the County Clerk, but no amendment shall affect the rights acquired by any bona fide purchaser or mortgagee between the time of filing the original notice of intention and the filing of such amendment. Form. Rights preserved.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. Note: Act effective.

CHAPTER 380

AN ACT to amend "An act concerning the securing to mechanics and others payment for their labor and material in erecting any building, and supplementing article ten of chapter sixty of Title 2 of the Revised Statutes," approved December twentieth, one thousand nine hundred and forty-one (P. L. 1941, c. 381).

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

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

3. If the claimant shall fail or refuse to file such certificate, then upon application by any proper party in interest, the Superior Court or the County Court of the proper county, upon five days written notice to the claimant, said notice to be served upon him in the same manner as provided by sections 2:60–117 and 2:60–118 of the Revised Statutes, or upon satisfactory proof that the claimant C. 2:60-128.3. Stop notice discharged.

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has been paid, or that he cannot be found within the State, may, upon good cause being shown, order the "Stop Notice" discharged.

Note: Act effective.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 381

AN ACT regulating the time for review, hearing and relief in lieu of prerogative writs.

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

C. 2:80-7. Regulates time for review.

1. No proceedings for review, hearing and relief in lieu of prerogative writs shall be commenced, unless it shall be commenced within thirty days of the accrual of the right to such review, hearing or relief, except as provided in any other law or by Rules of the Supreme Court.

C. 2:80-8. Act effective.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 382

AN ACT concerning the courts.

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

C. 2:1A-3. Number of judges.

1. The Superior Court shall consist of thirty-eight judges.

C. 2:1A-4. Advisory masters continued, salary.

2. The Advisory Masters appointed to hear matrimonial proceedings and in office on the adoption of the Constitution shall, each for the period of his term which remains unexpired on September fifteenth, one thousand nine hundred and forty-eight, continue so to do as Advisory Masters to the Chancery Division of the Superior Court and shall each receive, in lieu of all fees, compensation or other allowances whatsoever, an annual salary of sixteen thousand dollars ($16,000.00) payable in equal semimonthly installments by the treasurer from the funds of the State. Such Advisory Masters shall not, while in office, engage in the practice of law or other gainful pursuit.

Not to practice law.

C. 2:1A-5. Standing masters.

3. The Supreme Court may appoint Standing Masters to serve during the pleasure of the court, prescribe their duties and fix their compensation. The compensation so fixed shall be paid by the treasurer from the funds of the State on the certificate of the Chief Justice. Such Standing Masters shall not, while in office, engage in the practice of law or other gainful pursuit.

C. 2:1A-6. Act effective.

4. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 383

AN ACT concerning county mosquito extermination commissions, amending section 26:9–13, and supplementing chapter nine of Title 26, of the Revised Statutes.

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

Section amended.

1. Section 26:9–13 of the Revised Statutes is amended to read as follows:

Appointment of commission.

26:9–13. The board of chosen freeholders of each county shall appoint a board of commissioners to be known as "the ..... (here insert name of county) county mosquito extermination commission" for the county.

C. 26:9-13.1. To continue in office.

2. The members of the county mosquito extermination commissions of the several counties, in office when this act takes effect, shall continue in office until the expiration of their respective terms of office.

3. This act shall take effect immediately.

Approved September 10, 1948.

CHAPTER 384

AN ACT concerning district courts, and supplementing chapter eight of Title 2 of the Revised Statutes.

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

C. 2:8-37.1. Court continued.

1. After December thirty-first, one thousand nine hundred and forty-eight, every district court of a city or of a county judicial district shall become

and be continued as a county district court or branch part of a county district court, as hereinafter provided, of the county wherein such district court is located.

C. 2:8-37.2. To be county district court.

2. In any county having but one such district court, the said district court shall be the county district court of the county.

C. 2:8-37.3. Courts consolidated.

3. In any county having more than one such district court, the said several district courts in the county shall be consolidated, reorganized and continued as the county district court of the county, and each such former district court shall become a branch part of the county district court of such county.

C. 2:8-37.4. Courts designated by numbers.

4. In each such county having more than one district court, the said branch parts of the county district court shall be designated by numbers assigned in numerical order according to the respective dates of the creation of such former district courts. In the event of any dispute or other difficulty in determining the numbers to be assigned to such branch parts, the administrative head of all the courts in the State shall assign such numbers.

C. 2:8-37.5. Judges continued.

5. The judges of the district courts in office on the thirty-first day of December, one thousand nine hundred and forty-eight, shall continue in office for the remainder of their respective terms for which they were appointed as judges of such district courts and shall be the judges of the county district courts of their respective counties.

C. 2:8-37.6. Judges rotated.

6. In counties having branch parts of its county district court, the said district court judges of the county shall sit in rotation in the several branch parts according to assignment hereinafter provided.

C. 2:8-37.7. Presiding judge designated.

7. In each county having branch parts of its county district court, one of the judges shall be designated as the presiding judge and the presiding judge shall, annually or oftener if necessary, assign the judges of the court to hold the branch parts. The designation of the presiding judge shall be made pursuant to rules of the Supreme Court.

C. 2:8-37.8. Salaries.

8. Until otherwise provided by law, the salaries of the several judges of the county district courts shall be the same as they were respectively receiving on the thirty-first day of December, one thousand nine hundred and forty-eight, and all such salaries shall be payable by the county wherein is located the county district court whereof the judge is a member. All such salaries shall be payable in the same manner as other salaries payable by the county are payable.

C. 2:8-37.9. Employees to continue.

9. The clerks, deputy clerks, sergeants-at-arms, assistants, clerical assistants and employees of the district courts shall continue in their respective offices, positions and employments and, in the case of city district courts and district courts of judicial districts in counties, the said officers and employees shall be transferred to the county district court of the county wherein the said former courts are located, and they shall continue to perform their respective or similar functions and duties, except that one of them may be designated pursuant to rules of the Supreme Court as the supervising clerk of the County District Court.

C. 2:8-37.10. Not to affect compensation or status of employees.

10. This act shall not of itself affect the amount of compensation, terms or civil service status of any such officer or employee. Any such officer or employee shall continue to make contributions to and receive benefits from the pension fund such employee is a member of on the effective date of this act, and the provisions of chapter two hundred eighty-one of the laws of one thousand nine hundred and forty-five shall be applicable to such officer or employee to whom it applied and affected on or before the effective date of this act, notwithstanding the change of such district court to a county district court by the provisions of this act.

C. 2:8-37.11. Quarters, central place for keeping records.

11. In each county the board of chosen freeholders shall provide for and maintain the county district court of the county and shall provide suitable quarters, furnishings and equipment for the court and for the branch parts of the court, if any, and convenient places in the county for the holding

of sessions of the court in addition to the place of its principal location. The said board of chosen freeholders shall also provide a central place for the keeping of the permanent records of the court. The said board of chosen freeholders shall appropriate annually in their annual budget such moneys as in their judgment are necessary to provide for the salaries and other expenses of the county district court.

C. 2:8-37.12. Pending proceedings transferred.

12. Any and all causes or proceedings pending on December thirty-first, one thousand nine hundred and forty-eight, in a city district court or in a district court of a judicial district in a county shall be deemed to be pending in the county district court of the county wherein such former district courts were, respectively, located and shall be continued therein in the same manner and to the same effect as though they had been commenced in such county district court.

C. 2:8-37.13. Records and moneys transferred.

13. The judgments, files, papers, dockets, books of account, and all data appertaining thereto, and any moneys on hand or on deposit for any purpose of said city district courts and district courts of judicial districts in a county shall be transferred to the county district court of the county wherein such former district courts were, respectively, located.

C. 2:8-37.14. Former facilities to be utilized.

14. In any county having branch parts of its county district court, the facilities of any former city district court in such county shall be utilized by the county district court for one or more of its branch parts, and the board of chosen freeholders of the county is authorized to enter into an agreement with the governing body of the municipality formerly maintaining such district court, for the acquisition from the municipality of any furniture, fixtures and equipment belonging to the municipality for the use of said former court, upon such terms as may be agreed upon, and also for the rental of space in any municipal building for quarters for a branch part of the county district court.

C. 2:8-37.15. Rules for administration.

15. In any county having branch parts of its county district court, the judges of that court may adopt rules for the administration of the court subject to such administrative rules and directions as may be promulgated or made from time to time by the administrative head of all the courts in the State, pursuant to the Constitution.

C. 2:8-37.16. May make preparation.

16. After the approval of this act and before its effective date, action may be taken by any board of chosen freeholders or by the governing body of any municipality in preparation for the going into effect of this act.

C. 2:8-37.17. Act effective.

17. This act shall take effect December thirty-first, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 385

AN ACT concerning the district courts, revising parts of the statutes and repealing certain statutes.

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

C. 2:32-10.1. Practice and procedure.

1. Except where there is an express provision of law providing otherwise, the practice and procedure in the district courts shall conform as nearly as may be to the practice and procedure in the Law Division of the County Court.

C. 2:32-10.2. Form of summons.

2. The summons in civil actions shall be substantially in the following form:

The State of New Jersey to .....
(Insert defendant's name)

[L.S.]

You are hereby summoned to answer the annexed complaint of.....
(Insert plaintiff's name)
the plaintiff, in a civil action, in the.....
..... District Court
(Insert name of county)
at .....
(Insert address of court)

And Take Notice that unless you enter an appearance before the Clerk of said court or file your answer with said Clerk, within ten days after service upon you of this summons and the annexed complaint, the plaintiff may proceed in the suit and judgment may be entered against you.

WITNESS, ... Esq.,
(Insert Judge's name)
Judge of the..... District
(Insert name of county)
Court, this.....day of....., 19....

.....
Clerk.

.....
(Address of plaintiff or if he has an attorney, the name and address of such attorney.)

C. 2:32-10.3. Service of summons.

3. The summons shall be served in the same manner as summonses are required to be served in civil actions by the rules made and promulgated by the Supreme Court, applicable to the Law Division of the County Court.

C. 2:32-10.4. Complaint annexed to summons.

4. In all civil actions begun by a summons, the plaintiff's complaint shall be annexed to the summons.

C. 2:32-10.5. State of demand, construing.

5. Any reference in any statutory provision applicable to civil actions in the district court to a "state of demand" shall be deemed to relate to the

plaintiff's complaint and shall be given effect accordingly.

C. 2:32-10.6. Defendant's answer.

6. The defendant in any civil action in a district court may defend by entering his appearance before the clerk of the court or filing an answer with said clerk within ten days after service upon him of the summons and complaint. If the defendant files a written answer, a copy of such answer shall be served upon the plaintiff, or plaintiff's attorney, if any, within the time required for the filing of the answer. Any such appearance, filing and service may be made by mail.

C. 2:32-10.7. Trial date.

7. Upon the entering of an appearance or the filing of an answer, the clerk shall assign a trial date, which shall be at least ten days later, and he shall notify the parties or their attorneys of such trial date. At the time of the issuance of the summons, the plaintiff may request the clerk to assign a day for trial and indorse upon the summons and complaint a notice to the defendant of such trial date. Thereupon, the summons and complaint must be served upon the defendant in not less than ten days before such trial date. If the summons and complaint be so served, the trial shall not be adjourned except for good cause or upon consent.

C. 2:32-10.8. Answer including a counterclaim.

8. If an answer includes a counterclaim, no answer thereto shall be required of the plaintiff and the allegations thereof shall be deemed to be denied. The plaintiff may file, or the court may order, the filing of a defensive pleading to such counterclaim. A copy of any such defensive pleading shall be served upon the adverse party or his attorney, if such party appears by attorney.

C. 2:32-10.9. Counterclaim defined.

9. The term "counterclaim" as used in this act shall be deemed to include any recoupment, set-off or cross-action. The court, upon application, and notice to the adverse party, may order the filing and serving of a more certain and definite pleading, either orally or in writing.

C. 2:32-10.10. Court to fix trial dates.

10. The court shall fix and state the dates for the trial of contested actions, and shall direct the clerk to assign contested cases to such trial dates,

and generally regulate the calendar practice of the court. Cases assigned for trial may be adjourned from time to time by the court, or upon consent subject to the approval of the court.

C. 2:32-10.11. Procedure on appeal.

11. In all actions tried by the court without a jury, in which an appeal is taken, the court shall include in the record certified to the Appellate Court a brief specific statement of its findings of fact and its conclusions of law thereon, separately stated, and the judgment entered pursuant thereto. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact and conclusions of law appear therein. The parties may submit written requests for findings of fact and conclusions of law, which the court shall either allow or disallow, and the same, together with the rulings of the court thereon, shall be included in the said record.

C. 2:32-10.12. Appeals from civil actions.

12. In civil actions appeals may be taken from final judgments or determinations of the district courts to the Appellate Division of the Superior Court within the time and in the manner prescribed by the rules made and promulgated by the Supreme Court. The practice and procedure governing all such appeals shall be as provided by the said rules, and the Appellate Division of the Superior Court shall have jurisdiction to hear and determine the same, and to affirm, reverse or modify the judgment or determination of the district court, as fully as in the case of other appeals heard by said division in other civil actions of a legal nature.

C. 2:32-10.13. Appeal for review of judgment.

13. The review of any judgment or determination of the district court, which would formerly have been had by certiorari, may be obtained by appeal to the Appellate Division of the Superior Court, in similar manner as in the case of other appeals from the district court to the said division.

C. 2:32-10.14. Criminal jurisdiction, practice and procedure.

14. Whenever the district court is authorized by law to exercise criminal jurisdiction, the practice and procedure in respect to such jurisdiction shall be substantially as provided by sections 2:220–32 to 2:220–55, both inclusive, of the Revised Statutes,

subject to such rules as the Supreme Court shall promulgate and make applicable to the district courts.

C. 2:32-10.15. Chief justice to designate criminal branch.

15. Where a district court consists of two or more parts, the criminal jurisdiction of said court shall be exercised only by such part or parts as shall be approved for such purpose by the Chief Justice of the Supreme Court, as the administrative head of all the courts in the State.

C. 2:32-10.16. Repealer.

16. Sections 2:32–2, 2:32–203, 2:32–204, 2:32–206, 2:32–208 to 2:32–221, inclusive, of the Revised Statutes are repealed.

C. 2:32-10.17. Act effective.

17. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight, but sections two, four, five, six, seven and eight shall not be operative until January first, one thousand nine hundred and forty-nine.

Approved September 10, 1948.

CHAPTER 386

A SUPPLEMENT to "An act concerning the government of cities of the second class and authorizing the creation of a municipal board of public works and a municipal water board in any such city, and defining the powers and duties of such boards and relating to the municipal affairs and departments of such cities placed under the control and management of such boards and providing for the maintenance of such boards," approved April ninth, one thousand nine hundred and thirteen (P. L. 1913, c. 326), as the same was amended by chapter one hundred thirty-three of the laws of one thousand nine hundred and thirty-one.

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

C. 40:175-22.1. Appointment of board of water commissioners.

1. In all cities of the second class in this State, which shall have heretofore adopted or may hereafter adopt the act to which this act is a supplement, the members of the board of water commissioners of any such city, hereafter to be appointed, shall be appointed by the county judges of the county in which such city is situated, in the same manner and to the same effect as said commissioners were heretofore appointed by the Justices of the Supreme Court.

C. 40:175-22.2. References given effect.

2. The references in the act, to which this act is a supplement, to "Justice of the Supreme Court," shall be given effect as though such references were to the county judges of the county in which said city is situated.

C. 40:175-22.3. Act effective.

3. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 387

AN ACT concerning county mosquito extermination commissions in certain counties, and supplementing chapter nine of Title 26 of the Revised Statutes.

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

C. 26:9-13.2. Appointment made by county judge.

1. Notwithstanding the provisions of any other law, any original appointment to, or appointment to fill a vacancy in, the county mosquito extermination commission of any second-class county having a population of not less than three hundred and twenty-five thousand nor more than four hundred thousand, according to the last Federal census, hereafter to be made, shall be made by the county judges of the county.

C. 26:9-13.3. Act effective.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 10, 1948.

CHAPTER 388

AN ACT authorizing the trial of the issue of mental incompetency without a jury in certain civil actions or proceedings.

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

C. 3:7-34.1. Trial without jury.

1. In civil actions or proceedings for the determination of mental incompetency or for the appointment of a guardian for an alleged mental incompetent, the trial of the issue of mental incompetency may be had without a jury pursuant to

Rules of the Supreme Court, unless a trial by jury is demanded by the alleged mental incompetent or someone on his behalf.

C. 3:7-34.2. Act effective.

2. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 13, 1948.

CHAPTER 389

AN ACT concerning the courts.

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

C. 2:1A-7. Appointment of clerks.

1. The clerk of the Supreme Court and the clerk of the Superior Court shall be appointed by the Supreme Court and shall hold office for five years.

C. 2:1A-8. Salary.

2. The clerk of the Supreme Court shall receive a salary of ten thousand dollars ($10,000.00) and the clerk of the Superior Court a salary of twelve thousand dollars ($12,000.00); which shall be payable in equal semimonthly installments by the treasurer and shall be in full compensation for all services and in lieu of all fees and emoluments whatsoever.

C. 2:1A-9. Bond.

3. Every person who shall be appointed clerk of the Supreme Court or clerk of the Superior Court shall, before he enters upon the execution of his office, or be admitted to take his official oath, enter into a bond to the State of New Jersey, in the sum of twenty thousand dollars ($20,000.00) in the case of the clerk of the Supreme Court and one hundred and fifty thousand dollars ($150,000.00) in the case of the clerk of the Superior Court, with surety as provided by law, conditioned that if he shall well and truly execute the office of clerk of the ..... court of the State of New Jersey, and in all things touching and concerning such office, shall well and truly, faithfully and impartially execute and perform the same, according to law, as well with

respect to all persons concerned, as to the State of New Jersey, and, at the expiration of his office, shall deliver all moneys deposited in his office, together with the books, papers and records remaining in the same, or appertaining thereto, to his successor in office, then the obligation shall be void, otherwise shall be and remain in full force and virtue. The bond shall be approved by a justice of the Supreme Court and shall be filed and recorded in the office of the Secretary of State.

C. 2:1A-10. Location of offices.

4. The office of the clerk of the Supreme Court and of the clerk of the Superior Court shall be in the city of Trenton.

C. 2:1A-11. Appointment in case of absence.

5. If the clerk of the Supreme Court or the clerk of the Superior Court shall be absent, the Supreme Court may appoint another person to exercise the duties of the particular office until such absence shall be ended. Such appointment shall be in writing and filed in the office of the clerk who is absent.

C. 2:1A-12. To employ assistants.

6. The clerk of the Supreme Court and the clerk of the Superior Court shall each select and employ the necessary assistants for his office.

C. 2:1A-13. Oath

7. Each clerk of any judicial court of this State shall, before he enters upon the execution of his office, take and subscribe the following oath:

> "I, ..., being appointed clerk of the ....., do solemnly promise and swear, that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said court; that I will justly and honestly keep the records, parchments, papers, writings and books to me committed, and to be committed, by virtue of my said office; and that I will faithfully, impartially and justly perform all the duties of the said office, according to the best of my abilities and understanding. So help me God."

C. 2:1A-14. Act effective.

8. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 13, 1948.

CHAPTER 390

AN ACT concerning the courts.

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

C. 2:16-51. Secretaries to judicial officers, appointment, salary.

1. Any Justice of the Supreme Court and any Judge of the Superior Court assigned to the Appellate Division may appoint, to serve during his pleasure, (a) a secretary who shall be a stenographer and who shall be paid an annual salary in the range of three thousand to three thousand six hundred dollars ($3,600.00), and (b) a law secretary who shall be paid an annual salary in the range of four thousand five hundred to five thousand four hundred dollars ($5,400.00), except the law secretary of the Chief Justice who shall be paid an annual salary in the range of seven thousand five hundred to nine thousand dollars ($9,000.00). Such appointees shall be entitled to the same increments and bonuses as are granted to civil service employees in the same range. Upon making such appointments the justice or judge so appointing shall certify to the State Treasurer the name of the person so appointed, and the State Treasurer shall thereupon pay such compensation in equal semimonthly payments.

C. 2:16-52. Chancery division, secretary, salary.

2. Any Judge of the Superior Court assigned to the Chancery Division, with the approval of the administrative director, may appoint, to serve at his pleasure (a) a secretary who shall be a stenographer and who shall be paid an annual salary in the range of two thousand eight hundred dollars ($2,800.00) to three thousand four hundred dollars ($3,400.00), and (b) a law secretary who shall be paid an annual salary of four thousand five hundred dollars ($4,500.00) to five thousand four hundred dollars ($5,400.00). Such appointees shall be entitled to the same increments and bonuses as are granted to civil service employees in the same

range. Upon making such appointments the judge so appointing shall certify to the State Treasurer the name of the person so appointed, and the State Treasurer shall thereupon pay such compensation in equal semimonthly installments.

C. 2:16-53. Law division, secretary, salary.

3. Any Superior Court Judge assigned to the Law Division may appoint, to serve during his pleasure, a secretary who shall be a stenographer, and fix the compensation to be paid such secretary at a sum not exceeding two thousand eight hundred dollars ($2,800.00) per annum, except that any such Superior Court Judge who, as Circuit Court Judge, had a law secretary immediately prior to the effective date of this act may, instead of appointing a secretary under this section, reappoint such law secretary to serve at his pleasure at a salary not exceeding four thousand five hundred dollars ($4,500.00) per annum. If the compensation so fixed shall be less than the maximum herein allowed, the appointing judge may from time to time increase such compensation until the maximum is reached.

C. 2:16-54. Appointment certified to freeholders.

4. Upon making such appointment the judge assigned to the Law Division making the appointment shall certify to the board of chosen freeholders of the county comprising his circuit the name of his appointee and the compensation fixed, and the board shall thereupon cause the compensation to be paid to such secretary in equal semimonthly payments. If the circuit of the appointing judge comprises more than one county his certificate shall be made to the board of chosen freeholders of each of the counties in the circuit and shall state therein the proportion of the compensation to be paid by each of such boards, which proportion shall be determined and certified by the judge annually, as nearly as may be in the ratio that the number of cases on the trial list in each of the counties in his circuit at the then next preceding term of court bears to the whole number of cases on the trial lists in such judge's circuit. Thereupon the boards of chosen freeholders shall

cause their proportionate shares of the compensation to be paid to the secretary in equal semimonthly payments. If the compensation fixed by the appointing judge is increased as authorized, the board or boards of chosen freeholders, as the case may be, shall be notified by such judge of his action, and the increase shall be paid as above prescribed.

C. 2:16-55. Suitable court rooms and chambers provided at State expense.

5. Suitable court rooms for the Supreme Court, the Appellate Division of the Superior Court and the Chancery Division of the Superior Court and suitable chambers for each justice of the Supreme Court and judge assigned to the Appellate Division or Chancery Division of the Superior Court shall be provided at the expense of the State by the administrative director in co-operation with the director of the division of purchase and property in the department of the treasury. Such court rooms and chambers shall be located in a court house or other public building so far as practicable.

Suitable court rooms for the Law Division of the Superior Court and suitable chambers for the Superior Court Judges assigned to such division shall be provided by the several counties.

C. 2:16-56. Sergeant-at-arms.

6. The Supreme Court may appoint a sergeant-at-arms for the Supreme Court. The Superior Court Judges assigned to the Appellate Division may appoint a sergeant-at-arms for each part thereof consisting of three judges, and each Superior Court Judge assigned to the Chancery Division may appoint a sergeant-at-arms. Sergeants-at-arms shall receive a salary fixed by the appointing authority, in full compensation for services rendered and in lieu of all fees whatsoever and shall be paid in equal semimonthly installments.

C. 2:16-57. Subordinate officers.

7. The Supreme Court may from time to time appoint such subordinate officers and employees for the Supreme and Superior Courts as may be necessary for the convenient transaction of business.

C. 2:16-58. Employees transferred.

8. All employees of the old Supreme Court, of the clerk thereof and of the Chief Justice and the Justices thereof, of the circuit courts and the

judges thereof and of the Court of Errors and Appeals shall be transferred, as of September fifteenth, one thousand nine hundred and forty-eight, to appropriate similar positions with similar compensation and civil service status under the clerk of the Supreme Court or the Supreme Court, or the clerk of the Superior Court or the Superior Court as shall be provided by the certificate of the Chief Justice of the Supreme Court.

C. 2:16-59. Employees transferred.

9. All employees of the clerk in Chancery, the Court of Chancery, the Chancellor and the several Vice-Chancellors shall be transferred, as of September fifteenth, one thousand nine hundred and forty-eight, to appropriate similar positions with similar compensation and civil service status under the clerk of the Superior Court or the Superior Court as shall be provided by the certificate of the Chief Justice of the Supreme Court.

C. 2:16-60. Expenses paid.

10. Expenses incurred by order of the Supreme Court in the execution of its duties, the payment of which is not otherwise provided for by law, shall be paid by the State Treasurer, when so directed by the order of the court, which order shall be attested by the justice presiding in the court at the time the order is made.

C. 2:16-61. Master may employ stenographic reporter.

11. A master, to whom a reference of a matter for hearing shall be made, may employ a competent stenographic reporter to take down the evidence of such witnesses as may be examined before him, for the use of the court and of the parties in such cause or matter, and may fix, allow and tax the fees of such reporter for writing out such evidence and apportion the same between the parties, and each of such parties shall forthwith pay the part so apportioned to him, which shall be part of the taxable costs in the cause.

Pay.

When such a stenographic reporter shall, by request, furnish a transcript of evidence or other proceedings to a party to a cause, he shall be paid therefor by such party at the rate of twenty cents ($0.20) for each folio of the original transcript and five cents ($0.05) for each folio of a carbon copy thereof.

C. 2:16-62. Clerk may adjourn court in absence of judge.

12. In the absence of the judges or the judge of a court, the clerk of the court may adjourn court by proclamation and all indictments, process and other proceedings pending therein or returnable thereto shall be continued to the time to which the adjournment shall be made without prejudice to any of the parties therein and may then be proceeded in as if the court had been regularly adjourned from day to day.

C. 2:16-63. Seal.

13. The Supreme Court shall prescribe the form and style of its seal and the seal of the Superior Court. The seal of the Supreme Court shall be deposited in the office of and be in the custody of the clerk of the Supreme Court and the seal of the Superior Court shall be deposited in the office of and be in the custody of the clerk of the Superior Court.

The seals of the clerks of the respective counties shall be also the seals of the County Courts of the counties respectively.

The seals of the surrogates of the respective counties shall be also the seals of the Probate Division of the County Courts of the counties respectively.

Instruments sealed.

All commissions, writs, process and other proceedings and instruments of writing, certificates and exemplifications, required to be attested by the seal of any of the courts herein named, shall be valid and effectual when sealed with the seal of such courts as aforesaid.

C. 2:16-64. Fees to be admitted to bar examinations.

14. Each applicant for a license to practice as an attorney-at-law or counsellor-at-law, in order to be admitted to the bar examinations, shall pay a fee to the clerk of the Supreme Court for the use of the State as follows: for the first examination for attorney's or counsellor's license, twenty-five dollars ($25.00) and for each subsequent examination, if he fails to pass the first, for either attorney's or counsellor's license, fifteen dollars ($15.00).

Each applicant for a confirmatory license shall pay a fee of ten dollars ($10.00) to the clerk of the Supreme Court on filing application therefor.

Each woman attorney-at-law or counsellor-at-law shall pay a fee of five dollars ($5.00) to the clerk of the Supreme Court on filing a statement of change of name by marriage.

C. 2:16-65. Bar examiners, salary, expenses.

15. Each bar examiner shall be paid a salary to be fixed by the Supreme Court and such traveling and incidental expenses as shall be approved by a Supreme Court Justice.

C. 2:16-66. Clerk to bar examiners.

16. The Supreme Court may appoint a suitable person to be clerk to the board of bar examiners to hold office during the pleasure of the court and may appoint successors from time to time and may fix the compensation to be paid such clerk.

C. 2:16-67. Power to subpœna.

17. The bar examiners shall have power to subpœna witnesses and other evidence and to take testimony under oath. Refusal to obey the command of such subpœna or to testify shall be dealt with by the Superior Court as a contempt.

C. 2:16-68. May apply for order of arrest.

18. In case any person summoned by subpœna issued out of the Superior Court on application of the chairman of a duly authorized ethics committee of a county or State Bar Association or lawyers' club shall refuse to obey the subpœna or any direction therein, or to give testimony, or to answer questions as required, or to produce any books, papers, documents or records as required, or in case any such person shall refuse to obey any order made by the Judge of the Superior Court, it shall be lawful for such committee, upon affidavits proving the facts, to apply to the Judge of the Superior Court for an order of arrest against such person as for a contempt.

Order issued.

The judge shall hear the application, and, if satisfactory proof be made of such refusal, shall issue an order of arrest, directed to the sheriff or any constable of the county, for the arrest of such person, and, upon his being brought before the judge, he shall proceed to a hearing of the case.

Enforcement.

The judge shall have power to enforce, by imprisonment in the county jail, obedience to the subpœna, and the answering of any question that may be proper, and the production of any book, paper

or documents that the witness would be compelled to produce in a court of law, and also to compel the witness to pay the costs of said proceeding to be taxed by the judge.

Any person who shall willfully and corruptly testify falsely to any material matter upon oath or affirmation administered by any member of such committee, upon the investigation or inquiry, shall be guilty of perjury. Perjury.

19. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight. C. 2:16-69. Act effective.

Approved September 13, 1948.

CHAPTER 391

AN ACT concerning the retirement and death of certain judicial officers and payments to be made as a result thereof.

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

1. Any Chief Justice of the new Supreme Court, any Associate Justice of the new Supreme Court, or any Judge of the Superior Court who (a) shall have served at least ten years in the aggregate in one or more of the judicial offices of Chancellor, Chief Justice of the old Supreme Court, Associate Justice of the old Supreme Court, judge of the circuit court, Vice-Chancellor, Judge of the Court of Errors and Appeals, judge of the court of common pleas, Chief Justice of the new Supreme Court, Associate Justice of the new Supreme Court, or Judge of the Superior Court, and (b) shall be retired upon attaining the age of seventy years under the provisions of Art. VI, Sec. VI, Par. 3, of the Constitution of one thousand nine hundred and forty-seven, shall be paid thereafter C. 43:6-6.4. Retirement under provisions of Constitution.

an annual pension during the remainder of his natural life in an amount equal to three-fourths of the annual salary received by him at the time of his retirement.

C. 43:6-6.5. Retirement upon filing resignation.

2. Whenever a person (a) holds the office of Chancellor, Chief Justice of the old Supreme Court, Associate Justice of the old Supreme Court, judge of the circuit court, Vice-Chancellor, Chief Justice of the new Supreme Court, Associate Justice of the new Supreme Court, or Judge of the Superior Court, and (b) shall have served at least ten years in the aggregate in one or more of the judicial offices of Chancellor, Chief Justice of the old Supreme Court, Associate Justice of the old Supreme Court, judge of the circuit court, Vice-Chancellor, Judge of the Court of Errors and Appeals, judge of the court of common pleas, Chief Justice of the new Supreme Court, Associate Justice of the new Supreme Court, or Judge of the Superior Court, and (c) has attained the age of seventy years or more, he may retire from such service upon filing his resignation of his judicial office in the office of the Secretary of State accompanied by the statement that it is so filed for the purpose of taking advantage of the provisions of this act. He shall be paid thereafter an annual pension during the remainder of his natural life in an amount equal to three-fourths of the annual salary received by him at the time of his retirement.

C. 43:6-6.6. Compulsory retirement.

3. Any Chancellor, Chief Justice of the old Supreme Court, Associate Justice of the old Supreme Court, judge of the circuit court, Vice-Chancellor, Chief Justice of the new Supreme Court, Associate Justice of the new Supreme Court or Judge of the Superior Court who (a) shall have served at least ten years in the aggregate in one or more of the judicial offices of Chancellor, Chief Justice of the old Supreme Court, Associate Justices of the old Supreme Court, judge of the circuit court, Vice-Chancellor, Judge of the Court of Errors and Appeals, or judge of the court of common pleas, and (b) shall have attained the age of seventy years

or more when his term of office expires, and (c) shall be, because of age, subject to compulsory retirement or ineligible for reappointment, shall be paid thereafter an annual pension during the remainder of his natural life in an amount equal to three-fourths of the annual salary received by him at the time of his retirement.

C. 43:6-6.7. Retirement for disability.

4. If the Chief Justice of the new Supreme Court, any Associate Justice of the new Supreme Court, or any Judge of the Superior Court, shall, while in office, become physically or otherwise incapacitated for full and efficient service to the State in his judicial capacity, he may give notice thereof and of his desire to retire to the Governor. The Governor shall thereupon appoint three physicians of skill and repute in their profession and residents of this State, who shall examine the applicant for retirement and report to the Governor as to his physical or other disability and whether in all reasonable probability, if they find the disability existent, it will continue permanently and does and will continue to prevent the applicant from giving full and efficient service to the State in the performance of his judicial duties. If it is made to appear by such report that the disability exists and that it will in all reasonable probability continue permanently and if the Governor approves the report the Governor shall file it with his approval endorsed thereon in the office of the Secretary of State. Upon such filing of the report, the applicant shall be retired and he shall thereafter be paid an annual pension during the remainder of his natural life in an amount equal to three-fourths of the annual salary received by him at the time of his retirement.

C. 43:6-6.8. Widow's pension.

5. Whenever any person holding the office of Chancellor, Chief Justice of the old Supreme Court, Associate Justice of the old Supreme Court, judge of the circuit court, Vice-Chancellor, Chief Justice of the new Supreme Court, Associate Justice of the new Supreme Court, or Judge of the Superior Court shall die while in office or shall die after re-

tirement on a pension payable under the provisions of this act and, in either case, shall leave a widow surviving him whom he married before he had attained the age of fifty years, an annual pension shall be paid thereafter to such surviving widow, so long as she lvies and remains unmarried, in an amount equal to one-fourth of the annual salary received by her deceased husband at the time of his death or retirement, as the case may be.

C. 43:6-6.9. Payment.

6. The payments provided for in this act shall be made semimonthly by the State Treasurer out of State funds.

C. 43:6-6.10. Construed as additional legislation.

7. This act is intended as additional legislation and shall not be construed as repealing any prior act or acts in whole or in part; but no person who has taken advantage of the provisions of Revised Statutes, section 43:6–1 to Revised Statutes, section 43:6–6 shall take advantage of the provisions of this act.

8. This act shall take effect immediately.

Approved September 13, 1948.

CHAPTER 392

AN ACT concerning the annual pension of certain retired Vice-Chancellors.

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

C. 43:6-6.1. Pension for certain retired vice-chancellors.

1. Any Vice-Chancellor, who has retired from service as a Vice-Chancellor, pursuant to article one of chapter six of Title 43 of the Revised Statutes, after thirty-five years' service as a Vice-Chancellor, shall, after the effective date of this act, be paid an annual pension during the remainder of his natural life in an amount equal to three-fourths of the annual salary received by him at the time of his retirement.

2. The payments provided for in this act shall be made semimonthly by the State Treasurer out of State funds. C. 43:6-6.2. Payment.

3. All acts and parts of acts inconsistent herewith are repealed. C. 43:6-6.3. Repealer.

4. This act shall take effect immediately.

Approved September 13, 1948.

CHAPTER 393

AN ACT concerning the retirement of certain judicial officers and payments to be made as a result thereof.

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

1. Any appointed judge of the Court of Errors and Appeals who has, at the time of the passage of this act, attained the age of seventy years may retire from service as such judge of the Court of Errors and Appeals upon filing his resignation as such judge, in the office of the Secretary of State. Such resignation shall be accompanied by a statement that it is so filed for the purpose of taking advantage of the provisions of this act. Upon the filing of the resignation and statement as aforesaid, such judge shall be entitled to have and receive an annual pension or allowance in the sum of nine thousand dollars ($9,000.00). C. 43:6-7.2. Judges, court of errors and appeals, pension.

2. The payments provided for in this act shall be made semimonthly by the State Treasurer out of State funds. C. 43:6-7.3. Payment.

3. This act shall take effect immediately.

Approved September 13, 1948.

CHAPTER 394

AN ACT to amend and supplement "An act relating to local county district courts and municipal courts and the jurisdiction, functions, powers and duties of such courts and of the judges and the magistrates thereof; establishing county district courts in certain counties; providing for the establishment of municipal courts in certain municipalities and for municipal courts for two or more municipalities in certain cases; providing for the transfer of certain existing courts to such municipal courts; providing for the abolition of the office and terms of justices of the peace and providing for the abolition of the small cause courts," approved July twenty-seventh, one thousand nine hundred and forty-eight (P. L. 1948, c. 264).

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

Section amended.

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

C. 2:8A-6. Concurrent jurisdiction.

6. After December thirty-first, one thousand nine hundred and forty-eight, the county district courts shall have and exercise concurrently with the municipal courts the criminal jurisdiction conferred upon said courts by this act. The respective county district courts shall also have jurisdiction to try and determine any of the crimes and offenses enumerated below, where the person charged shall, in writing, waive indictment and trial by jury:

Jurisdiction.

a. All cases of assault, simple assault and battery, malicious mischief, and larceny or embezzlement, where the price or value of the article, property or thing alleged to have been taken or stolen is under fifty dollars ($50.00);

b. Obtaining money or property under false pretenses, where the amount or value of the article, property or thing alleged to have been obtained is under fifty dollars ($50.00);

c. Receiving stolen property, where the value of the article, property or thing alleged to have been received is under fifty dollars;

d. Unlawful conversion, where the property or thing alleged to have been converted is under the value of fifty dollars ($50.00);

e. Desertion and nonsupport;

f. Fornication and adultery;

g. Selling cigarettes to minors and allowing minors to congregate and play in pool rooms;

h. Defrauding hotel keepers and landlords in violation of sections 2:134–21 and 2:134–22 of this Title;

i. Overdrawing credit or checking account in violation of sections 2:134–17 and 2:134–18 of this Title; and

j. Other criminal offenses, where the penalty that may be imposed therefor does not exceed a fine of two hundred dollars, or imprisonment for a term not exceeding six months.

Section amended.

2. Section thirteen of the act of which this act is amendatory is amended to read as follows:

C. 2:8A-13. Intermunicipal courts, name.

13. Any municipality, or any two or more municipalities entering into an intermunicipal agreement as hereinafter provided, may, by ordinance or ordinances, establish a municipal court. The name of any municipal court so established shall be the "Municipal Court of (insert name of municipality or municipalities)."

3. Section seventeen of the act of which this act is amendatory is amended to read as follows:

C. 2:8A-17. May establish single court, existing courts abolished.

17. Two or more municipalities may, by similar ordinances, enter into an intermunicipal agreement to establish a single municipal court with jurisdiction coextensive with the territory of the municipalities party to the agreement. Upon the taking effect of the ordinances establishing such a municipal court, all police courts, magistrate's courts and

recorder's courts, by whatever name called, heretofore existing in the respective municipalities shall be abolished and their functions, powers and duties, records, property, and pending cases shall be transferred to the municipal court so established.

Section amended.

4. Section eighteen of the act of which this act is amendatory is amended to read as follows:

C. 2:8A-18. Municipal magistrate, term, appointment.

18. Each municipal court shall have a judge who shall be known as the municipal magistrate and who shall have the qualifications set forth in this act. He shall serve for a term of three years from the date of his appointment and until his successor is appointed and qualified. Each magistrate of a municipal court of a single municipality shall be appointed as follows:

In municipalities governed by a mayor-council form of government, by the mayor with the advice and consent of council; and

In all other municipalities, by the governing body of the municipality.

Each magistrate of a municipal court of two or more municipalities shall be nominated and appointed by the Governor with the advice and consent of the Senate.

Section amended.

5. Section nineteen of the act of which this act is amendatory is amended to read as follows:

C. 2:8A-19. May appoint additional magistrates.

19. In every municipality now or hereafter having a population of more than two hundred thousand, the governing body of such municipality may provide for the appointment, as the need may appear, of not more than three additional magistrates of a municipal court of such municipality.

Section amended.

6. Section twenty-seven of the act of which this act is amendatory is amended to read as follows:

C. 2:8A-27. Concurrent civil jurisdiction, proviso.

27. Each municipal court shall also have concurrent civil jurisdiction with the small claims division of the county district courts; *provided,* the defendant resides within the territorial jurisdiction of the court, and the court has been approved for the exercise of civil jurisdiction pursuant to Rules of the Supreme Court.

7. Section twenty-eight of the act of which this act is amendatory is amended to read as follows: Section amended.

28. Each municipal court, and the magistrate or magistrates thereof shall also have, possess and exercise all the functions, powers, duties and jurisdiction in criminal cases heretofore exercised by any justice of the peace, police justice, police magistrate, or recorder, except that in all counties except counties of the first and second class any municipal court the territorial jurisdiction of which includes a population of less than fifteen thousand inhabitants shall not have jurisdiction to try and determine an indictable offense where a defendant offers to waive in writing indictment and trial by jury. Where the person charged offers to waive indictment and trial by jury, and under this section the municipal court is without jurisdiction to try and determine the offense charged, the municipal magistrate may commit, or if the offense charged is bailable in law, admit the person charged to bail with sufficient surety to appear before such court as shall have jurisdiction in such case to hear and determine the crime or offense charged. C. 2:8A-28. Jurisdiction, functions and powers.

8. Section twenty-nine of the act of which this act is amendatory is amended to read as follows: Section amended.

29. Each municipal court magistrate shall have and exercise all the authority of a committing judge or magistrate; *provided, however,* that where a person is charged with an indictable offense, any municipal magistrate sitting as a committing judge or magistrate, shall not discharge the person charged without first having given the county prosecutor notice and an opportunity to be heard in the case. C. 2:8A-29. Authority to commit, proviso.

9. The practice and procedure of municipal courts in the exercise of civil jurisdiction shall, as nearly as may be, conform to the district courts in their exercise of civil jurisdiction, subject to such rules as the Supreme Court shall promulgate and make applicable to the municipal courts, which rules shall supersede (so far as they conflict with) statutory and common law regulations theretofore C. 2:8A-27.1. Practice and procedure.

existing. Civil jurisdiction shall be exercised by any municipal court only where such court shall be approved for such purpose pursuant to Rules of the Supreme Court.

Section amended.

10. Section thirty-eight of the act of which this act is amendatory is amended to read as follows:

C. 2:8A-38. Ex-officio judges.

38. The judges of the County Courts shall be ex-officio judges of the several county district courts and municipal courts and any such judge or any Superior Court judge may be assigned by the Chief Justice of the Supreme Court to hold temporarily a county district court or municipal court, either with or without the judge or magistrate of such court.

Note: Construing.

11. Nothing in this act or in the act to which this act is amendatory and supplementary shall be construed to affect the jurisdiction, functions, powers and duties of criminal judicial district courts or of juvenile and domestic relations courts, or of the judges of such courts.

Note: Act effective.

12. This act shall take effect September fifteenth, one thousand nine hundred and forty-eight.

Approved September 13, 1948.

CHAPTER 395

AN ACT concerning officers and employees of municipalities in this State, and amending section 40:46–34 of the Revised Statutes.

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

Section amended.

1. Section 40:46–34 of the Revised Statutes is amended to read as follows:

Entitled to recover salary.

40:46–34. Whenever a municipal officer or employee, including any policeman or fireman, has been or shall be illegally dismissed or suspended from his office or employment, and such dismissal

or suspension has been or shall be judicially declared illegal, he shall be entitled to recover the salary of his office or employment for the period covered by the illegal dismissal or suspension; *provided,* that a written application therefor shall be filed with the clerk of the municipality within thirty days after such judicial determination, unless such determination was made prior to the effective date of this act, in which case such application shall be filed within six months after the effective date of this act. Proviso.

2. This act shall take effect immediately.

Approved September 13, 1948.

CHAPTER 396

AN ACT permitting the township of Bernards in the county of Somerset to provide for a pension to Waters Burrows Craig on his retirement from the position of township clerk.

WHEREAS, Waters Burrows Craig, resident of the township of Bernards, in the county of Somerset, has performed the duties of township clerk of the township of Bernards for a period of over twenty-five years; and Preamble.

WHEREAS, He has reached the age of eighty-one years and become incapacitated by reason of recent illness; and Preamble.

WHEREAS, He is not eligible for pension under any general act of the Legislature concerning pensions; now, therefore, Preamble.

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

Pension authorized.

1. The township of Bernards in the county of Somerset and State of New Jersey, a municipal corporation formed for local government, is hereby authorized and empowered to grant and pay the aforesaid Waters Burrows Craig a pension of fifteen hundred dollars ($1,500.00) per year, being equal to his present salary as clerk, to commence on the date of his retirement from the position of township clerk and continue for and during the term of his natural life.

Payment.

2. If such pension is granted, it shall be paid in monthly installments.

Provision made in budget.

3. The township of Bernards shall include a sum sufficient to pay such pension, if granted, in its budget for the calendar year next following the passage of this act and in each annual budget thereafter during the life of the said Waters Burrows Craig.

Payment out of available funds.

4. The township of Bernards may pay any such pension from the date of the passage of this act until its next annual budget out of any fund or funds available therefor.

Referendum.

5. The township of Bernards shall hold a referendum as prescribed by law and this act shall become operative in the township of Bernards when adopted by the vote of the legal voters there.

6. This act shall take effect immediately.

Approved September 13, 1948.

CHAPTER 397

AN ACT concerning the lease or sale of public utility plants or systems owned by municipalities, and amending section 40:62–3 of the Revised Statutes.

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

1. Section 40:62–3 of the Revised Statutes is amended to read as follows: Section amended.

40:62–3. Any municipality owning a sewer plant, water plant, heat, light or power plant, system of transportation, or other public utility plant or system, may lease or sell such plant or system. Such a lease or sale to another municipality, a sanitary sewerage authority, a sewerage authority or any other authority, commission or public body shall be authorized by ordinance and may be made upon such terms as said ordinance shall provide and the provisions of sections 40:62–4 and 40:62–5 of this Title shall not apply thereto. Such a lease or sale to any person except another municipality, a sanitary sewerage authority, a sewerage authority or any other authority, commission or public body shall be made only upon compliance with the provisions of sections 40:62–4 and 40:62–5 of this Title and after the same is authorized by the legal voters of the municipality in accordance with said sections. May lease or sell plant, manner of authorizing.

2. This act shall take effect immediately.

Approved September 13, 1948.

CHAPTER 398

AN ACT concerning institutions and agencies, and amending sections 30:4–98 and 30:4–100 of the Revised Statutes.

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

Section amended.

1. Section 30:4–98 of the Revised Statutes is amended to read as follows:

Powers of State board.

30:4–98. The State Board shall have power to:

a. Assign to each institution the industries, occupations, vocations and labor to be operated or performed by the inmates thereof, but no new industry shall be established in any institution nor shall any existing industry be enlarged materially except by consent of the State House Commission;

b. Establish for each institution and for each industry, occupation and vocation, hours and days of labor, determine the rate of compensation to be paid therein and pay or cause the same to be paid to the worker or his dependents, or apportion the pay between the worker and his dependents;

c. Procure and install in each institution the machinery and equipment and furnish the tools, supplies, raw materials, seeds, fertilizers and articles necessary for the operation of the assigned industries and the performance of the assigned occupations and vocations with relation to the determined standards of quality and quantity;

d. Establish standards of machinery, equipment, tools, supplies, raw materials; adopt in conjunction with the Division of Purchase and Property in the State Department of Taxation and Finance, styles, patterns, designs and qualities of finished products; determine the cost of production and fix the selling price thereof;

e. Establish a uniform system of accounting and cost of production for materials and labor including maintenance and wage payments;

f. Prepare and issue a catalogue containing a description and price list of all articles manufactured or produced by all the institutions within its jurisdiction;

g. Assign any number of the inmates of any institution to the performance of labor outside the usual limits of the institution of which they are inmates, of whatever character and wherever, within the boundaries of this State, may be determined by the State Board; *provided,* such labor shall only be employed in enterprises of a public nature or connected with the public welfare or in such work in such places as may be necessary to meet any emergency arising from scarcity of labor on farms. Such labor shall be performed under the direct supervision of an officer or officers authorized by the commissioner;

h. Pay from the working capital account or any other funds at its disposal, for the transportation of such laborers to and from the place of detention to the place of assigned labor, and for the proper clothing, maintenance, guarding and medical attention of the assigned laborers;

i. Determine the amount to be charged for the labor of such inmates as may be assigned to any work for any other department or branch of the State Government not included within the jurisdiction of this department, and contract and agree with the chief executive officer thereof as to the performance of the work, the rate to be paid therefor, the number of inmates to be assigned and such other details as may be necessary and proper;

j. Determine and apportion between the institution furnishing the labor and the institution receiving the benefit thereof the cost of such labor and expenses incident thereto, when such labor is assigned from one institution to another within the jurisdiction of the department;

k. Detail keepers, guards or attendants from the employees of any institution as guards for the inmates thereof when out of the institution on assigned labor or to hire additional keepers or guards

as may be necessary, paying therefor from the working capital account of such institution and including the cost thereof in the calculated cost of such labor;

l. Perform as an independent contractor, with the labor of the inmates of the institutions within its jurisdiction, any public work, either upon the lands of the State or elsewhere; and

m. Employ the inmates of any or all of the institutions within its jurisdiction upon any work for the United States Government or any department thereof, upon such terms as the State Board may determine.

Section amended.

2. Section 30:4–100 of the Revised Statutes is amended to read as follows:

Working capital, use.

30:4–100. The Legislature shall annually appropriate to the department a sum for working capital, which may be allotted by the State Board among the several institutions, which the State Treasurer shall, upon the Comptroller's warrant of the State Commissioner of Taxation and Finance, as directed by rule or order of the State Board, advance to the several officers of the respective institutions designated as the custodians of the working capital thereof. Settlements between institutions, departments, boards and other State agencies shall not be made in cash, but by debits and credits on the comptroller's books. The custodian of working capital funds of an institution shall, on or before the tenth day of each month, file with the State House Commission a statement showing all deliveries made by such institution during the month immediately preceding. Delivery shall be considered to have been made only when the producing institution shall have received and submitted, with its monthly report, the acknowledgment of receipt from the receiving institution, board, commission or other State agency, or in event of sales in the open market, acknowledgement of receipt by the purchaser. A separate report to be submitted with the report of deliveries shall show all products sold, acknowledgment of delivery of which has not

Monthly statement.

been received. All receipts from sales shall be credited to the working capital appropriation for the then current fiscal year and thereafter, from year to year, as replacement thereof, without further appropriation and shall not lapse into the unappropriated funds of the State treasury except as hereinafter provided. There shall be an annual examination of the accounts of the State Use Division in the Department of Institutions and Agencies, and the Governor, with the advice of the Director of the Division of Budget and Accounting in the Department of the Treasury, shall recommend to the Legislature the sum of money which may be transferred from the profits and surplus of the State Use Division to the unappropriated funds of the general treasury of the State and the Legislature in each annual appropriation act may provide for such transfer; *provided, however,* that no Proviso. such transfer shall in any wise operate to interfere with the efficient conduct and management of the industries of the State Use Division and in no event shall such transfer reduce the net assets of the said State Use Division, as reflected by its accounts, below the sum of one million dollars ($1,000,000.00). The value of the inventory of said working capital fund shall be valued at cost, which shall be taken as of July first, one thousand nine hundred and forty-eight, and of the end of each fiscal year thereafter, and shall be filed with the State Department of Taxation and Finance. The proceeds of the sale of any articles or products, the cost of which is properly chargeable to maintenance, during any fiscal year, shall be credited to the maintenance account of the producing institution.

3. This act shall take effect immediately.

Approved September 13, 1948.

CHAPTER 399

AN ACT to amend "An act concerning the salaries of sheriffs of certain counties, and supplementing chapter forty-one of Title 40 of the Revised Statutes," approved August ninth, one thousand nine hundred and forty-eight (P. L. 1948, c. 302).

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

Section amended.

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

C. 40:41-7.2. Sheriff's salary.

1. The annual salary of the sheriff of any county of the fourth class may be increased by resolution of the board of chosen freeholders of the county to not more than five thousand dollars ($5,000.00).

2. This act shall take effect immediately.

Approved September 13, 1948.

CHAPTER 400

AN ACT concerning the employment, transfer and civil service status of certain employees under the board of chosen freeholders in second-class counties.

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

C. 40:21-21.1. To have permanent civil service status.

1. When any person holds employment under the board of chosen freeholders in any second-class county, and such person has civil service status as an assistant superintendent of the county department of weights and measures, and such person is an honorably discharged veteran of World War I,

and, by temporary transfer, occupies the position of assistant county purchasing agent of said county and has held such position for a period of five years, such person shall be permanently transferred to the position of assistant county purchasing agent of said county when such permanent transfer is approved by the board of chosen freeholders of said county, and, thereupon, such employee shall hold said position with permanent civil service status.

2. This act shall take effect immediately.

Approved September 13, 1948.

CHAPTER 401

AN ACT to amend "An act concerning savings and loan associations and building and loan associations, and revising chapter twelve of Title 17 of the Revised Statutes," approved April fourth, one thousand nine hundred and forty-six (P. L. 1946, c. 56).

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

1. Section thirty-nine of the act to which this act is amendatory is amended to read as follows: Section amended.

39. Bonds required. The board shall require the secretary, treasurer, attorney, conveyancer and every other officer, director, employee, or agent handling or having the custody or charge of money, securities, books or records belonging to the association, before entering upon his duties, to be bonded in adequate amount and with good and sufficient surety, which shall be a surety company authorized to transact business in this State, and such bonds shall be approved by the board. The C. 17:12A-39. Bonds required.

board shall examine annually all the bonds and pass on their sufficiency, and, if insufficient, immediately require new or additional bonds. The failure of any person to furnish, or qualify for, such bond shall be ground for his summary removal by the board. The commissioner may at any time order the bond of any such person to be increased. In lieu of such individual bonds, the board may procure a blanket bond providing the same protection to the association. The association may pay the premiums on any and all such bonds. No bond shall be deemed to comply with the requirements of this section unless such bond contains a provision that it shall not be cancellable for any cause unless notice of intention to cancel is filed in the Department of Banking and Insurance at least five days before the day upon which cancellation shall take effect.

Note: Act effective.

2. This act shall take effect September sixteenth, one thousand nine hundred and forty-eight.

Approved September 13, 1948.

CHAPTER 402

AN ACT concerning the pensioning of official court stenographers, and amending sections 43:6–10 and 43:6–11 of the Revised Statutes.

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

Section amended.

1. Section 43:6–10 of the Revised Statutes is amended to read as follows:

May retire.

43:6–10. Any duly appointed stenographic reporter who has served continuously in the Court of Chancery or any one circuit for at least twenty years, is sixty-one years of age, or more, and is physically incapacitated from further serv-

ice as such stenographic reporter may, upon application in writing to the Chancellor, Vice-Chancellor or Justice of the Supreme Court under whom or in whose circuit he is serving at the time of his application, be retired on an annual pension of not more than twenty-five hundred dollars ($2,500.00). Application. Amount of pension.

2. Section 43:6–11 of the Revised Statutes is amended to read as follows: Section amended.

43:6–11. The amount of the pension, the age of the stenographic reporter applying to be retired on a pension and the fact of physical incapacity for further service shall be fixed and determined in the manner as follows: Determination of judicial officer.

The Chancellor, Vice-Chancellor or Justice of the Supreme Court, under whom or in whose circuit the stenographic reporter is serving at the time of his application to be retired upon a pension, shall satisfy himself of the age and physical incapacity of the stenographic reporter applying for retirement upon a pension, and fix the amount of the pension. If the Chancellor, Vice-Chancellor or Justice of the Supreme Court to whom the application is made is satisfied that the stenographic reporter applying for retirement upon a pension is sixty-one years of age, or more, and is physically incapacitated from further service as stenographic reporter, he may, if under all the circumstances he determines that the retirement of the stenographic reporter upon a pension is just and proper, make and sign, in the case of the Chancellor or Vice-Chancellor, one or more duplicate certificates, and, in the case of the Justice of the Supreme Court, two or more duplicate certificates, as the case may require, certifying that he is satisfied that the stenographic reporter applying for retirement upon a pension is sixty-one years of age, or more, and is physically incapacitated from further service as stenographic reporter, and that he has fixed the amount of the pension at the amount stated in the certificate.

3. This act shall take effect immediately.

Approved September 13, 1948.

CHAPTER 403

AN ACT to amend "An act to require and provide for the issuing of licenses and permits to persons, firms and corporations for the erection, use and maintenance of billboards, structures and other objects for outdoor advertising and to regulate such erection, use and maintenance, and to provide penalties for violations of this act, and to repeal chapter forty of Title 54 of the Revised Statutes," filed May eleventh, one thousand nine hundred and forty-two (P. L. 1942, c. 168).

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

Section amended.

1. Section twenty-two of the act of which this act is amendatory is amended to read as follows:

C. 54:40-41. Disposition of moneys.

22. All moneys received from licenses and permits which may be granted under the provisions of this act, including any fines and forfeitures collected under the provisions of this act, shall be forthwith deposited as received with the State Treasurer. The expenses of the administration by the director of the division of his office in charge of carrying out the provisions of this act shall be disbursed by the State Treasurer on order of the director out of such funds.

Excess of moneys apportioned among municipalities.

Any excess of moneys received from such licenses and permits, fines and forfeitures, over the amount of the expenses of the administration of such department, shall be apportioned and paid on or after July first in each year, beginning July first, one thousand nine hundred and forty-eight, on the certificate of the director, to and among the municipalities in which billboards, buildings, structures or other objects used for outdoor advertising purposes and for which permits have been granted

are located, in proportion to the amount of moneys received for such permits as are granted for locations in each municipality; *provided, however,* that no refund for the license year ending March thirty-first, one thousand nine hundred and forty-eight, and any license year thereafter shall be made where the amount due a municipality is less than five dollars ($5.00). Proviso.

2. This act shall take effect immediately.

Approved September 15, 1948.

CHAPTER 404

AN ACT concerning public employment, amending section 38:23–2 and supplementing chapter twenty-three of Title 38 of the Revised Statutes.

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

1. Section 38:23–2 of the Revised Statutes is amended to read as follows: Section amended.

38:23–2. The head of every public department and of every court of this State, every superintendent or foreman on the public works of this State, the heads of the county offices of the several counties and the head of every department, bureau and office in the government of the various municipalities, shall give a leave of absence with pay to every person in the service of the State, county or municipality who is a duly authorized representative of the Grand Army of the Republic, United Spanish-American War Veterans, Disabled American Veterans of the World War, Veterans of Foreign Wars, Indian War Veterans, American Legion, Jewish War Veterans of the United States, Catholic War Veterans of the United States, Women's Overseas Service League, American Vet- Leaves of absence to attend conventions.

erans World War II, Reserve Officers Association of the United States and the Twenty-ninth Division Association, to attend any State or national convention of such organizations.

Certificate of attendance.

A certificate of attendance to the State convention or encampment shall, upon request, be submitted by the representative so attending.

Length of lease.

Leave of absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for time to travel to and from the convention.

Note: Entitled to pay.

2. Any member of the Reserve Officers Association of the United States, who was granted leave of absence from State, county or municipal office, position or employment, as defined in section 38:23–2 of the Revised Statutes, to attend the Department of New Jersey or the national convention of the Reserve Officers Association of the United States, held during the calendar year one thousand nine hundred and forty-eight, shall be entitled to pay for the period of such leave of absence.

3. This act shall take effect immediately.

Approved September 15, 1948.

CHAPTER 405

AN ACT to amend "The Banking Act of 1948," approved April twenty-ninth, one thousand nine hundred and forty-eight (P. L. 1948, c. 67).

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

Section amended.

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

C. 17:9A-180. Industrial obligations.

180. Industrial obligations.

A. A savings bank may invest in bonds, debentures, notes, or other obligations which mature

within thirty years from the time of the investment, and which are issued by an industrial company incorporated within and transacting business within the United States,

(1) whose annual consolidated net sales or consolidated gross income has averaged not less than ten million dollars ($10,000,000.00) for the five fiscal years net preceding the investment for which the necessary statistical data is available; and

(2) whose annual consolidated net income available for dividends has averaged not less than one million dollars ($1,000,000.00) for the five fiscal years next preceding the investment for which the necessary statistical data is available; and

(3) whose total consolidated debt, including current liabilities, as shown on its latest published consolidated balance sheet, does not exceed forty per centum (40%) of its gross assets less reserves as shown on such balance sheet; and

(4) whose consolidated current assets, as shown on its latest published consolidated balance sheet, are not less than two and one-half times its consolidated current liabilities as shown on such balance sheet. In computing current assets and current liabilities for the purposes of this paragraph, there shall be eliminated from current assets, cash and United States Government notes, bonds, treasury bills and certificates of indebtedness in an amount not in excess of Federal income and excess profits taxes included in current liabilities, and there shall be eliminated from current liabilities such Federal income and excess profits taxes in an amount not in excess of the amount eliminated from current assets; and

(5) whose consolidated net income for the five fiscal years next preceding the investment

for which the necessary statistical data is available after deducting reserves, regularly recurring charges for amortization of discount and expenses allocable to funded debt, and after deducting all other charges except interest, income and profits taxes, has averaged not less than four times the average annual consolidated interest charges during such period; and

(6) whose consolidated net income, computed as prescribed in the next preceding paragraph, has not, in two or more of the five fiscal years next preceding the investment for which the necessary statistical data is available, been less than twice the annual consolidated interest charges during the same years; and

(7) whose consolidated net income, computed as prescribed in paragraph (5) of this subsection, for the last fiscal year next preceding the investment for which the necessary statistical data is available, was (a) not less than three times the consolidated interest charges for such year, and (b) not less than three times the annual consolidated charges on the funded debt outstanding at the time of the investment. For the purposes of this section, "debt" shall exclude all debt which has been called for redemption or which otherwise matures within six months from the time of the investment, and for the payment of which funds have been set aside in trust.

B. "Industrial company" shall for the purpose of this section, include predecessor and constituent corporations, and shall mean corporations engaged in manufacturing, mining, merchandising, commercial financing, and other corporations commonly accepted as industrial companies.

C. No savings bank shall make an investment pursuant to this section at any time when the total of all such investments exceeds, or if the making of

such an investment would cause such total to exceed, twenty-five per centum (25%) of its deposits.

D. No savings bank shall make an investment pursuant to this section in any obligation for the payment of which any one industrial company is primarily liable, at any time when the total of all its investments in such obligations of such company exceeds, or if the making of such an investment would cause such total to exceed, two per centum (2%) of its deposits. The acquisition of any such obligation as a result of a refunding or other refinancing or exchange of such obligations theretofore invested in shall not be considered the making of an investment for the purposes of this subsection.

2. This act shall take effect September sixteenth, one thousand nine hundred and forty-eight. Note: Act effective.

Approved September 15, 1948.

CHAPTER 406

AN ACT to amend "An act concerning banking and banking institutions (Revision of 1948)," approved April twenty-ninth, one thousand nine hundred and forty-eight (P. L. 1948, c. 67).

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

1. Section one hundred eighty-eight of the act of which this act is amendatory is amended to read as follows: Section amended.

188. Board of managers; number; qualifications; oath. C. 17:9A-188. Board of managers, number, qualifications, oath.

A. Except as otherwise provided by subsection L of this section, every savings bank shall be managed by a board of not less than nine and not more than twenty-one managers. Not less than two-

thirds of the managers shall be residents and citizens of this State.

B. Each manager shall, following his election and before he assumes office, take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the savings bank, and that he will not knowingly violate or knowingly permit to be violated, any provisions of law applicable to the savings bank. Such oath shall be subscribed by the manager making it, certified by the officer before whom it is taken, and shall be transmitted to the commissioner and filed in the department.

C. A manager who, within thirty days after his election, or, in case of his disability, within such further time as the commissioner shall fix, fails to subscribe the oath specified in subsection B of this section, shall cease to be a manager.

D. Vacancies in the board of managers shall be filled by the board within one year after the vacancies occur. If the board fails to do so, the commissioner may fill any vacancy with a person qualified under this article.

E. The board of managers may meet at such times and so often as they shall deem necessary, but shall meet at least once in each calendar month excepting July and August. A meeting held in January of each year shall be designated the annual meeting of the board.

F. Managers shall be elected by a plurality of the votes of the members of the board of managers at the time in office, present and voting at such election, including those managers whose terms are then expiring. Except as hereinafter provided, each manager shall be elected for a term of six years, and until his successor is elected and shall have qualified. Managers shall be eligible for election to succeed themselves. Elections of managers shall be held biennially at an annual meeting of the board.

G. Every savings bank hereafter organized shall, at the first meeting of its board of managers, divide

the managers named in its certificate of incorporation into three classes of equal size; the members of one class shall hold office until the second annual meeting of the board next succeeding the first meeting; the members of one class shall hold office until the fourth annual meeting next succeeding the first meeting; and the members of one class shall hold office until the sixth annual meeting next succeeding the first meeting, so that, at each election of managers following the first meeting, an equal number of managers shall be elected.

H. Every savings bank heretofore organized shall, at the first annual meeting of the board in January following the effective date of this act, divide its managers into three classes of equal size. The division may be by lot, or on the basis of age or seniority, or otherwise as the board of managers may determine. The members of one class shall be elected to serve for two years; the members of one class shall be elected to serve for four years; and the members of one class shall be elected to serve for six years, so that, at each election following the first annual meeting of the board after the effective date of this act, an equal number of managers shall be elected.

I. The requirements of subsections G and H of this section shall be satisfied if the number of managers in any one class of managers does not exceed by more than one the number of managers in any other class.

J. All classifications and elections of managers made pursuant to this section shall be certified by any two officers of the savings bank, and shall be filed in the department within fifteen days after such classification or election.

K. Except as herein otherwise provided, the acts of a majority of the board of managers at any time in office shall be the acts of the savings bank.

L. Upon the merger of two or more savings banks, the board of managers of the receiving savings bank, as defined in section two hundred five, may consist of not less than nine and not more than

the total number then in office of the managers of all the savings banks which are parties to the merger. So long as the board of managers of such receiving bank shall exceed twenty-one in number (1) the number of managers shall not be increased, but may be decreased to any number not less than nine; (2) vacancies in the board of managers shall not be filled; and (3) the requirements of subsections G and H of this section shall be satisfied if the number of managers in any one class or in any two classes of managers does not exceed by more than one the managers in the remaining classes or class. For the purposes of this subsection, the expiration of the term for which a manager is elected shall not be deemed to create a vacancy.

Section amended.

2. Section one hundred eighty-nine of the act of which this act is amendatory is amended to read as follows:

C. 17:9A-189. Board of managers, change in number.

189. Board of managers; change in number.

A. Subject to the provisions of subsection L of section one hundred eighty-eight, the board of managers may, from time to time, increase or decrease the number of managers within the limits prescribed by subsection A of section one hundred eighty-eight; *provided,* that, except to the extent permissible pursuant to subsection I of section one hundred eighty-eight, (1) the number of managers after such increase or decrease shall be a multiple of three, and (2) such increase or decrease shall not create a disparity between the numbers of members in the several classes.

B. A copy of the resolution changing the number of managers, certified by two officers of the savings bank, shall be filed in the department within fifteen days after its adoption.

Note: Act effective.

3. This act shall take effect on September sixteenth, one thousand nine hundred and forty-eight.

Approved September 15, 1948.

CHAPTER 407

AN ACT concerning the State Highway Department and adding a route to the State highway system.

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

1. The State Highway Commissioner shall, as soon as practicable, and in accordance with the procedure set forth in article one of chapter seven, Title 27, of the Revised Statutes, add to the present State highway system the following described route: Route No. . . . . Additional route.

Beginning at Route 29 in the city of Lambertville and running in a westerly direction to the easterly end of the Delaware river bridge in the city of Lambertville, more particularly known as Bridge street and a portion of U. S. Route 202 in the city of Lambertville. Location.

2. This act shall take effect immediately.

Approved September 15, 1948.

CHAPTER 408

AN ACT to amend "An act concerning banking and banking institutions (Revision of 1948)," approved April twenty-ninth, one thousand nine hundred and forty-eight (P. L. 1948, c. 67).

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

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

19. Branch offices; location; capital requirements. C. 17:9A-19. Branch offices, location, capital requirements.

A. Any bank or savings bank may, pursuant to a resolution of its board of directors or board of

managers, establish and maintain branch offices, subject to the conditions and limitations of this article.

B. No bank or savings bank shall establish or maintain a branch office which is located outside the municipality in which it maintains its principal office; except that a bank or savings bank may establish and maintain a branch office or offices anywhere in the same county as that in which it maintains its principal office

(1) when such bank is a receiving bank as defined in section one hundred thirty-two, or a receiving savings bank as defined in section two hundred five, and each proposed branch will be established at a location occupied by the principal office or a branch office of a merging bank or savings bank; or

(2) when each proposed branch will be established at a location occupied by the principal office or a branch office of a banking institution in liquidation or in contemplation of liquidation; or

(3) when each proposed branch will be established in a municipality in which no banking institution has its principal office or a branch office.

C. Except as otherwise provided by this section,

(1) no bank or savings bank whose principal office is located in a municipality having a population of twenty thousand or less shall establish a branch office in that municipality;

(2) a bank or savings bank whose principal office is located in a municipality having a population in excess of twenty thousand but not in excess of forty thousand may establish and maintain not more than one branch office in that municipality;

(3) a bank or savings bank whose principal office is located in a municipality having a

population in excess of forty thousand but not in excess of eighty thousand may establish and maintain not more than two branch offices in that municipality;

(4) a bank or savings bank whose principal office is located in a municipality having a population in excess of eighty thousand may establish and maintain as many branch offices as the commissioner shall determine.

This subsection shall not limit the number of branches which may be established by a bank or savings bank pursuant to paragraphs (1), (2) or (3) of subsection B of this section.

D. When a bank or savings bank is the only banking institution having its principal office in a municipality wherein no other banking institution has a branch office, such bank or savings bank may establish one branch office in such municipality in addition to the number limited by paragraphs (2) and (3) of subsection C of this section.

E. No bank shall hereafter establish a branch office unless its capital stock and surplus shall at least equal the minimum capital stock and surplus required by section four on the organization of a bank to transact business at the location occupied by the principal office of the bank proposing to establish such branch office, plus the lesser of (1) at least one hundred thousand dollars ($100,000.00) for each branch office maintained or proposed to be established by such bank, or (2) an amount, for each branch office maintained or proposed to be established by such bank, at least equal to the minimum capital stock required by section four on the organization of a bank to transact business at each location maintained or proposed to be established by such bank as a branch office.

F. No savings bank shall hereafter establish a branch office unless its surplus shall at least equal the minimum capital deposits required by section eight on the organization of a savings bank to transact business at the location occupied by the

principal office of the savings bank proposing to establish such branch office, plus an amount, for each branch office maintained or proposed to be established by such savings bank, at least equal to the minimum capital deposits required by section eight on the organization of a savings bank to transact business at each location maintained or proposed to be established by such savings bank as a branch office.

G. Nothing in this section shall affect the continued maintenance of any branch office lawfully in operation on the effective date of this act.

Section amended.

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

C. 17:9A-115. Bonding of directors, officers and employees.

115. Bonding of directors, officers, employees.

Every bank shall, at its own expense, cause to be bonded for the honest performance and discharge of his duties (1) each director who handles or has charge or custody of money, securities or other valuable property of the bank or of its customers and (2) all officers and employees of the bank, in such amount and with such surety as shall be approved by the board of directors. The bonds may be individual bonds or may be one or more blanket bonds issued by a surety company or companies or one or more underwriters. The board of directors shall annually examine all such bonds, shall pass upon their sufficiency and may require a new bond or bonds or increases in the amounts thereof. The commissioner may from time to time order an increase in the amount of any such bonds. No bond shall be deemed to comply with the requirements of this section unless such bond contains a provision that it shall not be cancellable for any cause unless notice of intention to cancel is filed in the department at least five days before the day upon which cancellation shall take effect.

Note: Act effective.

3. This act shall take effect September sixteenth, one thousand nine hundred and forty-eight.

Approved September 15, 1948.

CHAPTER 409

AN ACT authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the sum of fifty million dollars ($50,000,000.00) for State buildings, their construction, reconstruction, development, extension, improvement, equipment and facilities, for welfare and educational uses; providing the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election.

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

Determination of fact.

1. The Legislature hereby finds and determines as a fact: (a) that there exists in this State an acute shortage of necessary and proper State buildings, equipment and facilities for charitable, hospital, relief, training, correctional, reformatory and penal requirements and for higher education at the State University of New Jersey and at teachers' colleges; and (b) that this situation is detrimental to the health, welfare and educational advancement of a large number of citizens of this State and that the correction thereof necessitates the authorization of the bond issue provided for herein.

Bonds authorized, purpose.

2. Bonds of the State of New Jersey in the sum of fifty million dollars ($50,000,000.00) are hereby authorized for State buildings, their construction, reconstruction, development, extension, improvement, equipment and facilities, for welfare and educational uses, as follows: for the construction, reconstruction, development, extension, improvement and equipment of State charitable, hospital, relief, training, correctional, reformatory, and penal in-

stitutions, and the appurtenances thereto, and for construction, development, extension and improvement of buildings and the acquisition of equipment and facilities therefor, for higher education at the State University of New Jersey and at teachers' colleges, such buildings, equipment and facilities to be owned by the State.

Such construction, reconstruction, development, extension and improvement, and such acquisition of equipment and facilities, shall proceed pursuant to appropriations therefor in the manner provided in section thirteen hereof.

Type and maturity.

3. Said bonds shall be serial bonds and known as "State Building Bonds" and, as to each series, the last installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than twenty years from the date of issuance of such series, but may be issued in whole or in part for a shorter term.

Issued as money is required.

4. Said bonds shall be issued from time to time as money is required for the purpose aforesaid, as the issuing officials herein named shall determine.

Issuing officials to carry out provisions of act.

5. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials (hereinafter referred to as "the issuing officials"), are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

Direct State obligations.

6. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State is pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

Signatures and seal required.

7. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the great seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

Bond recital.

8. (a) Such bonds shall recite that they are issued for the purpose set forth in section two of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, one thousand nine hundred and forty-eight, and that it received the sanction of the majority of the votes cast for and against it at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

Type.

(b) Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, as may be determined by the issuing officials.

May register bonds.

(c) Whenever such bonds shall have been issued as coupon bonds, whether so issued originally or at the request of a holder thereof subsequent to the original issue, such bonds, or any of them, may be reissued by the issuing officials at the request of a holder as registered bonds, and all registered

bonds, whether so issued originally or at the request of the holder subsequent to the original issue, may be reissued by the issuing officials, at the request of a holder, as coupon bonds.

Separate series, interest rate.

9. When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate of interest, not exceeding three per centum (3%) per annum, as may be determined by the issuing officials, which interest shall be payable semiannually; *provided,* that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

Proviso.

Sale.

10. Said bonds shall be issued and sold at not less than par and accrued interest, under such terms, conditions, and regulations as the issuing officials may prescribe, after notice of said sale, published at least three times (the first notice shall be at least seven days prior to the day of bidding in at least three newspapers published in the State of New Jersey, and in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey. The said notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials are authorized to sell said bonds at private sale. The issuing officials may sell all or a part of the bonds of any series as issued to the sinking fund or funds for other bonds issued by the State or to the trustees for the support of public schools, the Teachers' Pension and Annuity Fund, or any other pension fund established for the benefit of State employees, or to the Federal Government or any agency thereof, at private sale, without advertisement.

May issue temporary bonds.

11. Until permanent bonds can be prepared, the issuing offcials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such

form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

Disposition of proceeds.

12. The proceeds from the sale of the bonds, exclusive of accrued interest and premiums, and all interest on deposits received from depositories, shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "State Buildings Fund." All accrued interest and premiums from the sale of bonds except as provided in section fifteen hereof, together with interest received from depositories of such funds, shall be held by the State Treasurer to the credit of the said State Buildings Fund.

Funds dedicated.

13. The moneys in the said State Buildings Fund are hereby specifically dedicated to providing for State buildings, their construction, reconstruction, development, extension, improvement, equipment and facilities, for welfare and educational uses, as follows: for the construction, reconstruction, development, extension, improvement and equipment of State charitable, hospital, relief, training, correctional, reformatory, and penal institutions, and the appurtenances thereto, and for the construction, development, extension and improvement of buildings and the acquisition of equipment and facilities therefor, for higher education at the State University of New Jersey and at teachers' colleges, such buildings, equipment and facilities to be owned by the State; and no moneys from said State Buildings Fund shall be expended except in accordance with appropriations, from said fund, made by law.

May transfer funds.

At any time prior to the issuance and sale of bonds under this act the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of the State Buildings Fund such sum as may be deemed necessary for the purposes of this act by the State House Commission, which said sum so transferred shall be returned to the treasury of this State by

the treasurer thereof from the proceeds of the sale of the first issue of bonds.

Mutilated or lost bond or coupon.

14. In case any coupon bonds and coupons thereunto appertaining or any registered bond shall become mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such mutiliation or destruction and also such security and indemnity as the issuing officials may require.

Paying expenses of issuing officials.

15. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from accrued interest and premiums from the sale of bonds or if these funds be insufficent, from the proceeds of the sale of bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

Maturities.

16. Bonds of each series issued hereunder shall mature in installments commencing not later than the third year and ending not later than the twentieth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, but the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power of election by resolution or resolutions of the isuing officials to call for redemption at par and accrued interest to date of redemption, and to redeem on any interest payment date beginning in a stated year, as a whole or in part in the inverse order of their numbers, bonds of that series prior to their maturity, upon notice by publication, at least once, at least sixty days prior to the date fixed for redemption, in a newspaper published in the City of Trenton, and in a publication carrying municipal bond notices and devoted primarily to financial news, published in New York City or in New Jersey. On and after the date of redemption so fixed, interest on bonds so called for redemption shall cease to accrue.

Provisions for interest and principal payments.

17. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

(a) Revenue derived from the tax collected under and by virtue of the provisions of the Cigarette Tax Act (Chapter 65, P. L. 1948), or so much thereof as may be required.

(b) If in any year or at any time funds, as hereinabove appropriated necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before the fifteenth day of December in each year the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before the twentieth day of December in each year.

To transfer excess funds.

If on or before the thirty-first day of December in any year the issuing officials shall determine that there are moneys in the General State Fund, other than moneys derived from motor vehicle fees and motor fuel taxes, beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar

year, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from cigarette taxes and transfer inheritance taxes above referred to shall thereupon be considered as part of the General State Fund, available for general purposes.

Tax to meet deficit.

18. Should the State Treasurer by December thirty-first of any year deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided to meet the interest and principal payments for the year after the ensuing year, then the Treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before the first day of March following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

19. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, one thousand nine hundred and forty-eight, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least fifteen days prior to the said election, to cause this act to be published in at least ten newspapers published in the State and shall notify the clerk of each county of this State of the passage of this act, and the said clerks respectively shall cause to be printed on each of said ballots, the following: Notice published, contents.

If you favor the taking effect of the act entitled below, make a cross ×, plus + or check √ mark in the square opposite the word "Yes."

If you are opposed to the taking effect of the act entitled below, make a cross ×, plus + or check √ mark in the square opposite the word "No."

	YES	AN ACT authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the sum of fifty million dollars ($50,000,000.00) for State buildings, their construction, reconstruction, development, extension, improvement, equipment and facilities, for welfare and educational uses; providing the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election.
	NO	

The fact and date of the approval or passage of this act, as the case may be, shall be inserted in the appropriate place after the title in said ballot. No other requirement of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

Canvass.

The said ballots so cast for and against this act shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is now provided for by law in the case of the election of a Governor, and the sanction or rejection of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such an election in favor of the sanction of this act, then all of the provisions of this act shall take effect forthwith.

Act effective.

20. This section and section nineteen of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in the preceding section.

Approved September 22, 1948.

CHAPTER 410

AN ACT concerning certain court interpreters, and amending sections 2:16–35 and 2:16–36 of the Revised Statutes.

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

Section amended.

1. Section 2:16–35 of the Revised Statutes is hereby amended to read as follows:

May appoint interpreters.

2:16–35. Whenever the transaction of the public business of the Supreme Court circuit, circuit court, the court of common pleas, the orphans'

court, the court of oyer and terminer, the quarter sessions, the court of special sessions and the juvenile and domestic relations courts, in any of the counties of this State, and the business connected with such courts in the office of the prosecutor of the pleas, the sheriff, the county clerk, the surrogate and of the grand jury, will be expedited or improved thereby, the judge of the court of common pleas of any such county, or the judges of the court of common pleas if there be more than one such judge in any such county, may appoint, to serve at the pleasure of the appointing judge or judges, interpreters of the following languages, namely, Italian, German, Polish, Russian, Hungarian and Slavish, and Greek.

Duties.

Interpreters appointed under authority of this section shall severally attend in person upon the courts mentioned in this section during the several terms thereof, and at chambers when requested so to do upon the judges of such courts and upon the Supreme Court justices presiding or sitting in any of such courts, upon the sessions of the grand jury, upon the prosecutor of the pleas, upon the sheriff, upon the clerks of such courts, and upon the other officers charged with the transaction of the public business of such courts, for the purpose of interpreting the languages and dialects for the interpretation of which they are appointed respectively.

Section amended.

2. Section 2:16–36 of the Revised Statutes is hereby amended to read as follows:

Compensation

2:16–36. The compensation of interpreters appointed to interpret the Italian, German, Polish, Russian, and Hungarian and Slavish languages shall be fixed by the judge of the court of common pleas of the respective counties, or by the judges of such court if there be more than one such judge in any county; *provided, however,* that the salaries so fixed shall not become effective unless approved by resolution of the board of chosen freeholders of the county wherein such salaries are to be paid.

Proviso.

Payment.

The salaries herein provided shall be paid by the treasurer of each county, semimonthly, out of the

funds of the county, and shall, whenever fixed as herein provided, be in lieu of all other fees or compensation whatsoever.

3. This act shall take effect immediately.

Approved September 22, 1948.

CHAPTER 411

AN ACT to establish uniform fees and charges relating to the filing, entering, indexing or recording of papers, instruments, documents and orders of the court in the county clerk's offices of the different counties of this State.

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

C. 22.1B-1. Schedule of fees.

1. Upon the filing, indexing, entering or recording of the following documents or papers in the office of the county clerk or clerk of the County Court, such parties filing or having the same recorded or indexed in the county clerk's office or with the clerk of the County Court of the various counties in this State shall pay the following fees in lieu of the fees heretofore provided for the filing, recording or entering of such documents or papers.

In General—	Fee
Issuing county clerk's certificate	$1.00
Comparing and making copies, per sheet.	1.00
Recording all instruments not herein stated	2.00
Bonds, bail, recognizances—	
Recording all official bonds with acknowledgment and proof of the execution thereof	3.00

Filing and entering recognizance or civil bail	2.50
Filing satisfaction or order discharging recognizance or civil bail	3.00
Filing and recording filiation bond	2.50
Filing satisfaction of or order discharging filiation bond	3.00
Recording sheriff's bonds	3.00
Corporations and copartnerships—	
Recording of business corporations:	
Three sheets or less	5.00
For each sheet more than three, per sheet	1.00
Recording all certificates of incorporation of corporations and associations not for profit and of societies, clubs, credit unions, churches, religious societies and congregations	5.00
Recording all other certificates	3.00
Recording and filing copartnership papers	5.00
Recording dissolution of copartnership	2.00
Judgments, et cetera—	
Recording judgments	3.00
Filing and recording confessed judgments	5.00
Docketing, recording and filing docketed judgments	3.00
Recording assignment of judgments	3.00
Issuing certificates of judgment	1.00
Issuing transcript of judgments	2.50
Filing or entering on the record of discharge, cancellation, release or satisfaction of a judgment by satisfaction piece, execution returned satisfied or otherwise	1.00
For recording and indexing postponement of the lien of judgments as required by section 2:27–295 of the Title Administration of Civil and Criminal Justice	2.00

Liens—	
Filing, indexing and recording mechanic's lien claim	3.00
Recording, filing and noting on the record the discharge, release or satisfaction of a mechanic's lien claim	3.00
Extension of lien claim	1.00
Filing statement of district court judgment in mechanic's lien proceeding	3.00
Filing, recording and indexing mechanic's notice of intention	.50
Filing a certificate discharging a mechanic's notice of intention and noting the discharge on the record thereof	.50
Filing, recording and indexing stop notices	.50
Filing a certificate discharging a stop notice and noting the discharge on the record thereof	.50
Filing a court order discharging a stop notice and noting the discharge on the record thereof	3.00
Filing building contract	2.00
Filing building specifications	.50
Filing building plans	.50
Filing each notice of physicians' lien	.50
Entering upon the record the discharge of a physician's lien	.50
Filing each hospital lien claim	.50
Discharge of hospital lien	.50
Filing satisfaction or order for discharge of attachment	3.00
Recording collateral inheritance waiver or receipt	3.00
Commissions and Oaths—	
Administering oaths to notaries public and commissioners of deeds	2.00
For issuing certificate of authority of notary to take proof, acknowledgment or affidavit	1.00

For issuing each certificate of the commission and qualification of notary public for filing with other county clerks	1.00
For filing each certificate of the commission and qualification of notary public, in office of county clerk of county other than where such notary has qualified ..	1.00
Miscellaneous—	
Drawing execution	2.00
Recording execution	2.00
Filing and recording proceedings for laying out, vacating or dedicating roads ..	5.00
Change of name (recording and filing all proceedings)	12.00
Recording firemen's certificates	.50
Registering physician	2.00
Registering nurses	2.00
Filing and indexing permit to carry concealed weapon or renewal	3.00
Subordination, release, partial release or postponement of a lien to the lien of mortgage	2.00
Filing order amending notice of intention	3.00
Recording change of name of building and loan association	5.00
Recording merger agreements of banks:	
Three sheets or less	5.00
For each sheet more than three, per sheet	1.00
Recording certificates, each	1.00
Recording all instruments not herein stated	2.00

2. All acts and parts of acts inconsistent with this act are hereby repealed. Note: Repealer.

3. This act shall take effect immediately.

Approved September 22, 1948.

New Jersey State Library

CHAPTER 412

AN ACT concerning counties, and supplementing chapter twenty-seven of Title 40 of the Revised Statutes.

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

C. 40:27-12. Empowered to withhold approval of any map required to be filed.

1. In any county having a population in excess of four hundred thousand inhabitants other than a county of the first class, the county planning board thereof now or hereafter created pursuant to the provisions of section 40:27–1 of the Revised Statutes, shall have power to withhold approval of any map of lands required, or that may be required by law to be filed, or that may be presented to the clerk of such county for filing pursuant to the provisions of chapter twenty-three of Title 46 of the Revised Statutes, or the provisions of any other law, unless and until adequate facilities are provided for the drainage of any lands, roads or streets shown on such map which shall or may drain storm water directly or indirectly to a county road or roads. No map so disapproved shall be accepted for filing by the county clerk of any such county.

Not to accept for filing.

2. This act shall take effect immediately.

Approved September 22, 1948.

CHAPTER 413

AN ACT concerning counties, and supplementing chapter twenty-three of Title 40 of the Revised Statutes.

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

1. No county having a population in excess of four hundred thousand inhabitants other than a county of the first class, or the board of chosen freeholders thereof or any of its contractors, shall be required to pay any municipal fee or charge in order to secure a building permit for the erection or alteration of any county building or part thereof from the municipality wherein such building may be located. C. 40:23-6.20. Building permit not required.

2. This act shall take effect immediately.

Approved September 22, 1948.

CHAPTER 414

AN ACT concerning the attendance of prisoners and inmates of penal and correctional institutions at the bedside or funeral of dying or deceased relatives, and supplementing Title 30 of the Revised Statutes.

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

1. The principal keeper of the State Prison and the chief executive officer of any penal or correctional institution under the jurisdiction of the State Board of Control of Institutions and Agen- C. 30:4-8.1. May permit attendance at beside of relative.

cies may in his discretion, and in conformity with the rules and regulations of the State Board, authorize and permit the attendance of a prisoner or inmate at the bedside or funeral of a dying or deceased relative. A relative shall be deemed to mean and include the father, mother, husband, wife, child brother or sister of the prisoner or inmate. Any such prisoner or inmate shall at all times be in actual custody of one or more officers or employees of the institution wherein he is confined and shall not be permitted to go without the territorial limits of the State.

C. 30:4-8.2. Rules and regulations

2. The State Board of Control of Institutions and Agencies is empowered to promulgate rules and regulations concerning the attendance of any such prisoner or inmate at the bedside or funeral of a dying or deceased relative which shall insure the safe-keeping and detention of the prisoner or inmate, and protect the welfare of society and make provision as to such other matters as the State Board may deem necessary and proper for individual circumstances of any case. This act shall be administered so as to give full force and effect to its provisions and to limit its application to deserving cases.

3. This act shall take effect immediately.

Approved September 22, 1948.

CHAPTER 415

AN ACT authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the principal amount of fifteen million dollars ($15,000,000.00) to pay for the establishment and construction of a high speed transit system for the southern area of the State; providing the ways and means to pay the interest on such debt, and also to pay and discharge the principal thereof; providing for the designation or creation of an "authority" to establish, construct, operate and maintain such transit system; and providing for the submission of this act to the people at a general election for adoption or rejection.

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

Bonds authorized, purpose.

1. Bonds of the State of New Jersey in the principal amount of fifteen million dollars ($15,000,000.00) are hereby authorized for the purpose of establishing and constructing a high speed transit system in the South Jersey area with a principal terminal situated in the city of Camden.

Management of system.

2. The establishment and construction of such system and its operation and maintenance shall be under the management and control of such existing State "authority" as the Legislature shall designate, or an "authority" created for the purpose by the Legislature.

Issuing officials.

3. For the accomplishment of the purposes of this act, the Governor, the State Treasurer and the Comptroller of the Treasury, or any two of such officials (herein sometimes referred to as "the issuing officials"), are hereby authorized to carry out the provisions of this act relating to the issuance

of said bonds and shall determine all matters in connection therewith subject to the provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

Issuing details.

4. The bonds issued pursuant to this act shall be issued at one time or from time to time as money is required, as the issuing officials shall determine. The bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate of interest not exceeding three per centum (3%) per annum as may be determined by the issuing officials on the receipt of bids.

South Jersey Rapid Transit Bonds.

5. Said bonds shall be known as "South Jersey Rapid Transit Bonds" and shall be serial bonds or term bonds, or partly serial and partly term bonds, as the issuing officials shall determine, and, as to each series, the last installment of serial bonds, or the term bonds, shall mature not later than twenty years from the date of issue of that series, but the bonds of each series may be issued in whole or in part for a shorter time, as the issuing officials may determine. The issuing officials may reserve to the State by appropriate provision in the bonds of any series, the power of election by resolutions of the issuing officials to call for redemption at part and accrued interest to date of redemption, and to redeem on any interest payment date beginning in a stated year as a whole, or in part in the inverse order of numbers, the bonds of that series prior to their maturity, upon notice by publication at least once at least sixty days prior to the date fixed for redemption, in a newspaper published in the city of Trenton, and in a publication carrying municipal bond notices and devoted primarily to financial news or the subject of State and municipal bonds, published in New York City or in New Jersey. On or after the date of redemption so fixed, interest on bonds so called for redemption shall cease to accrue.

Direct obligation of State.

6. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State is pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

Signatures and seal required.

7. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the great seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the Comptroller of the Treasury or by his facsimile signature. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall have ceased to hold office at the time of the delivery of such bonds to the purchaser.

Bond recital.

8. (a) Such bonds shall recite that they are issued to pay for the establishment and construction of a rapid transit system for South Jersey, and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, one thousand nine hundred and forty-eight, and that it received the sanction of the majority of the votes cast for and against it at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

(b) Such bonds shall be issued in such denominations, and in such form or forms, whether coupon or registered, as may be determined by the issuing officials.

(c) Whenever said bonds shall have been issued as coupon bonds, whether so issued originally or at the request of a holder thereof subsequently to the original issue, such bonds, or any of them, may be reissued by the issuing officials at the request of a holder as registered bonds, and all registered bonds, whether so issued or subsequently issued at the request of the holder, may be reissued upon such request, by the issuing officials, as coupon bonds.

Sale.

9. Said bonds shall be issued and sold at not less than par and accrued interest, under such terms, conditions, and regulations as the issuing officials may prescribe, after notice of said sale, published at least once at least five days prior to the day of bidding in at least three newspapers published in the State of New Jersey, and in one publication carrying municipal bond notices and devoted primarily to financial news or the subject of State and municipal bonds, published in New York City or New Jersey. The said notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or failure to receive any bids, the issuing officials are authorized to sell said bonds at private sale. The issuing officials may sell all or a part of the bonds of any series as issued to a sinking fund or to funds for other bonds issued by the State or to the trustees for the support of public schools, the teachers' pension and annuity fund, or any other pension fund established for the benefit of State employees, or to the Federal Government or any agency thereof, at private sale, without advertisement.

Temporary bonds.

10. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

Disposition of proceeds.

11. The proceeds from the sale of the bonds, exclusive of accrued interest and premiums received and interest from deposits received from depositories, shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "South Jersey Rapid Transit System Fund." All accrued interest and premiums from the sale of bonds, excepting as hereinafter directed, together with interest received from deposits of such funds, shall be held by the State Treasurer in a separate fund and be deposited by him in such depositories as may be selected by him to the credit of such fund, which fund shall be known as the "Premium and Interest on South Jersey Rapid Transit System Bonds Fund."

Mutilated or lost bonds and coupons.

12. In case any coupon bond and coupons thereunto appertaining or any registered bond shall become mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the mutilated or destroyed bond and coupons or registered bond upon the applicant's furnishing satisfactory evidence of such mutilation or destruction and such security and indemnity as the issuing officials may require.

Expenses of issuing officials.

13. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from accrued interest and premiums from the sale of bonds or from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

Maturities.

14. Any bonds which the issuing officials shall determine shall be payable in installments, shall mature in annual installments, the first of which shall be payable not more than ten years from the date of issue of the bonds of that series and no annual installment shall exceed by more than fifty per

centum (50%) the amount of the smallest prior installment.

Sinking fund established.

15. A sinking fund is hereby established for the retirement of the principal of any term bonds. Beginning with the calendar year after the date of issue of each series of term bonds, and in each year thereafter, an amount shall be paid, as hereinafter provided, into the said sinking fund, which would, if thereafter annually contributed to said fund, with the fund in hand, and interest on said fund and on such annual contributions at the rate of two per centum (2%), compounded annually, be sufficient to pay the principal of the outstanding term bonds of each series at their maturity, and such fund is hereby appropriated for such payment. The said amounts required to be contributed in each year on account of all issues are sometimes herein referred to as the "Sinking Fund Requirement."

Sinking fund commission created.

16. A Sinking Fund Commission is hereby created which shall consist of the Governor, State Treasurer and State Comptroller. The commission shall be governed by such rules and regulations as they may from time to time adopt. The commission shall have the care and management of the sinking fund which is hereby established and custody and control of all sinking fund moneys, securities, papers and records appertaining thereto. The State Treasurer shall be treasurer of the commission and shall deposit all moneys received as hereinafter prescribed in such depository or depositories as he shall determine. He shall give a bond in such sum as shall be determined by the Sinking Fund Commission, premium for which shall be paid from the revenues herein provided. The Sinking Fund Commission shall pay from the sinking fund the interest on all term bonds authorized hereunder as the same shall become due and payable. The Sinking Fund Commission shall also pay from the sinking fund the principal of all term bonds authorized hereunder as the same shall become due and payable, or at an earlier time if funds are available

as herein provided. The Sinking Fund Commission shall invest, reinvest and keep invested all moneys coming into its control only in securities or investments authorized by this act. It shall have power to sell or convert into cash such securities or investments as from time to time may be necessary to provide funds for the payment of said bonds upon maturity, or for the purpose of protecting the sinking fund from loss or for bettering the investment. It shall be the duty of the commission to keep accurate and detailed books of account covering all moneys coming into its custody, and the investment, return on investment, increase or loss thereon and the expenditure thereof; to make reports as and when required and to permit access to and inspection of accounts and records by any person duly authorized by the State. The State Auditor shall audit said sinking fund each year and his certificate of audit shall accompany the reports. Investment of sinking fund moneys shall be in accordance with the provisions of article six of chapter fourteen of Title 52 of the Revised Statutes, or as may be provided from time to time by law.

To certify amount required

17. The Sinking Fund Commission shall, on or before the fifteenth day of December in each year, certify to the State Treasurer the amount required for the payment of the interest falling due prior to December thirtieth of the year following the ensuing calendar year and the sinking fund requirements for the ensuing calendar year for all outstanding term bonds, and the interest requirements, as above stipulated, for term bonds it is proposed to issue in the ensuing calendar year. The said certificate of such commission shall be conclusive and binding upon the State Treasurer, and the State Treasurer shall pay to the Sinking Fund Commission the amount so certified from the tax hereby imposed and received by him, on or before the thirty-first day of December of the year following the date fixed for the certification. For the purpose of determining the amount of the fund in

hand at any time the Sinking Fund Commission shall value the securities and investments of the sinking fund at not exceeding their par value or at their appraised market value, whichever shall be lower, and for the purpose of calculating the amount to be certified, any surplus in the sinking fund over and above the requirements as herein set forth, may be used to reduce the amount to be certified.

Disposition of excess revenues.

18. All revenues derived from the operation of the said Rapid Transit System in excess of the expenses for the maintenance and operation of the system and the establishment and maintenance of reasonable reserves shall be paid by the "authority" periodically to the State Treasurer for the purpose of making the required payment to the Sinking Fund Commission established by this act.

Taxation to meet deficit.

19. Should the State Treasurer by December thirty-first of any year deem it necessary, because of insufficiency of funds to be collected from the source of revenues as hereinabove provided to meet the interest and principal payments and the sinking fund requirement for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before the first day of March following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount

in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year. Any and all such taxes assessed, levied and collected, as aforesaid, shall be refunded to the counties, taxing districts and taxpayers from the revenues of the said "authority" as shall be provided by law.

Notice published, contents.

20. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, one thousand nine hundred and forty-eight, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect and at least thirty days prior to the said election, to cause this act to be published at least once in at least ten newspapers published in the State. It shall be the duty of the Secretary of State to arrange, in accordance with the statutes of this State in such case made and provided, for such submission, of which submission the same notice shall be given as is required by law to be given of said election, and the people of the State may, at such election, vote for and against the adoption of this act in the following manner:

There shall be printed on each official ballot the following:

Proposition.

If you favor the taking effect of the act entitled below, make an × or a + mark in the square opposite the word "Yes."

If you are opposed to the taking effect of the act entitled below, make an × or a + mark in the square opposite the word "No."

If voting machines are used a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	Shall the act entitled "An act authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the principal amount of fifteen million dollars ($15,000,000.00) to pay for the establishment and construction of a high speed transit system for the southern area of the State; providing for the ways and means to pay the interest on such debt, and also to pay and discharge the principal thereof; providing for the designation or creation of an "authority" to establish, construct, operate and maintain such transit system; and providing for the submission of this act to the people at a general election for adoption or rejection," take effect?
	No.	

The fact and date of the approval or passage of this act, as the case may be, shall be inserted in the appropriate place after the title in said ballot.

Canvass.

The said votes so cast for and against the adoption of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is now provided for by law in the case of the election of a Governor, and the sanction or rejection of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a

majority of all the votes cast for and against it at such an election in favor of the sanction of this act, then all of the provisions of this act shall become operative forthwith.

Rules and regulations.

21. In the event of the adoption of this act the Legislature is authorized and empowered to designate an existing "authority" or create an "authority" to carry out the purposes of this act, and such "authority" shall be empowered to adopt rules and regulations for such purposes.

Act effective.

22. This act shall take effect immediately, but all of its provisions, other than those relating to the referendum provided by section twenty, shall remain inoperative unless this act shall be adopted by the people, as provided in said section.

Approved September 22, 1948.

CHAPTER 416

AN ACT authorizing municipalities to pay the cost of printing its official master plan, in excess of the amount of the original contract, in certain cases.

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

Authorized to pay additional costs.

1. Whenever any municipality has heretofore entered into a contract for the printing of its official master plan, and because of changes made in the printing specifications the cost of said printing exceeds the contract price, the said municipality is hereby empowered to pay the said additional cost of printing, notwithstanding the provisions of chapter fifty of Title 40 of the Revised Statutes; *provided,* such payment can be made under the 1948 budget of said municipality.

Proviso.

2. This act shall take effect immediately.

Approved September 22, 1948.

CHAPTER 417

A SUPPLEMENT to "An act to authorize proceedings and acts by or on behalf of corporations organized under, or for purposes permitted by, or subject to the provisions of, Title 14 of the Revised Statutes, for the execution of plans of reorganization or arrangements under the National Bankruptcy Act and for the execution of plans for simplification or integration under the Public Utility Holding Company Act of 1935, and to amend sections 14:14–44, 14:14–45 and 14:14–46 of the Revised Statutes," approved June twelfth, one thousand nine hundred and forty-eight (P. L. 1948, c. 134).

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

C. 14:14-46.1. Construing.

1. Nothing in the act to which this act is a supplement shall be construed to abrogate, limit or restrict the authority, powers and duties of the Board of Public Utility Commissioners.

2. This act shall take effect immediately.

Approved September 22, 1948.

CHAPTER 418

AN ACT validating proceedings and decrees in causes for the foreclosure of tax sale certificates by municipalities in certain cases.

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

Validates proceedings and decrees in foreclosure of tax sale certificates.

1. No proceedings in and no final decree in any cause for the foreclosure of tax sale certificates heretofore had or entered wherein any municipality is the complainant and wherein two or more unknown husbands are defendants shall be invalidated or impaired by reason of the fact that the complainant has made one of the husbands of a female defendant a party defendant by designating such husband as "Richard Roe" instead of designating such husband as a party defendant in the manner specifically provided by law; *provided,* that an affidavit of the complainant or its solicitor, annexed to the bill of complaint and filed therewith sets forth substantially that notwithstanding diligent and careful inquiry therefor, as in the case of absent defendants, the affiant has been unable to ascertain whether such female defendant is married and it is thought necessary or proper to make the husband, if any, of such female defendant a party defendant; and in such case every such proceeding and final decree shall be as valid, binding and conclusive in all respects as it would have been had such husband, if any, been made a party in the manner specifically provided by law.

2. This act shall take effect immediately.

Approved September 22, 1948.

CHAPTER 419

AN ACT to define and regulate retail installment sales in the amount of or of the value of three thousand dollars ($3,000.00) or less and to license and regulate sales finance companies.

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

C. 17:16B-1. Terms defined:

1. In this act, unless the context otherwise requires, the following words and terms shall have the following meanings:

Goods;

(a) Goods means all chattels personal having a cash price of three thousand dollars ($3,000.00) or less but not including money or things in action.

Rétail installment contract;

(b) Retail installment contract means any contract entered into in this State evidencing an agreement to pay the retail purchase price of goods, or any part thereof, in installments over a period of time and pursuant to which title to or a lien upon the goods is retained or taken by the retail seller as security for the payment of the amount of said retail installment contract. This term includes a chattel mortgage, conditional sale contract, or other similar instrument and any retail contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value of the goods and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of such goods upon full compliance with the terms of such retail contract.

Retail seller;

(c) Retail seller means a person who sells or agrees to sell one or more articles of goods under a retail installment contract to a retail buyer.

Retail buyer;

(d) Retail buyer means a person who buys or agrees to buy one or more articles of goods from a retail seller not for the purpose of resale and who executes a retail installment contract in connection therewith.

(e) Sales finance company means and includes any person engaging in this State in the business, in whole or in part, of acquiring retail installment contracts from retail sellers by purchase, discount or pledge, or by loan or advance to a retail seller on the security thereof, or otherwise. Sales finance company;

(f) Cash price means the total amount in dollars at which the seller and buyer agree the seller would transfer unqualified title to the goods, if the transaction were a cash sale instead of a sale under a retail installment contract. Cash price;

(g) Time price differential means the amount in excess of the cash price of the goods agreed upon by the retail seller and the retail buyer, to be paid by the retail buyer for the privilege of purchasing the goods under the retail installment contract. Time price differential;

(h) Person means an individual, partnership, firm, corporation or association. Person;

(i) The term commissioner means the Commissioner of Banking and Insurance and includes his deputy or any salaried employee of the Department of Banking and Insurance named or appointed by the said commissioner to perform any function in the administration or enforcement of this act. Commissioner;

(j) Words in the singular include the plural and vice versa. Use of words.

2. (a) No person shall engage in the business of a sales finance company in this State without a license therefor as provided in this act; *provided, however,* that no bank, trust company or national bank authorized to do business in this State shall be required to obtain a license under this act, but shall be subject to all of the other provisions of this act. C. 17:16B-2. License required, proviso.

(b) The application for such license shall be in writing, under oath and in the form prescribed by the commissioner. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and Application.

resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and such other pertinent information as the commissioner may require.

Rate chart filed.

(c) Every sales finance company shall keep on file at all times with the commissioner the maximum rate chart or charts in current use, said rate chart or charts to be numbered for identification. The filed rates shall include all filing fees, if any.

License fee.

(d) The license fee for each calendar year or part thereof shall be the sum of one hundred dollars ($100.00) for the principal place of business of the licensee and the sum of twenty-five dollars ($25.00) for each branch of the licensee maintained in this State. All license fees received by the commissioner under this act shall be paid over by him to the State Treasurer.

To show location.

(e) Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case such location be changed, the commissioner shall endorse the change of location on the license without charge.

To issue license, term.

(f) Upon the filing of such application, and the payment of said fee, the commissioner shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this act for a period which shall expire the last day of December next following the date of its issuance. Such license shall not be transferable or assignable. No licensee shall transact any business provided for by this act under any other name.

Not transferable.

C. 17:16B-3. Grounds for suspending or revoking license.

3. (a) A license may be suspended or revoked by the commissioner on the following grounds:

(1) Material misstatement in application for license;

(2) Failure to comply with any provision of this or any other act relating to retail installment contracts;

(3) Defrauding any retail buyer to the buyer's damage;

(4) Failure to perform any valid written agreement with any retail buyer;

(5 Fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under any law of this State relating to retail installment contracts.

(b) If a licensee is a firm, association or corporation, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed firm, association or corporation, or any member of a licensed partnership, has so acted or failed to act as would be cause for suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his employees while acting as his agent, if such licensee had actual knowledge of said acts and after such actual knowledge retained the benefits, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts.

(c) No license shall be suspended or revoked except after hearing thereon. The commissioner shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of such hearing by registered mail addressed to the principal place of business in this State of such licensee. The said notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking such license shall recite the grounds upon which the same is based and shall not be effective until after ten days' written notice thereof forwarded by registered mail to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee.

(d) Within thirty days after any such suspension or revocation of a license, the person aggrieved may apply for a review thereof by an application to the Superior Court, in accordance with the practice of said court. The Superior Court shall determine de novo, and in a summary manner, all questions, both of fact and of law, touching upon the legality and reasonableness of the determination of the commissioner, and shall render such judgment as shall be lawful and just.

C. 17:16B-4. Complaint filed by retail buyer.

4. Any retail buyer having reason to believe that this act or any other act relating to his retail installment contract has been violated may file with the commissioner a written complaint setting forth the details of such alleged violation and the commissioner, upon receipt of such complaint and upon determination that reasonable grounds exist for such complaint, may inspect the pertinent books, records, letters and contracts of the licensee and of the retail seller involved, relating to such specific written complaint.

C. 17:16B-5. Empowered to issue subpœnas.

5. The commissioner shall have power to issue subpœnas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before him in any matter over which he has jurisdiction, control or supervision pertaining to this act. The commissioner shall have the power to administer oaths and affirmations to any person whose testimony is required.

Enforcement of process.

If any person shall refuse to obey any such subpœna, or to give testimony, or to produce evidence as required thereby, any judge of the Superior Court may, upon application and proof of such refusal, make an order awarding process of subpœna, or subpœna duces tecum, out of the Superior Court, for the witness to appear before the commissioner and to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of the Superior Court, the clerk shall issue process of subpœna, as directed, under the seal of said court, requiring the

person to whom it is directed, to appear at the time and place therein designated.

If any person served with any such subpœna shall refuse to obey the same, and to give testimony, and to produce evidence as required thereby, the commissioner may apply to any judge of the Superior Court for an attachment against such person, as for a contempt. The judge, upon satisfactory proof of such refusal, shall issue an attachment, directed to any sheriff, constable or police officer, for the arrest of such person, and upon his being brought before such judge, proceed to a hearing of the case. The judge shall have power to enforce obedience to such subpœna, and the answering of any question, and the production of any evidence, that may be proper, by a fine, not exceeding one hundred dollars ($100.00), or by imprisonment in the county jail, or by both fine and imprisonment, and to compel such witness to pay the costs of such proceeding to be taxed.

C. 17:16B-6. Contract in writing, provisions.

6. (a) (1) Every retail installment contract shall be in writing, shall contain all the agreements of the parties and shall be signed by the retail buyer. Within five days after making of any retail installment sale, the seller shall mail or deliver to the buyer a true and complete copy of the retail installment contract.

(2) Any provision of a retail installment contract as originally written or subsequently amended which purports to provide for the inclusion of title to or a lien upon any goods subsequently or previously sold under a retail installment contract not paid in full, other than that originally sold as the subject of such specific installment sale or other than substitution in whole or in part therefor, as security for payment of such specific installment sale price or any part thereof shall be null and void; but the other provisions shall not be affected thereby.

(3) No provision for confession or judgment or power of attorney therefor contained in any retail installment contract or contained in a separate

agreement relating thereto, shall be valid or enforceable.

(4) The holder of any retail installment contract shall not receive or collect any charges or expenses for delinquency and collection except as follows: the holder of a retail installment contract may collect a delinquency and collection charge for default in the payment of any such contract or installment thereof, where such default shall have continued for a period of ten days, such charge not to exceed five per centum (5%) of the amount of the installments in default or the sum of five dollars ($5.00), whichever is the lesser. In addition to such delinquency and collection charge, the retail installment contract may provide for the payment of attorneys' fees not exceeding fifteen per centum (15%) of the amount due and payable under such contract where such contract is referred to an attorney not a salaried employee of the holder of the contract for collection plus the court costs.

(5) Unless notice has been given to the retail buyer of actual or intended assignment of a retail installment contract, payment thereunder or tender thereof made by the retail buyer to the last known holder of such contract shall be binding upon such subsequent holder or assignee.

(6) Upon written request from the retail buyer, the holder of the retail installment contract shall give or forward to the retail buyer a written statement of the dates and amounts of payments and the total amount unpaid under such contract. A retail buyer shall be given a written receipt for any payment when made in cash.

Statement by seller, contracts.

(b) Prior to or concurrent with the making of any retail installment contract, the retail seller shall deliver to the retail buyer a written statement, which may be included in the retail installment contract, reciting the following separate items as such:

(1) The cash price of the goods which are the subject matter of the retail installment contract;

(2) The amount in cash of the retail buyer's down payment, whether made in money or goods, or partly in money or partly in goods;

(3) The unpaid balance of the cash price, which is the difference between items one and two;

(4) The cost to the retail buyer of any insurance to be procured on the goods, specifying the types of coverage;

(5) The amount of the time price differential;

(6) The time balance owed by the retail buyer to the retail seller and the number of installment payments required and the amount and date of each payment necessary finally to pay the time balance, which is the sum of items three, four and five. The cost of insurance under item four and the amount of item five may be added together and stated as one sum in the statement or retail installment contract, but in such event the retail seller or his assignee shall within twenty-five days after the making of the retail installment contract mail or cause to be mailed to the retail buyer at his address as shown on the retail installment contract a statement reciting the separate amounts of items four and five.

Insurance on goods.

(c) Every retail seller or sales finance company, if insurance on the goods is included in a retail installment contract, shall within twenty-five days after execution of the retail installment contract send or cause to be sent to the retail buyer a policy or policies or certificate of insurance, which insurance shall be written by a company authorized to do business in this State, clearly setting forth the amount of the premium, the kind or kinds of insurance and the scope of the coverage and all of the terms, exceptions, limitations, restrictions and conditions of the contract or contracts of the insurance.

Sale of contracts.

(d) Any sales finance company hereunder may purchase or acquire from any retail seller any retail installment contract on such terms and conditions as may be mutually agreed upon not inconsistent with the provisions of this act. No filing of the assignment, no notice to the retail buyer of the assignment, and no requirement that the retail seller shall be deprived of dominion over the payments thereunder or the goods covered thereby if repossessed by the retail seller shall be necessary to the validity of a written assignment of a retail installment contract as against creditors, subsequent purchasers, pledgees, mortgagees and encumbrancers of the retail seller.

(e) An acknowledgment by the retail buyer of the delivery of any such copy, notice or statement as required in subsection (a) or (b) of this section contained in the body of the statement or contract shall be conclusive proof of delivery in any action or proceeding by or against any assignee of a retail installment contract.

C. 17:16B-7. Payment before maturity, refund.

7. Notwithstanding the provisions of any retail installment contract to the contrary, any retail buyer may satisfy in full at any time before maturity the debt of any retail installment contract and in so satisfying such debt shall receive a refund credit thereon for such anticipation of payments. The amount of such refund shall represent at least as great a proportion of the time price differential, less any insurance premium and an acquisition cost of ten dollars ($10.00), as the sum of the periodical time balances, after the date of prepayment, bears to the sum of all the periodical time balances under the schedule of payments in the original contract. Where the amount of the credit for anticipation of payments is less than one dollar ($1.00), no rebate need be made.

C. 17:16B-8. Renewals and extensions in writing.

8. Whenever any sales finance company renews or extends the installments remaining unpaid, or makes a refund to the buyer of any one or more of the installments previously paid to be subsequently repaid by the buyer, so that the retail in-

stallment contract is both extended beyond its original date of final payment and the installments are reduced or increased in amount, such renewal, extension or refund agreement shall be in writing and such sales finance company may, any law to the contrary notwithstanding, make or collect, in addition to a flat service fee not to exceed five dollars ($5.00), a total additional charge therefor not exceeding an amount equivalent to a true rate of interest of ten per centum (10%) per annum on the respective descending balances computed from the date of the oldest unpaid installment existing prior to such renewal, extension or refund. Where the renewal, extension or refund does not include both an extension beyond the original date of final payment and a reduction or increase in the amount of the installments, such sales finance company may make a total additional charge therefor up to the maximum lawful contract rate of interest permitted under the laws of this State, on the payment or payments extended for the period or periods of the extension.

C. 17:16B-9. Penalty.

9. Any person failing to compy with or vioating section two of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding five hundred dollars ($500.00).

A violation of sections six, seven or eight of this act by any person shall bar recovery of any time price differential, delinquency or collection charge by the owner or holder of the retail installment contract involved; *provided,* that such owner or holder had actual knowledge of said violation and after such actual knowledge retained the benefits, proceeds, profits or advantages accruing from said violation or otherwise ratified said violation.

Proviso.

C. 17:16B-10. Constitutionality.

10. If any provision of this act or the application thereof to any person or circumstance is held unconstitutional, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

C. 17:16B-11. Short title.

11. This act may be cited as the "Retail Installment Sales Act."

C. 17:16B-12. Act effective.

12. This act shall take effect October first, one thousand nine hundred and forty-eight.

Approved September 29, 1948.

CHAPTER 420

AN ACT to validate and confirm conveyances of real estate made by testamentary trustees who had not qualified as such in the manner provided by law at the time of the making of such conveyance.

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

Validates conveyances.

1. Every deed of conveyance of real estate made by any testamentary trustee or trustees and recorded in the office of any county clerk or register of deeds in any county in this State shall be good, valid and effectual to convey said real estate according to its terms notwithstanding such testamentary trustee or trustees failed to qualify as such although required to quaify as such before the making of such deed; *provided, however,* that such trustee or trustees shall, after the making of such deed, have qualified or shall hereafter qualify in the manner provided by law.

Proviso.

2. This act shall take effect immediately.

Approved September 29, 1948.

CHAPTER 421

AN ACT concerning provident loan associations, and amending sections 17:11–1 and 17:11–4 of the Revised Statutes so as to increase the maximum amount of loan to the sum of five hundred dollars ($500.00) which such associations may be permitted to make to any one person.

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

1. Section 17:11–1 of the Revised Statutes is amended to read as follows: Section amended.

17:11–1. Purpose of incorporation. Three or more persons, citizens of this State, may, upon executing, recording and filing a certificate of incorporation as hereinafter provided, form a corporation for the purpose of aiding persons deemed in need of pecuniary assistance by loans of money, at interest, but not exceeding five hundred dollars ($500.00) to any one person, upon a pledge or mortgage of personal property. Purpose of incorporation.

2. Section 17:11–4 of the Revised Statutes is amended to read as follows: Section amended.

17:11–4. Powers and restrictions. Every such association shall have the general powers of a corporation formed under Title 14, Corporations, General, except such as are inconsistent with this chapter, and be subject to all the duties, obligations and restrictions of corporations formed under that Title, so far as applicable thereto, and, in addition may: Powers and restrictions.

a. Act as pawnbroker, and be subject to and entitled to the benefits of all the provisions of the laws of this State concerning pawnbrokers, except that it shall not be required to obtain a license and file bond;

b. Loan money to such persons as shall be deemed to be in need of pecuniary assistance, and

may take as security for the payment thereof either a pledge or mortgage on personal property, together with other lawful securities;

c. Charge and receive on each loan made by it interest at a rate not to exceed one and one-half per centum (1½%) per month on the original loan as made or on any unpaid balances thereof; but no such loan greater than five hundred dollars ($500.00) shall be made, nor shall any one person owe the association more than five hundred dollars ($500.00) of principal at any one time, either directly as maker or indirectly as indorser or guarantor.

3. This act shall take effect immediately.

Approved September 29, 1948.

CHAPTER 422

AN ACT concerning traffic regulation, and amending sections 39:4–110 and 39:4–112 of the Revised Statutes.

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

Section amended.

1. Section 39:4–110 of the Revised Statutes is amended to read as follows:

Placing of traffic signals.

39:4–110. Traffic signals shall be placed at such height as to be plainly visibe to approaching traffic at a distance of at least one hundred and fifty feet from the intersection, and shall, if within the curb line and operated by electricity, be placed at a height of from eight to ten feet above the pavement. If on bracket, mast arm or cable, the signal shall clear the pavement by fourteen feet and six inches.

Section amended.

2. Section 39:4–112 of the Revised Statutes is amended to read as follows:

Number and location.

39:4–112. Traffic control signals shall be so located as to be plainly visible to all traffic to be

regulated and shall provide at least two indications for each approach at the intersection. At least one signal face shall give an unmistakable indication to traffic approaching, as well as passing through the intersection area. This shall be accomplished by means of posts, brackets, mast arms or cables so located that at least one signal face shall be to the right of, or over the traffic it is intended to control.

3. This act shall take effect immediately.

Approved September 29, 1948.

CHAPTER 423

AN ACT to amend "An act concerning the teachers' pension and annuity fund, and supplementing article three of chapter thirteen of Title 18 of the Revised Statutes," approved August ninth, one thousand nine hundred and forty-eight (P. L. 1948, c. 292).

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

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

1. Any employee of a city board of education who rendered service from January first, one thousand nine hundred and fourteen, to December thirty-first, one thousand nine hundred and eighteen, involving janitorial work, part of which service was clerical, and who subsequently was appointed by the same city board of education as a full-time janitor with service as such continuous up to the time of the passage of this act shall be entitled to credit for such service as that of a full-time janitor for the period January first, one thousand nine hundred and fourteen, to December Credited with prior service.

thirty-first, one thousand nine hundred and eighteen, by the board of trustees of the teachers' pension and annuity fund.

2. This act shall take effect immediately.

Approved September 29, 1948.

CHAPTER 424

AN ACT to amend an act entitled "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May twenty-third, one thousand nine hundred and forty-four (P. L. 1944, c. 255).

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

Section amended.

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

C. 43:16A-3. Membership compulsory.

3. (1) After the date of the establishment of this retirement system, any person becoming a policeman or fireman in a county or municipality or fire district located in a township where, prior to the date this act takes effect, a pension fund under chapter sixteen of Title 43 or article four of chapter ten of Title 43 of the Revised Statutes for policemen or firemen has been established, shall become a member of this retirement system as a condition of his employment; *provided,* that his age at becoming a policeman or fireman is not over thirty years; *and further provided,* that he shall furnish such evidence of good health at the time of becoming a member as the board of trustees shall require.

Proviso.

Proviso.

Age requirements.

Any person who became a policeman or fireman in any such county, municipality or fire district after June thirtieth, one thousand nine hundred and forty-four, and prior to the effective date of

this amendment and supplement and who at the time of becoming such policeman or fireman was over thirty years and not more than thirty-five years of age, shall become a member of this retirement system as a condition of his empoyment; *provided,* that he shall furnish such evidence of good health at the time of his becoming a policeman or fireman as the board of trustees shall require. Proviso.

(2) After the date upon which this act becomes effective in any county, municipality or political subdivision thereof, pursuant to a referendum as hereinafter provided (a) Any person becoming a policeman or fireman in any such county, municipality or political subdivision shall become a member of this retirement system as a condition of his employment; *provided,* that his age at becoming a policeman or fireman is not over thirty years; *and provided further,* that he shall furnish such evidence of good health at the time of becoming a member as the board of trustees shall require; and (b) Any person in service as a policeman or fireman in any such county, municipality or political subdivision on the date this act becomes effective therein who, within the time and in the manner permitted by this act, elects to become a member of this retirement system, shall become such member. Membership required. Proviso. Proviso.

(3) The board of trustees may accept as members into the retirement system, policemen and firemen who are serving as probationers. The board of trustees may in its discretion deny the right to become members to any class of policemen or firemen whose compensation is only partly paid by the employer or who are serving in a temporary or other than per annum basis, and it may also, in its discretion, make optional with members in any such class their individual entrance into membership. Probationers eligible.

(4) Should any member in any period of four consecutive years after last becoming a member be absent from service for more than two years, or withdraw his aggregate contributions, or be- Membership to cease.

come a beneficiary or die, he shall thereupon cease to be a member.

2. This act shall take effect immediately.

Approved September 29, 1948.

CHAPTER 425

AN ACT concerning municipalities, and amending section 40:52–1 of the Revised Statutes.

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

Section amended.

1. Section 40:52–1 of the Revised Statutes is amended to read as follows:

Ordinances to license and regulate.

40:52–1. The governing body may make, amend, repeal and enforce ordinances to license and regulate:

a. All vehicles used for the transportation of passengers, baggage, merchandise, and goods and chattels of every kind, and the owners and drivers of all such vehicles; and the places and premises in which or at which the different kinds of business or occupation mentioned herein are carried on and conducted. Nothing herein contained shall be construed as modifying or repealing any of the provisions of chapter four of the Title Public Utilities (§48:4–1 et seq.);

b. Autobusses, and the owners and drivers of all such vehicles, and to fix the fees for such licenses, which may be imposed for revenue, and to prohibit the operation of all such vehicles in the public streets or places of such municipality, unless such ordinances are complied with, whether such vehicles are operated over routes wholly or partly within the territorial limits of such municipality; the powers conferred by this section shall not be in substitution of but in addition to whatever other right, power and authority any such municipality

may at any time have as to licensing, regulating, or control of the operation of such autobusses, commonly called jitneys, and this section shall not be construed as modifying or repealing any of the provisions of chapter four (§48:4–1 et seq.) or article three of chapter sixteen (§48:16–23 et seq.) of the Title Public Utilities;

c. Cartmen, expressmen, baggagemen, porters, common criers, hawkers, peddlers, employment agencies, pawnbrokers, junk shop keepers, junk dealers, motor vehicle junk dealers, street sprinklers, bill posters, bill tackers, sweeps, scavengers, itinerant vendors of merchandise, medicines and remedies; and the places and premises in which or at which the different kinds of business or occupation mentioned herein are conducted and carried on;

d. Hotels, boarding houses, lodging and rooming houses, trailer camps and camp sites, and all other places and buildings used for sleeping and lodging purposes, restaurants and all other eating places, and the keepers thereof;

e. Automobile garages, dealers in secondhand motor vehicles and parts thereof, bathhouses, swimming pools, and the keepers thereof;

f. Theatres, cinema and show houses, opera houses, concert halls, dance halls, pool or billiard parlors, bowling alleys, exhibition grounds, and all other places of public amusement, circuses and traveling or other shows, plays, dances, exhibitions, concerts, theatrical performances, and all street parades in connection therewith;

g. Lumber and coal yards, stores for the sale of meats, groceries and provisions, dry goods and merchandise, and goods and chattels of every kind, and all other kinds of business conducted in the municipality other than herein mentioned, and the places and premises in or at which the business is conducted and carried on; street stands for the sale or distribution of newspapers, magazines, periodicals, books, and goods and merchandise or other articles;

h. Street signs and other objects projecting beyond the building line, into or over any public street or highway;

i. Auctioneers and their business, whether the auctioneers be real estate brokers engaged in selling at auction or real estate auctioneers licensed by the New Jersey Real Estate Commission; fix their fees, and license and regulate public auctions; make such regulations as the governing body of the municipality shall deem necessary, to protect the public against fraud at public auction sales, and for the safety and protection of the property of the municipality and its inhabitants, including the power to require from auctioneers a bond to the municipality, not exceeding the penal sum of five thousand dollars ($5,000.00), conditioned as the governing body shall require;

j. Sales of goods, wares and merchandise to be advertised, held out or represented, or which are advertised, held out or represented, to the public, by any means, directly or by implication, as forced sales at reduced prices or as insurance, bankruptcy, mortgage foreclosure, insolvency, removal, loss or expiration of lease or closing out sales, or as assignees', receivers' or trustees' sales or as sales of goods distrained or as sales of goods damaged by fire, smoke or water, except any sale which is to be held under a judicial order, judgment or decree or a writ issuing out of any court or to enforce any lawful lien or power of sale whether by judicial process or not or by a licensed auctioneer; to make such regulations governing the advertisement, holding out or representing to the public of such sales, and the conduct thereof, as the governing body of the municipality shall deem necessary to protect the public against fraud; to prohibit the advertising, holding out or representing to the public of any sale as being of the character above described which is not of such character and to fix license fees for the conduct of such sales and to impose penalties for the violation of any such ordinance.

k. Roving bands of nomads, commonly called gypsies; and,

l. The opening and closing of barber shops on Sunday and legal holidays, and the hours of opening and closing on week days, and to impose a penalty for the violation of any such ordinance, not exceeding a fine of twenty-five dollars ($25.00), or imprisonment in the municipal lockup, or in the county jail, not exceeding ten days.

Nothing in this chapter contained shall be construed to authorize or empower the governing body of any municipality to license or regulate any person holding a license or certificate issued by any department, board, commission, or other agency of the State; *provided, however,* that the governing body of a municipality may make, amend, repeal and enforce ordinances to license and regulate real estate auctioneers or real estate brokers engaged in selling at auction and their business as provided in this section despite the fact that such real estate auctioneers or brokers may be licensed by the New Jersey Real Estate Commission and notwithstanding the provisions of this act or any other act. Construing. Proviso.

2. This act shall take effect immediately.

Approved September 29, 1948.

CHAPTER 426

AN ACT to validate proceedings for the issuance of obligations of municipalities pursuant to the provisions of an act entitled "An act providing for housing for veterans of World War II and other people of the State and declaring an emergency in respect thereto," approved October one, one thousand nine hundred and forty-six.

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

Validates proceedings.

1. All proceedings heretofore had or taken by any municipality for the authorization or issuance of obligations pursuant to an act entitled "An act providing for housing for veterans of World War II and other people of the State and declaring an emergency in respect thereto," approved October one, one thousand nine hundred and forty-six, are hereby ratified, validated and confirmed nothwithstanding that the approval of the Director of Local Government of the Department of Taxation and Finance was not obtained prior to passage on first reading of the resolution or ordinance authorizing such obligations or that said obligations were not funded by the issuance of bonds within the period provided by the act pursuant to which they were issued; *provided,* that such proceedings were in all other respects had and taken in accordance with law and shall not have been questioned in any action or proceeding heretofore instituted in any court.

Proviso.

2. This act shall take effect immediately.

Approved September 29, 1948.

CHAPTER 427

AN ACT authorizing the conveyance of lands by school districts in certain cases.

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

C. 18.5-29.1. Authorized to convey certain lands.

1. Whenever any school district of this State has heretofore received a conveyance of lands subject to a recital or condition in the deed of conveyance, substantially providing that the land and premises conveyed is intended to be conveyed for the express purpose of building a public school house on the same and for the uses and purposes of a public school for said district, and the lands so conveyed have been held by the district for more than thirty years upon which no public school house has ever been built or has stood for the past twenty years, an the board of education of the district shall determine that the lands are not required for school uses and purposes; the board of education of the district may sell and convey the said lands and make, execute and deliver a valid conveyance thereof, free of any such recital or condition and thereby vest a title in fee simple absolute in the grantee as fully as though such recital or condition was not contained in the deed of conveyance to the school district; *provided,* that no proceeding or suit in law or in equity shall be commenced against said school district for the recovery of said lands or the enforcement of such recital or condition within the period of one year from the date of conveyance of said lands by the board of education of the district.

Proviso.

2. This act shall take effect immediately.

Approved October 1, 1948.

CHAPTER 428

AN ACT concerning the pension of certain employees of cities of the first class, and supplementing article two of chapter thirteen of Title 43 of the Revised Statutes.

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

C. 43:13-21.1. Entitled to rights and benefits.

1. Whenever a municipal employee of a city of the first class has become a member of the pension fund established for employees of said city, and has, since becoming a member of said pension fund, accepted employment, or has become an officer or employee of the school district of said city, or of the county in which said city is located, and has continued to pay into the pension fund of said city the required contribution under the act which this act supplements, said employee shall be entitled to all the rights and benefits to which an employee under the act which this act supplements is entitled.

2. This act shall take effect immediately.

Approved October 1, 1948.

CHAPTER 429

AN ACT concerning death by wrongful act, and amending section 2:47–4 of the Revised Statutes.

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

Section amended.

1. Section 2:47–4 of the Revised Statutes is amended to read as follows:

Amount recovered for exclusive benefit of dependents.

2:47–4. The amount recovered in proceedings under this chapter shall be for the exclusive benefit

of the widow, surviving husband, dependent children of the decedent, or the descendants of any such children, the dependent natural parents of the decedent, the dependent adopting parents of a legally adopted child and the dependent next of kin of the decedent, except the natural parents of a decedent who was legally adopted, and shall be distributed to them in the proportions provided by law for the distribution of the personal property of intestates, except that where the decedent leaves a surviving widow or husband, but no dependent children or descendants of such children, the widow or surviving husband shall be entitled to the whole of the amount so recovered, which amount shall be paid to her or him.

2. This act shall take effect immediately.

Approved October 1, 1948.

CHAPTER 430

AN ACT concerning workmen's compensation, and amending sections 34:15–43 and 34:15–74 of the Revised Statutes.

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

1. Section 34:15–43 of the Revised Statutes is amended to read as follows: Section amended.

34:15–43. Every employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, and also each and every active volunteer fireman doing public fire duty and also each and every active volunteer, first aid or rescue squad worker doing public first aid or rescue duty under the control or supervision of any commission, council or any other governing body of any municipality or any board of fire commissioners of such munici- Entitled to compensation.

pality or of any fire district within the State, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article two of this chapter (sections 34:15–7 et seq.), but no person holding an elective office shall be entitled to compensation. Nor shall any former employee who has been retired on pension by reason of injury or disability be entitled under this section to compensation for such injury or disability; *provided, however,* that such employee, despite retirement, shall, nevertheless, be entitled to the medical, surgical and other treatment and hospital services as set forth in section 34:15–15 of the Revised Statutes.

Proviso.

Deemed doing public fire duty.

Every active volunteer fireman shall be deemed to be doing public fire duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section, if such control or supervision is provided for by statute, or if the fire company of which he is a member receives contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district or if such fire company has been or hereafter shall be designated by ordinance as the fire department of the municipality.

Every active volunteer, first aid or rescue squad worker shall be deemed to be doing public first aid or rescue duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section if such control or supervision is provided for by statute, or if the first aid or rescue squad of which he is a member receives or is eligible to receive contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district, or if such first aid or rescue squad has been or hereafter shall be designated by ordinance as the first aid or rescue squad of the municipality.

Nothing herein contained shall be construed as affecting or changing in any way the provisions of any statute providing for sick, disability, vacation or other leave for public employees or any provision of any retirement or pension fund provided by law. Construing.

2. Section 34:15–74 of the Revised Statutes is amended to read as follows: Section amended.

34:15–74. The governing body of every municipality and the committee of every fire district shall provide compensation insurance for volunteer firemen doing public fire duty and volunteer first aid and emergency squad workers doing public first aid and rescue duty under the control or supervision of any commission, council or other governing body of the municipality or any board of fire commissioners of such municipality or of any fire district, within the meaning of section 34:15–43 of this chapter. Such insurance shall provide compensation for every such fireman who shall be a member of any first aid or rescue squad created within the fire company of which he is a member, or composed of members of different fire companies in the same municipality for injuries received while acting in response to any call made upon such squad, for first aid or rescue work, whether such call be made because of a fire or otherwise. To provide compensation insurance.

3. This act shall take effect July first, one thousand nine hundred and forty-eight. Act effective.

Approved October 1, 1948.

CHAPTER 431

AN ACT to grant and release the title and interest of the people of the State of New Jersey in and to certain real estate in the county of Morris and State of New Jersey, and to vest the same in the township of Pequannock.

Preamble. WHEREAS, Charles N. Berg, of the county of Morris and State of New Jersey, died seized of certain lands and premises, which it is alleged escheated to the State of New Jersey; and

Preamble. WHEREAS, The township of Pequannock holds a lien thereon for taxes; and

Preamble. WHEREAS, Proper notice of intention to apply for the passing of this act has been given; now, therefore,

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

Title assigned. 1. That the said State of New Jersey and the people thereof do hereby transfer and grant to the township of Pequannock, its successors and assigns forever, all the estate, right, title and interest of every kind and nature of which it is alleged the State of New Jersey is seized, in and to certain real estate, situated in the township of Pequannock, county of Morris and State of New Jersey, and more particularly described as follows:

Description

All that certain piece or parcel of land hereinafter particularly described, situate, lying and being in the township of Pequannock, county of Morris and State of New Jersey and beginning on the westerly side of the road from Pequannock to Lincoln Park, at the fifth corner in the deed from Alfred Gilland and

wife to Charles N. Berg, dated September 14, 1914, of which this is a part, and is recorded in the Morris County Clerk's Office in Book S-22 on pages 440 &c.; thence (1) north 62 degrees 15 minutes west 135 feet; thence (2) north 13 degrees 40 minutes east 160 feet, more or less, to the third corner conveyed by Charles N. Berg to Barbara Christian by deed dated June 15, 1922, and recorded in the Morris County Clerk's Office in Book W-27 on page 519 &c.; thence (3) in a southeasterly direction along the third line as described in said deed, 255 feet, more or less, to the west side of the road leading from Pequannock to Lincoln Park; thence (4) along the west side of said road south 52 degrees 45 minutes west 165 feet, more or less, to the point and place of beginning.

Being a part of the same tract conveyed by warranty deed dated September 14, 1914, to Charles N. Berg and recorded on September 21, 1914, in the Morris County Clerk's Office in Book S-22 on pages 440 &c.

2. The said title of the State of New Jersey and the people thereof arising by reason of said escheat to be henceforth vested in fee in the said township of Pequannock. Title vested.

3. This act shall take effect immediately.

Approved October 6, 1948.

CHAPTER 432

AN ACT validating certain sales of lands, tenements, hereditaments, real estate, leasehold estates, chattels real, or any rights or interest in real estate, made under an execution issued out of the Court of Chancery of this State, where more than six years elapsed between the entry of the final decree and the issuance of the execution.

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

Validates sale.

1. No sale of any lands, tenements, hereditaments, real estate, leasehold estates, chattels real, or any rights or interest in real estate heretofore made by any sheriff of any county in this State, pursuant to a writ of fieri facias issued out of the Court of Chancery of this State to him directed, and issued pursuant to a special order of the Court of Chancery, shall be invalidated notwithstanding more than six years elapsed between the entry of the final decree and the issuance of the execution, by reason of any irregularity or lack of or default in service of the notice of the application for the order for the issuance of the execution on the defendants or parties in interest, or by reason of any irregularity or defect in the notice of the application for the special order for the issuance of the execution, or by reason of any irregularity or defect in the petition for the special order or the special order for the issuance of the execution, or by reason of any irregularity or defect in the execution or sheriff's deed, but the purchaser or purchasers of such lands, tenements, hereditaments, real estate, leasehold estates, chattels real, or any rights or interest in real estate, having received his, her or its deed or deeds therefor, and his, her, or its heirs, executors, administrators, successors

or assigns, shall be deemed to have as good and complete title thereto as if such notice of the application for the order for the issuance of the execution had been given to all of the defendants and parties in interest in all respects pursuant to law, and as if such notice, order, petition for such order, execution and sheriff's deed, had been in all particulars lawful, and as if such sale had been made in all respects pursuant to law, provided such sale has been confirmed by the court under whose authority such sale was made.

2. This act shall take effect immediately.

Approved October 6, 1948.

CHAPTER 433

AN ACT concerning regional school districts, and supplementing chapter eight of Title 18 of the Revised Statutes.

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

C. 18:8-6.1. Incumbent board to act.

1. Whenever one or more school districts, pursuant to section 18:8–3 of the Revised Statutes, shall have decided to unite with a union-graded district or a regional board of education comprised of nine or more constituent district, the board of education in office on June thirtieth next ensuing shall be the board of education of the new union-graded school district or regional board of education and the members of such board of education shall continue in office for the duration of their terms.

C. 18:8 6.2. Designating terms.

2. In designating the term of the board member representing each new district, the county superintendent shall continue the rotation referred to in section 18:8–7 of the Revised Statutes and shall designate the length of term to which the district

would have been entitled if it had been the lowest district on the alphabetical list at the time of the original apportionment of terms. Whenever it is necessary to designate terms for more than one new district at the same time, such designation of terms shall be made according to the alphabetical order of the new districts.

C. 18:8-6.3. County superintendent to appoint, election.

3. The county superintendent shall appoint a board member to represent each new district and he shall serve until the first Monday in March succeeding the next annual meeting for the election of board members. At such annual meeting, a board member shall be elected for a full term or for the remainder of the term designated by the county superintendent, as the case may be.

4. This act shall take effect immediately.

Approved October 6, 1948.

CHAPTER 434

AN ACT concerning the regulation of the practice of chiropody, and amending sections 45:5–1, 45:5–7, 45:5–8, 45:5–10 and 45:5–11 of the Revised Statutes, and supplementing chapter five of Title 45 of the Revised Statutes.

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

Section amended.

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

D.S.C. degree.

45:5–1. The degree of "D.S.C." is the abbreviation for "doctor of surgical chiropody" when used in this chapter.

Section amended.

2. Section 45:5–7 of the Revised Statutes is amended to read as follows:

Scope of examination, application.

45:5–7. All examinations shall be written in the English language, but the board, in its discretion,

may use supplementary oral or practical examinations, either of the whole class or of individuals. The examinations shall be in all the subjects as taught and practiced in the legally incorporated schools or colleges of chiropody conferring the degree of doctor of surgical chiropody in good standing in the opinion of the board. Said application and examination papers shall be deposited in the files of the said board for at least five years, and they shall be prima facie evidence of all matters therein contained. All licenses shall be signed by the president and secretary of the board and shall be attested by the seal thereof.

License issued.

If the examination is satisfactory, the board shall issue a license entitling the applicant to practice chiropody in this State.

Terms defined.

"Chiropody" or "practice of chiropody" is defined to be the diagnosis of or the holding out of a right or ability to diagnose any ailment of the human foot, or the treatment thereof or the holding out of a right or ability to treat the same by any one or more of the following means: local medical, mechanical, minor surgical, manipulative and physio-therapeutic or the application of external medical or any other of the aforementioned means except minor surgical and local medical to the lower leg and ankle for the treatment of a foot ailment; not including, however, the treatment of tuberculosis, osteomyelitis, malignancies, syphilis, diabetes, tendon transplantations, bone resections, amputations, fractures, dislocations, the treatment of varicose veins by surgery or injection, the administration of anesthetics other than local, the use of radium, the use of X-ray except for diagnosis, or the treatment of congenital deformities by the use of a cutting instrument or electrosurgery. The term "local medical" hereinbefore mentioned shall be construed to mean the prescription or use of a therapeutic agent or remedy where the action or reaction is intended for a localized area or part.

License displayed.

Every person practicing chiropody under this act shall at all times conspicuously display in his place of practice his license and yearly registration to practice. It shall be unlawful to practice chiropody in this State without so displaying such license and registration. Any applicant for a license to practice chiropody upon proving that he has been examined and licensed by the examining and licensing board of another State, territory of the United States, or the District of Columbia, may in the discretion of the board and on the reciprocal basis of one New Jersey chiropodist for one of such State, territory or the District of Columbia, be granted a license to practice chiropody without further examination upon payment to the board a license fee of one hundred dollars ($100.00); *provided,* such applicant shall furnish proof that he can fulfill the requirements demanded in the other sections of this chapter relating to applicants for admission by examinations; *and provided further,* that the laws of such State, territory or the District of Columbia accords equal reciprocal rights to a licensed chiropodist of this State who desires to practice his profession in such State, territory or the District of Columbia; *and provided further,* that said applicant has been in lawful and ethical practice of chiropody in the State, territory or District of Columbia from which he applies for five full consecutive years next prior to filing his application; *provided, further,* that said applicant shall, within six months after the issuance of his license hereunder, remove to this State, establish his permanent and only legal residence and practice therein, abandon his present residence and cease to operate his practice in the State from which he applies and not use such license for part time practice in this State. An affidavit setting forth his intention to comply with the requirements of this proviso must be filed with the application for license. The board shall consider each application for such license on its individual merits and may, in its discretion and

Proviso.

Proviso.

Proviso.

Proviso.

Consider on merits only.

without establishing a precedent, waive the requirements for interneship in lieu of ten or more years of active and continuous ethical practice outside of this State.

Authenticated certificate upon removal to another State, fee.

The board may issue to any licensed chiropodist of this State, known to it to be of good moral character and who has conducted an ethical practice in this State, and who desires to remove his residence and practice to another State, a certificate or certification authenticated with its seal, which shall attest such information as may be necessary for competent boards of other States to determine reciprocity qualifications; upon payment of a fee of ten dollars ($10.00). In any such application for a license without examination, all questions of academic requirements of other States, territories or the District of Columbia shall be determined by the Commissioner of Education of this State.

May grant license without further examination, fee.

The board, in its discretion, may grant a license without further examination to any person whose previous license has been revoked under section 45:5–8 of the Revised Statutes and upon payment to the board a license fee of one hundred dollars ($100.00).

Section amended.

3. Section 45:5–8 of the Revised Statutes is amended to read as follows:

Grounds for refusal or revocation of license.

45:5–8. The board may refuse to grant or may revoke, or may suspend a license for any of the following causes:

Chronic or persistent inebriety, or the habitual use of narcotics.

Conviction of crime involving moral turpitude; or where any licensee or applicant for license has pleaded nolo contendere, non vult contendere or non vult to any indictment, information, allegation or complaint, alleging the commission of a crime involving moral turpitude. The record of conviction or the entry of such a plea in any court of this State or any other State or in any of the courts of the United States or any foreign country shall be sufficient warrant for the revocation or suspension of a license.

Where any licensee or applicant for license presents to the board any diploma, license or certificate that shall have been obtained, signed or issued unlawfully or under fraudulent representation.

Unprofessional, dishonorable or unethical conduct in the practice of chiropody.

Failure to comply with the reciprocity provision under section 45:5–7.

Employment by a duly licensed chiropodist of an unlicensed person or persons to perform work, which under this chapter, can be legally be done only by persons licensed to practice chiropody in this State.

Conviction in a court of competent jurisdiction of a high misdemeanor.

Fraudulently advertising.

Practicing chiropody under a name other than that under which he has a license to practice chiropody or having an unlicensed person practice chiropody under his name.

Use by a chiropodist of the words "clinic," "infirmary," "hospital," "school," "college," "university," or "institute" in English or any other language in connection with any place where chiropody may be practiced or demonstrated.

Hearing.

Before a license is refused, revoked or suspended under the provisions of this section, the accused shall be furnished with a copy of the complaint, and given a hearing before the board in person or by attorney; and any person who, after such refusal or revocation or suspension of license, attempts or continues the practice of chiropody shall be subject to the penalties hereinafter prescribed.

Section amended.

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

Construing.

45:5–10. Nothing in this chapter shall be construed to prohibit a duly licensed physician from treating diseases or ailments of the feet, or a lawfully qualified chiropodist residing in another State from meeting registered chiropodists of this State in consultation, or any legally qualified chi-

ropodist of another State from taking charge of the practice of a legally qualified chiropodist of this State temporarily on written permission of the board during the latter's absence therefrom and upon the latter's written request to the board for permission so to do. Such permission may be granted for a period of not more than three months upon payment of a fee of ten dollars ($10.00). The board, in its discretion and upon payment of additional fee of ten dollars ($10.00), may extend such permission for a further period but not to exceed six months. Nothing in this act shall prohibit the fitting, recommending or sale of corrective shoes, arch supports or other mechanical appliances by retail dealers or manufacturers.

Section amended.

5. Section 45:5–11 of the Revised Statutes is amended to read as follows:

Illegal practice, penalty.

45:5–11. Whoever practices chiropody in this State without first having obtained and filed the license herein provided for, or contrary to any of the provisions of this chapter, or whoever practices chiropody under a false or assumed name, or falsely impersonates another practitioner of a like or different name, or buys, sells, or fraudulently obtains any diploma as a chiropodist, or any chiropody license, record or registration, or aids or assists any person not regularly licensed and registered to practice chiropody in this State, to practice chiropody therein, or whoever violates any of the provisions of this chapter, shall be liable to a penalty of two hundred dollars ($200.00), which penalty shall be sued for and recovered by and in the name of the board.

Every person practicing chiropody and every person practicing chiropody as an employee of another shall cause his name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where such practice shall be conducted, and any person who shall neglect to cause his name to be displayed as herein required shall be liable to a penalty of one hundred dollars ($100.00).

Using the title doctor or its abbreviation in the practice of chiropody must be qualified by the word or words "chiropodist" or "surgeon chiropodist." Any person who violates this provision shall be liable to a penalty of one hundred dollars ($100.00).

It shall be unlawful for any person not licensed under this act to use terms, titles, words or letters which would designate or imply that he or she is qualified to treat foot ailments, or to hold himself or herself out as being able to diagnose, treat, operate, or prescribe for any ailment of the human foot, or offer or attempt to diagnose, treat, operate or prescribe for any ailment of the human foot.

Recovery of penalty.

The penalties provided for by this section shall be sued for and recovered by and in the name of the State Board of Medical Examiners of New Jersey.

Courts of jurisdiction.

Every district court in any city or judicial district in any county, and every court of common pleas in any county is hereby empowered, upon filing of a complaint in writing, duly verified, which said verification when made by any member of the board, or by any member of any incorporated chiropodist or medical society of this State or of any county thereof, may be made upon information and belief, that any person has violated any provision of this chapter, to issue process at the suit of the board as plaintiff. Such process shall be either in the nature of a summons or a warrant, which warrant may issue without order of the court or judge first being obtained against the person so charged, which process, when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five nor more than fifteen entire days; and such process shall state what provision of the law is alleged to have been violated by the defendant. The officers to serve and execute all process under this chapter shall be the officers authorized to serve and execute process in such courts.

6. Payment of a penalty or any part thereof for any alleged violation of chapter five of Title 45 of the Revised Statutes, either before or after the institution of proceedings for the collection thereof, shall be deemed equivalent to a conviction of the violation for which such penalty was claimed.

C. 45:5-16.1. Payment of penalty deemed a conviction.

7. This act shall take effect immediately.

Approved October 6, 1948.

CHAPTER 435

AN ACT concerning the employees in the Department of Economic Development.

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

1. All employees of the Department of Economic Development, created and administerd pursuant to the provisions of chapter eighty-five of the laws of one thousand nine hundred and forty-four, who are classified as veterans under the terms of the civil service laws and regulations, and who were in the employ of the said department prior to July first, one thousand nine hundred and forty-seven, shall from the effective date of this act continue to hold their offices, positions and employments subject to all of the provisions of Title 11 of the Revised Statutes relative to civil service and shall not be removed from their respective offices, positions and employments except in the manner provided in said Title 11, and shall in all respects be subject to the provisions of said Title, relative to appointment, tenure and removal.

C. 11:4-3.10. Veterans given civil service status.

2. This act shall take effect immediately.

Approved October 6, 1948.

CHAPTER 436

AN ACT for the control of Aphthous fever, commonly called foot-and-mouth disease, and supplementing chapter five of Title 4 of the Revised Statutes.

Preamble.

WHEREAS, The disease known as Aphthous fever, commonly called foot-and-mouth disease, has become widespread in a section of the continent of North America, and New Jersey must be prepared to act immediately if it should make its appearance in this State; therefore

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

C. 4:5-75.1. Notification required.

1. Veterinarians, herd-owners, or other persons who gain knowledge of the existence or suspected existence of foot-and-mouth disease in the State shall immediately notify the Department of Agriculture of such fact.

C. 4:5-75.2. Affected animals not to be moved.

2. The owner or manager of any animal or animals having, or suspected of having, or which have been exposed to, the disease called foot-and-mouth disease shall not conceal or move or transport such animals or any materials from the premises, or permit such animals or materials to be concealed or moved or transported, except that under certain conditions the Department of Agriculture may authorize the movement of animals or materials.

Quarantine.

Such owner or manager shall not permit any other animals to enter his premises until the department has examined all animals on the premises and declared them and the premises to be free of the disease, and he shall take every precaution to prevent the spread of the disease to other premises.

C. 4:5-75.3. Rules and regulations.

3. The Department of Agriculture is authorized to make and enforce rules and regulations for the arrest and eradication of foot-and-mouth disease, establish quarantines, and order the immediate

slaughter of infected animals and animals which have been exposed to but are not affected with the disease.

C. 4:5-75.4. Methods for control.

4. To prevent the spread of foot-and-mouth disease, materials contaminated by or exposed to the disease shall be cleaned and disinfected, if practicable. In all cases where the cost of disinfection would exceed the value of the materials, or if cleaning and disinfection would be impracticable for any reason, the materials contaminated by or exposed to the disease shall be destroyed.

C. 4:5-75.5. Animal appraised before slaughter.

5. Animals affected by or exposed to foot-and-mouth disease shall be appraised before slaughter by the owner or his agent and an authorized agent or representative of the department, the appraisal to be based on the meat, dairy, or breeding value, but in the case of appraisement based on breeding value no appraisment of any animal shall exceed twice its meat or dairy value. Such appraisal shall be official and shall be accepted by the owner and the department, and no further claim shall be made against the State by the owner.

C. 4:5-75.6. Appraisal of material to be destroyed.

6. The value of materials ordered destroyed by the department because of contamination by or exposure to the disease shall be determined by agreement between the owner or his agent and an authorized agent or representative of the department, such appraisement to be based on the market price and the condition of such materials. Such appraisal shall be official and shall be accepted by the owner and the department, and no further claim shall be made against the State by the owner.

C. 4:5-75.7. Appraisal by authorized agents.

7. In all cases where an immediate agreement cannot be reached as to the value of animals or materials, the appraisement of such animals or materials shall be made by an authorized agent or representative of the New Jersey Department of Agriculture and an authorized agent or representative of the United States Department of Agriculture, together with a third person who shall be a disinterested citizen appointed by the first two. The valuation shall be determined as pro-

vided in sections five and six of this act. Such appraisal shall be official and shall be accepted by the owner and the department, and no further claim shall be made against the State by the owner.

C. 4:5-75.8. Form and report of appraisal.

8. (a) Appraisals of animals shall be reported on forms furnished by the department. Reports of appraisals shall show the number of animals and either the value per head or the weight and value per pound.

(b) Appraisals of materials shall be reported on forms furnished by the department and such appraisals shall, when practicable, show the number, size or quantity, unit price, and total value of each kind of material appraised.

(c) Reports of appraisals shall be made in quadruplicate and shall be signed by the persons making the appraisements.

C. 4:5-75.9. Supervision of slaughter and disinfection, report.

9. The killing and the disposal of all animals slaughtered under this act, and the disinfection or destruction of materials as herein prescribed, shall be carried out under the supervision of an authorized agent or representative of the Department of Agriculture who shall promptly prepare and transmit to the department a certificate listing the animals or materials, and showing the disposition thereof.

C. 4:5-75.10. Disposal of infected animals.

10. Animals killed pursuant to this act shall be buried at least four feet beneath the surface of the ground, or shall be otherwise disposed of in accordance with instructions issued by the department, at the expense of the department or at the joint expense of the department and the United States Department of Agriculture.

C. 4:5-75.11. Stockyards, cars and premises disinfected, expenses.

11. Stockyards, pens, cars, vessels, and other public premises and conveyances shall be cleaned and disinfected, whenever necessary for the arrest and eradication of foot-and-mouth disease, by the owners thereof at their own expense, under the supervision of an authorized agent or representative of the department. Farms and other privately owned premises and materials, unless satisfactorily cleaned and disinfected by the owners under

the supervision of an authorized agent or representative of the department, shall be cleaned and disinfected by such agent or representative at the expense of the department, or at the joint expense of the department and the United States Department of Agriculture.

C. 4:5-75.12. State to pay half of cost.

12. When an animal is killed or materials destroyed to prevent the spread of foot-and-mouth disease, the State shall pay to the owner one-half of the appraised value of such animals or materials.

C. 4:5-75.13. Department to pay expenses.

13. The department is authorized to make payment for all necessary expenditures incurred in carrying out the provisions of this act from any funds appropriated therefore and from any funds appropriated for indemnities for condemned cattle.

C. 4:5-75.14. Not to pay claims.

14. The department shall not pay any claims arising out of the slaughter of animals affected by or exposed to the disease or the destruction of materials contaminated by or exposed to the disease if it be determined that the owner has not complied with all the quarantine and other regulations of the department and the provisions of this act.

C. 4:5-75.15. Violations and failure to comply, penalty.

15. A person who shall violate or fail to comply with any of the provisions of this act or with an order or regulation of the Department of Agriculture, or its constituted agent, shall be liable to a penalty of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for each violation or failure to comply, to be sued for and recovered by and in the name of the Secretary of Agriculture in the manner provided in chapter twenty-three of Title 4 of the Revised Statutes.

16. This act shall take effect immediately.

Approved October 6, 1948.

CHAPTER 437

AN ACT concerning the division of townships into wards, and supplementing chapter one hundred forty-four of Title 40 of the Revised Statutes.

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

C. 40:144-16. Petition, signers, affidavits.

1. In any township wherein the public question as to whether the township shall be divided into wards has been submitted to the voters and the proposition adopted, in accordance with the provisions of chapter one hundred forty-four of Title 40 of the Revised Statutes, the qualified voters of such township in number not less than ten per centum (10%), as evidenced by the total number of votes cast at the then next preceding general election in such township, may file with the township clerk a petition or petitions requesting said clerk to submit the question of the rescission and abrogation of such adoption to the qualified voters thereof at a special election as hereinafter provided. All the names of voters need not be signed to one petition but duplicate copies thereof may be used. There shall be annexed to each petition or copy thereof the affidavit of one of the signers that the petition has been signed by the persons whose names are affixed thereto for the purposes therein stated.

C. 40:144-17. Proposition.

2. The township clerk shall cause the proposition to be printed upon paper ballots to be used in such township at such special election as hereinafter provided in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark an "×," or "+" or "√" mark in the square at the left of the word "Yes," and if opposed thereto mark an "×," or "+" or

"√" mark in the square at the left of the word "No."

	Yes	Shall the adoption of the proposition that the Township of ..... shall be divided into Wards, be rescinded and abrogated?
	No	

The township clerk shall give public notice of the special election by causing the publication of such notice in a newspaper published or circulated in the township, at least once, and not later than in the calendar week preceding the week in which such election is to be had and by posting a copy of such notice in five public places in the township within the same time. Notice.

3. The township clerk shall canvass the votes cast upon such a question, ascertain the total number of votes cast for and against such proposition and certify the result of said canvass to the county clerk of the county and to the county board of election of the county wherein such township is located. C. 40:144-18. Canvass.

4. If the number of votes cast in favor of the adoption of such proposition exceeds the number of votes cast against it, such proposition shall become effective in such township immediately. C. 40:144-19. Proposition effective.

5. If such proposition shall be adopted and become effective, any and all proceedings theretofore had in respect to, the division of the township into wards, the appointment of commissioners to make the division into wards, the report of the commission, the selection of township committeemen and any other proceedings had or taken, pursuant to the prior adoption of the proposition as to the division of the township into wards, shall be nullified and be of no effect, except as provided in the next section. C. 40:144.20. Previous proceedings nullified.

C. 40:144-21. Office to terminate upon election.

6. In any such township, if township committeemen have been selected from the wards pursuant to such prior division of the township into wards, and shall be in office at the time of the adoption of the proposition to rescind and abrogate such prior division into wards, such township committeemen shall be deemed to be legally in office, notwithstanding such rescission and abrogation, but their offices shall terminate upon the election and qualification into office of the township committeemen who shall be elected as a result of such rescission and abrogation.

C. 40:144-22. Date of special election.

7. Upon the filing of any such petition the said public question shall be voted upon at a special election to be held in such township on a date which shall be not less than ten days nor more than ninety days after the filing of said petition.

C. 40:144-23. Provision for ballots and facilities.

8. Any such special election shall be held in the township on the day to be fixed by the township clerk and may be held at the same time as a primary or general election or at such other time as said clerk shall designate. The said clerk shall have full power and authority to provide the necessary ballots and to fully utilize the usual election facilities and the services of the usual election officers, of the township. The said election officers shall be entitled to be paid for their services in such special election.

C. 40:144-24. Title 19 applicable.

9. Except as otherwise provided in this act, the provisions of Title 19 of the Revised Statutes shall be applicable to the submission and determination of the public question and of its adoption or rejection.

C. 40:144-25. Subject to law prior to adoption of proposition.

10. In the event of the adoption of the proposition to rescind and abrogate the prior division into wards, pursuant to the provisions of this act, the township shall thereupon and thereafter be subject to the provisions of law which were applicable to such township prior to the adoption of the proposition as to the division of the township into wards, pursuant to chapter one hundred forty-four of Title 40 of the Revised Statutes.

11. Any petition or petitions for the submission of the public question, as to the rescission and abrogation of a prior adoption of the proposition to divide the township into wards to be effective must be filed with the township clerk within two years of the time of such prior adoption. C. 40:144-26. Time limit for filing.

12. This act shall take effect immediately.

Approved October 6, 1948.

CHAPTER 438

AN ACT concerning elections, and revising parts of the statute law by amending sections 19:1–1, 19:3–2, 19:4–1, 19:5–1, 19:6–17, 19:13–5, 19:23–7, 19:23–8, 19:27–4, 19:32–18, 19:32–19, 19:34–6, 19:34–7, 19:34–11, 19:34–12, 19:34–13, 19:34–15, 19:34–28 and 19:34–38 of the Revised Statutes.

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

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

19:1–1. As used in this Title:

"Election" means the procedure whereby the electors of this State or any political subdivision thereof elect persons to fill public office or pass on public questions. Terms defined.

"General election" means the annual election to be held on the first Tuesday after the first Monday in November.

"Primary election" means the procedure whereby the members of a political party in this State or any political subdivision thereof nominate candidates to be voted for at general elections, or elect persons to fill party offices, or delegates and alternates to national conventions.

"Municipal election" means an election to be held in and for a single municipality only, at regular intervals.

"Special election" means an election which is not provided for by law to be held at stated intervals.

"Any election" includes all primary, general, municipal and special elections, as defined herein.

"Municipality" includes any city, town, borough, village, or township.

"Public office" includes any office in the government of this State or any of its political subdivisions filled at elections by the electors of the State or political subdivision.

"Public question" includes any question, proposition or referendum required by the legislative or governing body of this State or any of its political subdivisions to be submitted by referendum procedure to the voters of the State or political subdivision for decision at elections.

"Political party" means a party which, at the election held for all of the members of the General Assembly next preceding the holding of any primary election held pursuant to this Title, polled for members of the General Assembly at least ten per centum (10%) of the total vote cast in this State.

"Party office" means the office of delegate or alternate to the national convention of a political party or member of the State, county or municipal committees of a political party.

"Masculine" includes the feminine, and the masculine pronoun wherever used in this Title shall be construed to include the feminine.

"Presidential year" means the year in which electors of President and Vice-President of the United States are voted for at the general election.

"Election district" means the territory within which or for which there is a polling place or room for all voters in the territory to cast their ballots at any election.

"District board" means the district board of registry and election in an election district.

"County board" means the county board of elections in a county.

"Superintendent" means the superintendent of elections in counties wherein the same shall have been appointed.

"Commissioner" means the commissioner of registration in counties.

Section amended.

2. Section 19:3–2 of the Revised Statutes is amended to read as follows:

Public offices and questions, vacancies.

19:3–2. All elective public offices in this State or any of its political subdivisions, except such as are provided by law to be filled at special or municipal elections, shall be filled at the general elections as hereinafter provided. All vacancies in public offices to be filled by election, except such as are provided by law to be filled at special or municipal elections, shall be filled at the general elections. All public questions to be voted upon by the people of the entire State and all other public questions, except such as are provided by law to be decided at any other elections, shall be voted upon and decided at the general elections.

Section amended.

3. Section 19:4–1 of the Revised Statutes is amended to read as follows:

Right of suffrage.

19:4–1. Except as provided in sections 19:4-2 and 19:4–3 of this Title, every person possessing the qualifications required by Article II, paragraph 3, of the Constitution of the State of New Jersey and having none of the disqualifications hereinafter stated and being duly registered as required by this Title, shall have the right of suffrage and shall be entitled to vote in the polling place assigned to the election district in which he actually resides, and not elsewhere.

Disqualifications.

No person shall have the right of suffrage—

(1) Who is an idiot or is insane or

(2) Who has been convicted of any of the following designated crimes, that is to say—blasphemy, treason, murder, piracy, arson,

rape, sodomy, or the infamous crime against nature, committed with mankind or with beast, polygamy, robbery, conspiracy, forgery, larceny of above the value of six dollars, perjury or subornation of perjury, unless pardoned or restored by law to the right of suffrage; or

(3) Who shall be convicted of any of said crimes, except polygamy or larceny above the value of six dollars, or who shall be convicted of bigamy or larceny of above the value of twenty dollars, unless pardoned or restored by law to the right of suffrage; or

(4) Who has been convicted of a violation of any of the provisions of this Title, for which criminal penalties were imposed, if such person was deprived of such right as part of the punishment therefor according to law, unless pardoned or restored by law to the right of suffrage; or

(5) Who shall be convicted of the violation of any of the provisions of this Title, for which criminal penalties are imposed, if such person shall be deprived of such right as part of the punishment therefor according to law, unless pardoned or restored by law to the right of suffrage.

A person who will have on the day of general election the qualifications to entitle him to vote shall have the right to be registered for and vote at the primary election and register for and vote at the general election as though such qualifications were met before registration for the primary election.

Section amended.

4. Section 19:5–1 of the Revised Statutes is amended to read as follows:

Powers and restrictions of political parties.

19:5–1. A political party may nominate candidates for public office at primary elections provided for in this Title, elect committees for the party within the State, county or municipality, as the case may be, and in every other respect may exercise the rights and shall be subject to the

restrictions herein provided for political parties; except that no political party which fails to poll at any primary election for a general election at least ten per centum (10%) of the votes cast in the State for members of the General Assembly at the next preceding general election, held for the election of all of the members of the General Assembly, shall be entitled to have a party column on the official ballot at the general election for which the primary election has been held. In such case the names of the candidates so nominated at the primary election shall be printed in the column or columns designated "Nomination by Petition" on the official ballot under the respective titles of office for which the nominations have been made, followed by the designation of the political party of which the candidates are members.

Section amended.

5. Section 19:6–17 of the Revised Statutes is amended to read as follows:

County boards, qualifications.

19:6–17. The county board shall consist of four persons, who shall be legal voters of the counties for which they are respectively appointed. Two members of such county board shall be members of the political party which at the last preceding general election, held for the election of all of the members of the General Assembly, cast the largest number of votes in this State for members of the General Assembly, and the remaining two members of such board shall be members of the political party which at such election cast the next largest number of votes in the State for members of the General Assembly. No person who holds elective public office shall be eligible to serve as a member of the county board during the term of such elective office. The office of member of the county board shall be deemed vacant upon such member becoming a candidate for an office to be voted upon at any primary, general election or special election, except for nomination for or election to membership in any county committee or State committee, such candidacy to be determined by the filing of a petition of nomination duly ac-

cepted by such member in the manner provided by law.

In all counties of the first class the county board shall appoint some suitable person clerk of such board, and may also appoint not more than two assistant clerks, and one clerk-stenographer, all of whom shall be appointed from the competitive class of civil service. All persons holding positions as clerk, assistant clerks and clerk-stenographer of the county board and who held such positions on April eighteenth, one thousand nine hundred and thirty, shall continue to hold same and shall be classified in the competitive class of civil service.

Section amended.

6. Section 19:13–5 of the Revised Statutes is amended to read as follows:

Petitions, signatures.

19:13–5. The petition shall be signed by legally qualified voters of this State residing within the district or political division in and for which the officer or officers nominated are to be elected, equal in number to at least two per centum (2%) of the entire vote cast for members of the General Assembly at the last preceding general election, held for the election of all of the members of the General Assembly, in the State, county, district or other political division in and for which the nominations are made; except that when the nomination is for an office to be filled by the voters of the entire State eight hundred signatures in the aggregate for each candidate nominated in the petition shall be sufficient; and except that no more than one hundred signatures shall be required to any petition for any officers to be elected save only such as are to be voted for by the voters of the State at large.

In case of a first general election to be held in a newly established election district, county, city or other political division, the number of fifty signatures to a petition shall be sufficient to nominate a candidate to be voted for only in such election district, county, city or other political division.

7. Section 19:23–7 of the Revised Statutes is amended to read as follows: Section amended.

19:23–7. Each such petition shall set forth that the signers thereof are qualified voters of the State, congressional district, county, municipality, ward or election district, as the case may be, in which they reside and for which they desire to nominate candidates; that they are members of a political party (naming the same), and that at the last general election preceding the execution of the petition they voted for a majority of the candidates of such political party, and that they intend to affiliate with that political party at the ensuing election; that they indorse the person or persons named in their petition as candidate or candidates for nomination for the office or offices therein named, and that they request that the name of the person or persons therein mentioned be printed upon the official primary ballots of their political party as the candidate or candidates for such nomination. The petition shall further state the residence and post-office address of each person so indorsed, and shall certify that the person or persons so indorsed is or are legally qualified under the laws of this State to be nominated, and is or are a member or members of the political party named in the petition. Contents of petitions.

Accompanying the petition each person indorsed therein shall file a certificate, stating that he is qualified for the office mentioned in the petition, that he is a member of the political party named therein; that he consents to stand as a candidate for nomination at the ensuing primary election of such political party, and that, if nominated, he consents to accept the nomination.

8. Section 19:23–8 of the Revised Statutes is amended to read as follows: Section amended.

19:23–8. The petitions for candidates to be voted for by the voters of a political party throughout the entire State shall in the aggregate be signed by at least one thousand such voters; in the case of candidates to be voted for by the Number of signers to petitions.

voters of a political party throughout a congressional district by at least two hundred of such voters; in the case of candidates to be voted for by the voters of a political party throughout a county by at least one hundred of such voters; in the case of candidates to be voted for by the voters of a political party throughout a municipality having a population in excess of fourteen thousand as ascertained by the last Federal census by at least fifty of such voters; in the case of candidates to be voted for by the voters of a political party throughout all other municipalities or any ward of any municipality by at least twenty-five of such voters; in the case of a candidate to be voted for by the voters of a political party within a single election district by at least ten of such voters.

In municipalities containing but one election district the petitions in the aggregate need not be signed by more than ten of such voters, and the number of signers to any such petition in any case need not exceed five per centum (5%) in number of the total vote cast at the last preceding general election, held for the election of all of the members of the General Assembly, in such municipality, ward or election district, as the case may be.

Section amended.

9. Section 19:27–4 of the Revised Statutes is amended to read as follows:

Filling vacancies, writs of election.

19:27–4. When any vacancy happens in the representation of this State in the United States Senate or in the House of Representatives, the Governor shall issue a writ of election to fill the same unless the term of service of the person whose office shall become vacant will expire within six months next after the happening of the vacancy and except as hereinafter provided.

When any vacancy happens in the representation of any county in the Senate or General Assembly, the House in which such vacancy happens shall direct a writ of election to be issued for filling the same, unless the term of service of the person whose office shall have become vacant will expire

with the expiration of the legislative year in which the vacancy happens and such House shall be of the opinion that the services of a person in the office then vacant will not be required during the unexpired period of the legislative year; but if such vacancy happens during the recess of the Legislature, or after the general election, and not less than fifteen days before the commencement of the next legislative year (or a shorter time before such commencement if the board of chosen freeholders makes the requirements hereinafter mentioned), the Governor shall forthwith issue a writ of election to fill the vacancy, unless the term of service of the person whose office shall have become vacant will expire with the expiration of the legislative year in which the vacancy happens and he shall be of the opinion that the services of a person in the office then vacant will not be required during the legislative year, or the residue thereof; but the failure of the Governor to issue a writ for filling the vacancy shall not preclude the House in which it may have happened from directing a writ of election to be issued for filling the same, if it judge this advisable; *provided,* that if the board of chosen freeholders of the county shall signify in writing to the Governor, in case the vacancy occurs during the recess of the Legislature, or after the general election, and before the commencement of the next legislative year, or to such House, when in session, the desire of such board that the vacancy shall be filled, then the Governor, or such House, as the case may be, shall forthwith, after such signification, issue such writ.

Proviso.

10. Section 19:32–18 of the Revised Statutes is amended to read as follows:

Section amended.

19:32–18. Any person affected by the action of the superintendent shall during the week immediately preceding the election and on the election day have the right to make application to a judge of the court of common pleas of the county for the purpose of obtaining an order entitling him to vote

Application to vote.

in the district in which he actually resides. The burden of proof shall be upon the applicant.

Order.

A judge of the court of common pleas, if satisfied that the applicant is entitled under the law to vote at such election and after determining the election district in which the person actually resides may issue an order directing the district board of that district to permit such person to vote. If the order is directed to a district board in municipalities having permanent registration, the district board shall certify and return the order to the commissioner at the close of the election, who thereupon shall restore the permanent registration forms of such person to the active file. Before the issuance of such order, the superintendent shall be heard personally, or by his chief deputy or assistants, as to the reasons why he has issued an order denying such person the right to vote. The superintendent or any one representing him shall have full power to cross-examine any witness.

Record of proceedings.

The judge of the court of common pleas making such order shall cause a full record of the proceedings of the application to be taken stenographically, transcribed and filed in the office of the county clerk of the county, which record shall be an open and public record. All costs and expense of such proceedings shall be paid by the county.

Any person whose name shall appear on the Peremptory Order List and who shall not apply for and be granted an order to vote, during the week immediately preceding the election or on the election day immediately following the publication of his name as heretofore provided, shall not be permitted to vote by court order or otherwise until he shall have first reregistered.

Section amended.

11. Section 19:32–19 of the Revised Statutes is amended to read as follows:

Penalty for disobedience of order.

19:32–19. Any member of a district board who, after the receipt of an order from the superintendent denying any person the right to vote, unless the order of the superintendent has been revoked by a judge of the court of common pleas of

the county, as herein above provided, allows such person to vote, shall be guilty of a misdemeanor, shall forfeit his right to such office and be subject to imprisonment for a term not exceeding three years, or the payment of a fine of one thousand dollars ($1,000.00), or both.

Section amended.

12. Section 19:34–6 of the Revised Statutes is amended to read as follows:

Penalty for interfering.

19:34–6. If a person shall on election day tamper, deface or interfere with any polling booth or obstruct the entrance to any polling place, or obstruct or interfere with any voter, or loiter, or do any electioneering within any polling place or within one hundred feet thereof, he shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding one year, or both.

Section amended.

13. Section 19:34–7 of the Revised Statutes is amended to read as follows:

Violation of ballot regulation.

19:34–7. No person shall within the polling room mark his ballot in a place other than in the polling booth or show his ballot, nor shall anyone request such person to show his ballot during the preparation thereof, nor shall any other person inspect such ballot during the preparation thereof or after it is prepared for voting in such a way as to reveal the contents, nor shall any person within the polling place or within a hundred feet thereof, loiter, electioneer, or solicit any voter.

No voter, at any election where official ballots are used, shall knowingly vote or offer to vote any ballot except an official ballot as by this Title required.

No person shall on any pretext carry any official ballot from the polling room on any election day except such persons as may by this Title be authorized to do so.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding one year, or both.

Section amended.

14. Section 19:34–11 of the Revised Statutes is amended to read as follows:

Fraudulent voting.

19:34–11. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any one election; or knowingly hands in two or more ballots folded together; or changes any ballot after it has been deposited in the ballot box; or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted; or adds to or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll list, or ballots, or ballot box, for the purpose of breaking up or invalidating the election; or willfully detains, mutilates or destroys any election returns; or in any manner so interferes with the officers holding the election, or conducting the canvass, or with the voters lawfully exercising their rights of voting at the election, as to prevent the election or canvass from being fairly had and lawfully conducted, shall be guilty of a misdemeanor.

Section amended.

15. Section 19:34–12 of the Revised Statutes is amended to read as follows:

Attempt to cast illegal vote.

19:34–12. Every person not entitled to vote who fraudulently attempts to vote, or who being entitled to vote attempts to vote more than once at any election, or who personates or attempts to personate a person legally entitled to vote, shall be guilty of a misdemeanor.

Section amended.

16. Section 19:34–13 of the Revised Statutes is amended to read as follows:

Attempt by election official to discover how voter voted.

19:34–13. Every inspector, judge or clerk of an election, who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed

in to be opened or examined previous to putting the same in the ballot box, or who makes or places any mark or device on any folded ballot with the view to ascertain the name of any person for whom the elector has voted, shall be guilty of a misdemeanor.

Section amended.

17. Section 19:34–15 of the Revised Statutes is amended to read as follows:

Prohibits electioneering in or near polling place.

19:34–15. If a person shall distribute or display any circular or printed matter or offer any suggestion or solicit any support for any candidate, party or public question within the polling place or room or within a distance of one hundred feet of the outside entrance to such polling place or room, he shall be guilty of a misdemeanor.

Section amended.

18. Section 19:34–28 of the Revised Statutes is amended to read as follows:

Threatening or intimidating voter.

19:34–28. No person shall, directly or indirectly, by himself or by any other person in his behalf, make use of, or threaten to make use of, any force, violence or restraint, or inflict or threaten the infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on acount of such person having voted or refrained from voting at any election.

Section amended.

19. Section 19:34–38 of the Revised Statutes is amended to read as follows:

Certain contributions prohibited.

19:34–38. No person shall pay, lend or contribute, or offer or agree to pay, lend or contribute, any money or other valuable consideration to or for any person for any of the following:

a. The doing or procuring to be done of any act forbidden to be done by the laws relating to primary or general elections; or

b. The commission of any crime or offense against the elective franchise, or the encouragement or assistance of a person in the commission of a crime or offense against the elective franchise,

or aiding or assisting any person charged with the commission of a crime against the elective franchise to evade arrest or to escape conviction and punishment; or

c. Providing, wholly or in part, directly or indirectly, for the expense of boarding, lodging or maintaining a person in any place of domicile in any election precinct or ward or district, with the purpose of securing the vote of such person, or of inducing such person to vote for himself, or any other person at an election; or

d. The hiring or employment of a person to take or maintain a place in, or to otherwise obstruct or hinder, or to prevent the forming of the line of voters awaiting their opportunity or time to enter the polling place or election booth of an election precinct; or

e. In consideration of any person withdrawing as a candidate for public office or presidential elector, at any election; or

f. To pay any person for loss or damage due to attendance at the polls at any primary or general or charter election, or any registry therefor, or for the purpose of such registration; or

g. For any purpose in contravention of the provisions of this Title; or

h. Making any payment except in the manner provided by this Title; or

i. To pay for the printing or publishing or distribution of any circular, handbill, card, pamphlet, statement, advertisement or other printed matter having reference to an election or to any candidate at any election, unless such circular, handbill, card, pamphlet, statement, advertisement or printed matter shall bear upon its face the name and address of the candidate or his campaign manager causing the same to be published and furnishing or agreeing to furnish payment for such printing and publication. This prohibition shall not apply to payment for the printing and distribution of paid advertisements in newspapers or magazines and bearing the words: "This advertisement has been

paid for by ....." (inserting the true name and address of the person or persons paying for the same), or to payment for the printing and distribution of circulars, handbills, cards, pamphlets or statements which shall have printed on the face thereof the true name and address of the person or persons paying for their printing and distribution, indicated by the words: "The cost of the printing and distribution of this circular (or as the case may be) has been paid by ....." (inserting the true name and address of the person or persons paying for the same).

20. This act shall take effect immediately.

Approved October 6, 1948.

CHAPTER 439

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; and establishing and concerning a Department of Law and Public Safety as a principal department in the executive branch of the State Government.

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

C. 52:17B-1. Department of Law and Public Safety.

1. There is hereby established in the executive branch of the State Government a principal department which shall be known as the Department of Law and Public Safety.

As used in this act, unless the context clearly indicates otherwise, the words "the department" mean the Department of Law and Public Safety herein established.

C. 52:17B-2. Attorney General to be head of department, salary, term.

2. The head of the Department of Law and Public Safety shall be the Attorney General who shall be appointed by the Governor, with the advice and

consent of the Senate, and who shall serve during the term of office of the Governor. He shall receive such salary as shall be provided by law. Any vacancy occurring in the office of Attorney General shall be filled in the same manner as the original appointment, but for the unexpired term only.

Incumbent to continue.

The person in office as Attorney-General on the thirty-first day of December, one thousand nine hundred and forty-eight, shall hold office of Attorney General in the Department of Law and Public Safety established hereunder for the unexpired period of the term for which he was appointed, and until his successor is appointed and qualifies.

C. 52:17B-3. Divisions authorized.

3. There is hereby established in the Department of Law and Public Safety a Division of Law, a Division of State Police, a Division of Alcoholic Beverage Control, a Division of Motor Vehicles, a Division of Weights and Measures and a Division of Professional Boards.

Administrative division.

The Attorney General shall have the authority to organize and maintain in his offices an Administrative Division and to assign to employment therein such secretarial, clerical and other assistants in the department as his office and the internal operations of the department shall require.

C. 52:17B-4. Powers and duties.

4. The Attorney General, in addition to the functions powers and duties specifically conferred and imposed upon him, shall:

a. Maintain suitable headquarters for the department and such other quarters within the State as he may deem necessary to the department's proper functioning;

b. Have general responsibility for the department's operations under this act;

c. Supervise the organization of the department and changes in the organization thereof, except that the divisions, bureaus, boards, and offices herein specifically provided shall be maintained;

d. Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees;

e. Adopt uniform procedures for all secretarial, recording and clerical duties of each of the divisions, bureaus and other agencies within the department;

f. Perform such other functions and duties as the Governor may prescribe;

g. Be the request officer of the department within the meaning of such term as defined in chapter one hundred twelve of the laws of one thousand nine hundred and forty-four; and

h. Make an annual report to the Governor and to the Legislature of the department's operations, and render such other reports as the Governor or the Legislature shall from time to time request.

C. 52:17B-5. Division of law.

5. The Division of Law shall be headed by the Attorney General and shall be administered by him and his deputy attorneys-general and deputy assistant attorneys-general as provided herein and as may be provided by other law.

Powers and duties transferred.

The Department of Law, together with all of its functions, powers and duties, is continued, but such department is hereby transferred to and constituted the Division of Law in the Department of Law and Public Safety established hereunder.

The functions, powers and duties conferred upon, or required to be exercised or performed by the Attorney-General are continued but such functions, powers and duties are hereby transferred to and vested in the Division of Law established hereunder, and shall be exercised and performed by the Attorney General as the head of such division.

C. 52:17B-6. Department of State Police.

6. The Department of State Police, together with all of its functions, powers and duties is continued, but such department is hereby transferred to and constituted the Division of State Police in the Department of Law and Public Safety established hereunder.

C. 52:17B-7. Superintendent of State Police, term.

7. The executive and administrative head of the Division of State Police shall be the Superintendent of State Police, who shall be a person qualified by training and experience to direct the

work of such division. The Superintendent of State Police shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the superintendent's successor is appointed and has qualified; *provided, however,* that the person in office as Superintendent of State Police on the thirty-first day of December, one thousand nine hundred and forty-eight, shall hold the office of Superintendent of State Police in the Division of State Police established hereunder for the unexpired period of the term for which he was appointed, and until his successor is appointed and qualifies. The Superintendent of State Police shall receive such salary as shall be provided by law and shall devote his entire time and attention to the duties of his office. He may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

Proviso.

Salary.

C. 52:17B-8. Functions and duties transferred.

8. The functions, powers and duties of the Superintendent of State Police in the existing Department of State Police are continued, but such functions, powers and duties are hereby transferred to and vested in the Superintendent of State Police designated as the executive and administrative head of the Division of State Police established hereunder, and shall be exercised and performed by him through such division.

C. 52:17B-9. Organization continued.

9. Except as otherwise provided herein or as may be changed pursuant to authorization contained herein or in any other law, the organization of the existing Department of State Police is continued as the organization of the Division of State Police established hereunder.

C. 52:17B-10. Course of training for fish and game wardens.

10. The Superintendent of State Police shall, at least once in every year, and at such other times as he may deem the same necessary, call together the fish and game wardens and deputy fish and game wardens of the Division of Fish and Game in the Department of Conservation and Economic Development for a course of training in efficient law enforcement and a general conference on the

ways and means of accomplishing the greatest possible efficiency in the enforcement of the fish and game laws and regulations. The schedule for conducting any such course of training and conference shall be determined by the Superintendent of State Police after consultation with the Director of said Division of Fish and Game. Fish and game wardens and deputy fish and game wardens shall attend such courses and conferences as scheduled. The Director of the Division of Fish and Game in the Department of Conservation and Economic Development shall, either in person or through a representative designated by him, assist the Superintendent of State Police in the conduct of such courses of training and conferences.

C. 52:17B-11. Minimum qualifications.

11. The Superintendent of State Police shall, after consultation with the Director of the Division of Fish and Game in the Department of Conservation and Economic Development, prescribe minimum qualifications to be met by all persons who may hereafter be appointed as fish and game wardens and deputy fish and game wardens. No person shall hereafter be appointed a fish and game warden or a deputy fish and game warden unless he shall meet the qualifications so prescribed, as well as such qualifications as may be prescribed pursuant to Title 11 of the Revised Statutes, Civil Service.

C. 52:17B-12. Bureau of tenement house supervision.

12. There is hereby established in the Division of State Police, a Bureau of Tenement House Supervision.

C. 52:17B-13. Continuance and transfer.

13. The Board of Tenement House Supervision of the State of New Jersey, together with all of its functions, powers and duties, is continued but such board is hereby transferred to and constituted the Bureau of Tenement House Supervision in the Division of State Police established hereunder.

Except as otherwise provided herein the Board of Tenement House Supervision of the State of New Jersey shall continue to have all of the powers and shall exercise all of the functions and

Incumbents to continue.

duties vested in, or imposed upon, it by law. This act shall not affect the terms of office of the present members of such board. Such board shall continue to be constituted as provided by existing law.

C. 52:17B-14. Power of appointment.

14. The authority vested pursuant to existing law in the Board of Tenement House Supervision of the State of New Jersey to appoint, employ or remove officers or employees is hereby transferred to and vested in the Superintendent of State Police designated as the head of the Division of State Police established hereunder. The Superintendent of State Police shall fix the compensation of all persons appointed or employed by him pursuant to such authority. Persons thus appointed or employed shall be assigned to such duties as the Superintendent of State Police shall prescribe.

C. 52:17B-15. Alcoholic beverage control.

15. The Department of Alcoholic Beverage Control, together with all of its functions, powers and duties, is continued, but such department is hereby transferred to and constituted the Division of Alcoholic Beverage Control in the Department of Law and Public Safety established hereunder.

C. 52:17B-16. Director.

16. The Division of Alcoholic Beverage Control shall be headed by a director, who shall be a person qualified by training and experience to direct the work of such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified; *provided, however,* that the person in office as State Commissioner of Alcoholic Beverage Control on the thirty-first day of December, one thousand nine hundred and forty-eight, shall hold the office of director of the Division of Alcoholic Beverage Control established hereunder for the unexpired period of the term for which he was appointed as State Commissioner of Alcoholic Beverage Control, and until his successor is appointed and qualifies. The director of the Division of Alcoholic Beverage Control shall receive such salary as shall be provided by law

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and shall devote his entire time and attention to the duties of his office. He may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

C. 52:17B-17. Functions, transfer and continuance.

17. The functions, powers and duties of the State Commissioner of Alcoholic Beverage Control, are continued, but such functions, powers and duties are hereby transferred to and vested in the director of the Division of Alcoholic Beverage Control established hereunder, and shall be exercised and performed by him through such division.

C. 52:17B-18. Organization continued.

18. Except as otherwise provided herein or as may be changed pursuant to authorization contained herein or in any other law, the organization of the existing Department of Alcoholic Beverage Control is continued as the organization of the Division of Alcoholic Beverage Control established hereunder; *provided, however,* that divisions in the Department of Alcoholic Beverage Control shall hereafter be constituted bureaus in the Division of Alcoholic Beverage Control established hereunder, and any person in charge of any such bureau shall hereafter be known and designated as deputy director in the Division of Alcoholic Beverage Control established hereunder.

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C. 52:17B-19. Motor vehicle department.

19. The Department of Motor Vehicles, together with all of its functions, powers and duties, is continued, but such department is hereby transferred to and constituted the Division of Motor Vehicles in the Department of Law and Public Safety established hereunder.

C. 52:17B-20. Director.

20. The Division of Motor Vehicles shall be headed by a director, who shall be a person qualified by training and experience to direct the work of such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified; *provided, however,* that the person in office as Commissioner of Motor Vehicles on the thirty-first day of December, one

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thousand nine hundred and forty-eight, shall hold the office of director of the Division of Motor Vehicles established hereunder for the unexpired period of the term for which he was appointed as Commissioner of Motor Vehicles, and until his successor is appointed and qualifies. The director of the Division of Motor Vehicles shall receive such salary as shall be provided by law and shall devote his entire time and attention to the duties of his office. He may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

Salary.

C. 52:17B-21. Continuance and transfer of functions.

21. The functions, powers and duties of the Commissioner of Motor Vehicles are continued, but such functions, powers and duties are hereby transferred to and vested in the director of the Division of Motor Vehicles established hereunder, and shall be exercised and performed by him through such division.

C. 52:17B-22. Organization.

22. Except as otherwise provided herein or as may be changed pursuant to authorization contained herein or in any other law, the organization of the existing Department of Motor Vehicles is continued as the organization of the Division of Motor Vehicles established hereunder; *provided, however,* that any person appointed, pursuant to law, as a deputy in such division shall hereafter be known and designated as deputy director of motor vehicles.

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C. 52:17B-23. Weights and measures.

23. The department of weights and measures, together with all of its functions, powers and duties, is continued, but such department is hereby transferred to and constituted the Division of Weights and Measures in the Department of Law and Public Safety established hereunder.

C. 52:17B-24. Superintendent.

24. The Division of Weights and Measures shall be headed by a superintendent, who shall be a person qualified by training and experience to direct the work of such division. The superintendent of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the

Governor appointing him and until the superintendent's successor is appointed and has qualified; *provided, however,* that the person in office as State Superintendent of Weights and Measures on the thirty-first day of December, one thousand nine hundred and forty-eight, shall hold the office of Superintendent of the Division of Weights and Measures established hereunder for the unexpired period of the term for which he was appointed as State Superintendent of Weights and Measures, and until his successor is appointed and qualifies. The Superintendent of the Division of Weights and Measures shall receive such salary as shall be provided by law and shall devote his entire time and attention to the duties of his office. He may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

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C. 52:17B-25. Continuance and transfer of functions.

25. The functions, powers and duties of the State Superintendent of Weights and Measures are continued, but such functions, powers and duties are hereby transferred to and vested in the Superintendent of the Division of Weights and Measures established hereunder and shall be exercised and performed by him through such division.

C. 52:17B-26. Organization.

26. Except as otherwise provided herein, or as may be changed pursuant to authorization contained herein or in any other law, the organization of the existing department of weights and measures is continued as the organization of the Division of Weights and Measures established hereunder.

C. 52:17B-27. Program, approval.

27. The Attorney General shall, after consultation with the heads of the several divisions in the department, develop, and from time to time revise, a program designed to accomplish the greatest possible efficiency of departmental operations. He shall, subject to the approval of the Governor:

a. Co-ordinate the inspectional and law enforcement activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicating functions; and

b. Integrate within the department, so far as practicable, all staff services of the department and of the several divisions and other agencies therein.

C. 52:17B-28. Attorney General's powers.

28. Any power, except (1) that of adjudication after a hearing required by statute, (2) that of granting or denying any application for a license, permit, transportation insignia, or removal of a disqualification, and (3) that of extending, transferring, suspending, revoking or reinstating any license or permit, which may be vested in the head of the Division of State Police, the head of the Division of Alcoholic Beverage Control, the head of the Division of Motor Vehicles, or the head of the Division of Weights and Measures, may, subject to the approval of the Governor, be exercised by the Attorney General, and to the extent that such power is exercised by the Attorney General the power of the head of the division shall be superseded.

C. 52:17B-29. Division of professional boards.

29. The New Jersey State Board of Public Accountants, the New Jersey State Board of Architects, the State Board of Registration and Examination in Dentistry, the Board of Embalmers and Funeral Directors of the State of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Medical Examiners, the New Jersey State Board of Nursing, the New Jersey State Board of Optometrists, the Board of Pharmacy of the State of New Jersey, the State Board of Veterinary Medical Examiners, and the State Board of Shorthand Reporting, and all of their respective functions, powers, duties, records and property are hereby transferred to the Division of Professional Boards established hereunder in the Department of Law and Public Safety.

C. 52:17B-30. Continuance of functions.

30. Subject to the provisions hereinafter set forth, each of the respective boards within the Division of Professional Boards established hereunder shall continue to have all of the powers and shall exercise all of the functions and duties vested in, or imposed upon, it by law.

C. 52:17B-31. Boards continued.

31. This act shall not affect the terms of office of the present members of the respective boards enumerated in section twenty-nine hereof. Such boards shall continue to be constituted as provided by existing law.

C. 52:17B-32. Removal of members.

32. Any member of any of the boards enumerated in section twenty-nine hereof may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

Vacancies.

Any vacancy occurring in the membership of any of such boards shall be filled in the same manner as the original appointment, but for the unexpired term only.

C. 52:17B-33. Authority continued.

33. The authority, vested pursuant to existing law in any of the respective boards enumerated in section twenty-nine hereof, or in any member or officer thereof, to appoint, employ or remove any officer or employee shall continue to be exercised by such board; *provided, however,* that the appointment, employment or removal of any such officer or employee shall be subject to the approval of the Attorney General. Persons thus appointed or employed shall be assigned to such duties as such board shall prescribe, and shall receive such compensation as shall be fixed by such board within the limits of available appropriations therefor.

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C. 52:17B-34. Officers and employees transferred.

34. Such officers and employees of each of the respective boards enumerated in section twenty-nine hereof, as such board may determine are needed for the proper performance of the work of such board, are hereby transferred to the Division of Professional Boards established hereunder. Persons so transferred shall be assigned to such duties as such board shall determine.

C. 52:17B-35. Additional powers.

35. In addition to other powers and duties specifically conferred and imposed upon him by this act or by any other law, the Attorney General shall:

a. Exercise general supervision over the work of the employees engaged in the Division of Professional Boards or any of the boards therein.

b. Adopt, so far as practicable, after consultation with the boards within the Division of Professional Boards, uniform procedures for all secretarial, recording and clerical duties of each of such boards.

c. Provide for the maintenance, by each of the respective boards within the Division of Professional Boards, of a public register of persons licensed by such board.

C. 52:17B-36. Funds transferred.

36. The treasurer or custodian of the funds of each of the respective boards enumerated in section twenty-nine hereof shall, on the effective date hereof, through the Attorney General, transfer to the State treasury all funds and investments belonging to such board.

C. 52:17B-37. Procedure for handling fees, fines and penalties.

37. Notwithstanding the provisions of any other law to the contrary:

a. All license, certificate, permit, registration and renewal fees prescribed by law for any of the professions or occupations with which any of the boards enumerated in section twenty-nine hereof is concerned, or payable to any such board or to any member or officer thereof, pursuant to law, shall henceforth be paid into the State treasury through the Attorney General; and

b. All fines, penalties and other moneys derived from the operation of, or payable pursuant to law to, any of the boards or agencies enumerated in section twenty-nine hereof, or to any member or officer thereof, shall henceforth be paid into the State treasury through the Attorney General.

Such fees, fines, penalties and other moneys so paid into the State treasury shall be placed to the credit of the respective board concerned therewith, and no part thereof may be disbursed or expended by such board for any purpose except in accordance with appropriations made by law, and then only upon warrant of the director of the Division of Budget and Accounting in the Department of the Treasury on vouchers certified or approved by the chairman, president, or other presiding officer of the board concerned therewith.

C. 52:17B-38. Disbursement of funds.

38. All moneys transferred to the State treasury by the treasurer or custodian of each of the respective boards enumerated in section twenty-nine hereof, together with all fees, fines, penalties and other moneys derived from the operation of, or payable pursuant to law to, such board or to any member or officer thereof, during the fiscal year ending June thirtieth, one thousand nine hundred and forty-nine, and paid into the State treasury as herein provided are hereby appropriated to such board; and no part of such funds may be disbursed or expended for any purpose except upon warrant of the director of the Division of Budget and Accounting in the Department of the Treasury on vouchers certified or approved by the chairman, president, or other presiding officer of such board. Any surplus remaining from any amount so appropriated at the close of such fiscal year shall be paid into and become part of the General Fund of the State.

C. 52:17B-39. To submit budget requests.

39. On or before the tenth day of January, one thousand nine hundred and forty-nine, each of the boards within the Division of Professional Boards established hereunder shall prepare and submit to the Attorney General a budget request for appropriations for such board for the fiscal year ending June thirtieth, one thousand nine hundred and fifty; and on or before the fifteenth day of September in each year commencing with the year one thousand nine hundred and forty-nine, each of such boards shall prepare and submit to the Attorney General a budget request for appropriations for such board for the ensuing fiscal year. The respective budget requests so prepared shall, upon approval of the Attorney General, be submitted to the State Treasurer.

C. 52-17B-40. Surplus to lapse.

40. Any surplus remaining in any year to the credit of any of the boards or agencies within the Division of Professional Boards established hereunder, after annual appropriations made as provided herein, shall be paid into and become part of the General Fund of the State.

C. 52:17B-41. Rules and regulations to continue.

41. This act shall not affect the orders, rules and regulations heretofore made or promulgated by any of the respective boards enumerated in section twenty-nine of this act, but such orders, rules and regulations shall continue with full force and effect until amended or repealed by such board.

C. 52:17B-42. Not to affect proceedings.

42. This act shall not affect actions or proceedings, civil or criminal, brought by or against any of the respective boards, enumerated in section twenty-nine of this act and pending on the effective date hereof, and such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by such board as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any of such respective boards, and all such matters and proceedings pending before any such board on the effective date of this act shall be continued before such board.

C. 52:17B-43. Licenses and registrations continued.

43. Nothing in this act shall affect the validity of any license, certificate of registration, or other authorization, heretofore issued to any person under any prior law, to practice any profession or to engage in any occupation governed or regulated by the provisions of this act by any board enumerated in section twenty-nine of this act; but all persons holding such licenses, certificates of registration, or other authorization, shall in all other respects be subject to the provisions of this act and to the respective provisions of law governing or regulating such profession or occupation.

C. 52:17B-44. Transfer of files and records.

44. All files, books, papers, records, equipment and other property of any department, officer or agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Law and Public Safety or to any officer or agency designated, continued or constituted hereunder, shall, upon the effective date of this act be transferred to the officer or agency to which such assignment or transfer has been made hereunder.

C. 52:17B-45. Rules and regulations to continue.

45. This act shall not affect the orders, rules and regulations heretofore made or promulgated by any department, officer or agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Law and Public Safety or to any officer or agency designated, continued or constituted hereunder; but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

C. 52:17B-46. Not to affect proceedings.

46. This act shall not affect actions or proceedings, civil or criminal, brought by or against any department, officer or agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Law and Public Safety or to any officer or agency designated, continued or constituted hereunder, and pending on the effective date of this act, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the department, officer or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any department, officer or agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Law and Public Safety or to any officer or agency designated, continued or constituted hereunder, and all such matters or proceedings pending before such department, officer or agency on the effective date of this act shall be continued by the department, officer or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect.

C. 52:17B-47. Appropriations transferred.

47. Except as provided in section thirty-eight hereof, all appropriations available and to become available to any department, commission, board, office or other agency, the functions, powers and duties of which have been herein assigned or trans-

ferred to the Department of Law and Public Safety or to any office or agency designated, continued or constituted therein, are hereby transferred to the Department of Law and Public Safety established hereunder, and shall be available for the objects and purposes for which appropriated.

C. 52:17B-48. Vacancies.

48. Any vacancy occurring in the office of Superintendent of State Police, director of the Division of Alcoholic Beverage Control, director of the Division of Motor Vehicles or Superintendent of the Division of Weights and Measures shall be filled in the same manner as the original appointment.

C. 52:17B-49. Employees transferred.

49. Such employees of any department, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Law and Public Safety or to any office or agency designated, continued or constituted therein, as the head of the department, office or agency to which such functions, powers and duties have been herein assigned or transferred, may determine are needed for the proper performance of the functions and duties imposed upon such department, office or agency, are hereby transferred to the department, office or agency to which such functions, powers and duties have been herein assigned or transferred.

C. 52:17B-50. Construing.

50. Nothing in this act shall be construed to deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

C. 52:17B-51. Reference to terms.

51. Whenever the term "Attorney-General" occurs or any reference is made thereto in any law, contract, or document, the same shall be deemed to mean or refer to the Attorney General designated herein as the head of the Department of Law and Public Safety established hereunder.

Whenever the term "Department of Law" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Law established hereunder.

Whenever the term "deputy Attorney-General" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to a deputy Attorney-General employed in the Division of Law established hereunder.

Whenever the term "assistant deputy Attorney-General" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to an assistant deputy Attorney-General employed in the Division of Law established hereunder.

Whenever the term "member of the Department of Law" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to a member of the Division of Law established hereunder.

Whenever the term "Department of Alcoholic Beverage Control" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Alcoholic Beverage Control established hereunder.

Whenever the term "State Commissioner of Alcoholic Beverage Control" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Director of the Division of Alcoholic Beverage Control established hereunder.

Whenever the term "Department of Motor Vehicles" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Motor Vehicles established hereunder.

Whenever the term "Commissioner of Motor Vehicles" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Director of the Division of Motor Vehicles established hereunder.

Whenever the term "Department of State Police" occurs or any reference is made thereto in any law, contract or document, the same shall be

deemed to mean or refer to the Division of State Police established hereunder.

Whenever the term "Superintendent of State Police" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Superintendent of State Police designated as the head of the Division of State Police established hereunder.

Whenever the term "Department of Weights and Measures" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Weights and Measures established hereunder.

Whenever the term "State Superintendent of Weights and Measures" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Superintendent of the Division of Weights and Measures designated as the head of the Division of Weights and Measures established hereunder.

Whenever the term "Board of Tenement House Supervision of the State of New Jersey" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Board of Tenement House Supervision of the State of New Jersey constituted the Bureau of Tenement House Supervision in the Division of State Police established hereunder.

C. 52:17B-52. Repealer.

52. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed.

C. 52:17B-53. Short title.

53. This act shall be known as, and may be cited as, the "Department of Law and Public Safety Act of 1948."

C. 52:17B-54. Act effective.

54. This act shall take effect on the first day of January, one thousand nine hundred and forty-nine, except that any appointment, and any confirmation or approval of any appointment permitted by this act may be made prior to such date.

Approved October 15, 1948.

ALFRED E. DRISCOLL,
Governor.

CHAPTER 440

AN ACT to amend "An act concerning health and accident insurance, supplementing chapter thirty-eight of Title 17 of the Revised Statutes, and repealing section 17:18–7 of the Revised Statutes," approved August second, one thousand nine hundred and thirty-nine (P. L. 1939, c. 305).

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

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

2. Eligible groups. No policy of group accident, group health or group accident and health insurance shall be issued or delivered in this State unless the policy conforms to the description and complies with the requirements contained in one of the following paragraphs: C. 17:38-15. Eligible groups.

(a) A policy issued to an employer, who shall be deemed the policyholder, covering not less than twenty-five employees of such employer, and covering, except as hereinafter provided, only all employees of such employer or all of any class or classes thereof determined by conditions pertaining to employment, for amounts of insurance based upon some plan which will preclude individual selection; *provided,* that the policy may be issued covering less than twenty-five employees if such policy insures a private plan, with or without supplemental benefits, under the Temporary Disability Benefits Law. For the purposes of this paragraph, the term "employer" shall include the trustee or trustees of a fund, established by employer members of a trade or business association, and maintained by contributions of such employers for the sole benefit of employees of such contributing employers. If the premium is paid by the em- Proviso.

ployer and employees jointly, or by the employees, the group shall comprise not less than seventy-five per centum (75%) of all employees or not less than seventy-five per centum (75%) of any class or classes of employees determined by conditions pertaining to the employment;

(b) A policy issued to and in the name of an incorporated or unincorporated association of employees, which shall be deemed the policyholder, and which association has a constitution and by-laws and is organized and maintained in good faith for purposes other than that of obtaining insurance, and has been so organized and maintained for a period of not less than two years prior to the issuance of such policy or contract, and where the members covered by such contract are at least twenty-five in number but not less than seventy-five per centum (75%) of all the members of such association or of all of any class or classes thereof determined by conditions pertaining to their employment or membership in the association, or both. If membership in such association is confined to employees of one employer, its affiliates or subsidiaries, no policy or contract of group accident, group health or group accident and health insurance may be issued to such association unless the qualifications for membership in such association are determined by conditions pertaining to the employment, the amounts of insurance are based on a plan precluding individual selection, and the members insured are at least twenty-five in number but not less than seventy-five per centum (75%) of all employees eligible for membership in such association or of all of any class or classes thereof determined by conditions pertaining to their employment. A policy may be issued to and in the name of an association of employees under this paragraph (b) covering less than twenty-five members if such policy insures a private plan, with or without supplemental benefits, under the Temporary Disability Benefits Law.

The term "employees" as used in this section shall be deemed to include, for the purposes of insurance hereunder, as employees of a single employer, the officers, managers and employees of the employer and of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors, partners and employees of individuals and firms of which the business is controlled by the insured employer through stock ownership, contract or otherwise; *provided,* that in the case of a policy issued pursuant to paragraph (a) to a trustee or trustees of a fund established by employer members of a trade or business association, the term "employees" shall be deemed to include only those persons who bear any of the aforesaid relationships to the contributing employers or any of them, rather than persons who bear any such relationships to such trustee or trustees. The term "employer" as used herein may be deemed to include any municipal corporation or the proper officers, as such, of any unincorporated municipality, or any department of such corporation or municipality determined by conditions pertaining to the employment.

Employees defined.

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Employer defined.

2. Section five of the act of which this act is amendatory is amended to read as follows:

Section amended.

5. Standard provisions. No policy of group accident, group health, group accident and health or blanket accident insurance and no certificate thereunder shall be issued or delivered in this State unless the policy contains in substance all the provisions specified in subsections (a) to (o) following:

C. 17:38-18. Standard provisions.

(a) A provision that no statement made by the applicant for insurance shall avoid the insurance or reduce benefits thereunder unless contained in the written application signed by the applicant; and a provision that no agent has authority to change the policy or to waive any of its provisions; and that no change in the policy shall be valid unless approved by an officer of the insurer and evidenced by endorsement on the policy, or by

amendment to the policy signed by the policyholder and the insurer.

(b) A provision that the policy, the application of the person or association in whose name the policy is to be issued, a copy of which shall be attached to the policy, and the individual applications, if any, of the employees or members, shall constitute the entire contract between the parties and that all statements contained in any such application for insurance shall be deemed representations and not warranties.

(c) A provision that all new employees or new members, as the case may be, in the groups or classes eligible for such insurance must be added to such eligible groups or classes.

(d) A provision that all premiums due under the policy shall be remitted by the employer or employers of the persons insured, by the policyholder, or by some other designated person acting on behalf of the association or group insured, to the insurer on or before the due date thereof with such period of grace as may be specified therein.

(e) A provision stating the conditions under which the insurer may decline to renew the policy.

(f) A provision that the insurer shall issue to the employer, the policyholder, or other person or association in whose name such policy is issued, for delivery to each employee or member, an individual certificate setting forth in summary form a statement of the essential features of the insurance coverage, to whom the benefits thereunder are payable, and in substance the provisions of subsections (g) to (n) inclusive of this section. This subsection shall not apply to blanket accident policies issued pursuant to subsections (a) and (c) of section four of this act, nor to group accident and health policies insuring a private plan under the Temporary Disability Benefits Law, if reasonable notice of the benefits provided thereby is furnished to the covered employees by direct notification or by conspicuous posting at the place of employment.

(g) A provision specifying the ages, if any there be, to which the insurance provided therein shall be limited; and the ages, if any there be, for which additional restrictions are placed on benefits, and the additional restrictions placed on the benefits at such ages.

(h) A provision that written notice of sickness or of injury must be given to the insurer within twenty days after the date when such sickness or injury occurred. Failure to give notice within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible.

(i) A provision that in the case of claim for loss of time for disability, written proof of such loss must be furnished to the insurer within thirty days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of such disability must be furnished to the insurer at such intervals as the insurer may reasonably require, and that in the case of claim for any other loss, written proof of such loss must be furnished to the insurer within ninety days after the date of such loss. Failure to furnish such proof within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to furnish such proof and that such proof was furnished as soon as was reasonably possible.

(j) A provision that the insurer will furnish to the person making claim, or to the policyholder for delivery to such person, such forms as are usually furnished by it for filing proof of loss. If the person making claim does not receive such forms before the expiration of fifteen days after the insurer receives notice of any claim under the policy, the person making such claim shall be deemed to have complied with the requirements of the policy as to proof of loss upon submitting within the time fixed in the policy for filing proof

of loss, written proof covering the occurrence, character and extent of the loss for which claim is made.

(k) A provision that the insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim under the policy and also the right and opportunity to make an autopsy in case of death where it is not prohibited by law.

(l) A provision that all benefits payable under the policy other than benefits for loss of time will be payable not more than sixty days after receipt of proof, and that, subject to due proof of loss, all accrued benefits payable under the policy for loss of time will be paid not later than at the expiration of each period of thirty days during the continuance of the period for which the insurer is liable, and that any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of such proof.

(m) A provision that indemnity for loss of life of the insured shall be payable to the beneficiary or beneficiaries designated by the insured, other than the policyholder or an officer thereof as such, or if no beneficiary is designated, to such other person or persons as shall be specified in the policy; and that all other indemnities of the policy are payable to the employee or member, except that, at the request of the employee or member or in the event of his death, payment of benefits to the extent of expenses incurred on account of hospitalization may be made by the insurer to the hospital. If a beneficiary is designated, the consent of the beneficiary shall not be requisite to change of beneficiary or to any other changes in the policy or certificate except as may be specifically provided by the policy.

(n) A provision that no action at law or in equity shall be brought to recover on the policy prior to the expiration of sixty days after proof of loss has been filed in accordance with the re-

quirements of the policy and that no such action shall be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy.

(o) In the case of insurance issued pursuant to subsection (a) of section four of this act, a provision that the company will issue to the policyholder, for delivery to the insured persons, certificates setting forth the name of the insurance company and the essential features of such insurance.

3. This act shall take effect immediately.

Approved October 15, 1948.

CHAPTER 441

AN ACT concerning members of the park police departments of certain counties and their membership in the Police and Firemen's Retirement System of New Jersey.

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

C. 43:16A-40. Request to become members of State fund.

1. The park commission in any county of the second class having a population not in excess of three hundred thousand created pursuant to the provisions of the Revised Statutes, sections 40:37–96 through 40:37–194, may by an appropriate resolution request the board of trustees of the State Police and Firemen's Retirement System to permit the members of the park police department of any such county to become members of the State fund. The trustees shall thereupon request full information on forms to be suppled by them as to the employees who are to become members of the

Fiscal statement contents.

New Jersey State Library

fund and transmit to such county park commission the following fiscal statement:

(1) Estimated cost to the county park commission as follows:

(a) The annual normal contribution to be made on account of employees then in service.

(b) The percentage of payroll for employees then in service, to meet the contribution under (a).

(c) The estimated lump sum of accrued liability for services rendered and to be rendered prior to the following January first.

(d) The percentage of present payroll to meet the liability stated in (c).

(e) The estimated annual contribution on account of the accrued liability if paid in ten installments.

(f) The percentage of present payroll, to meet the accrued liability, as stated in (e).

(g) The estimated annual contribution on account of accrued liability if met in twenty-five installments.

(h) The percentage of present payroll to meet the accrued liability, as stated in (g).

(2) The annual contribution of the employee stated in percentage of pay for the several age brackets as of the following January first.

C. 43:16A-41. Publication, fiscal statement.

2. Such county park commission shall thereupon within thirty days after the receipt of such fiscal statement publish the same in at least one newspaper having general circulation in such county and also publish a notice that a public hearing will be held to consider the question as to whether the police employees of such county park commission shall be permitted to become members of the fund and in what manner the county park contribution for prior service credits shall be paid. Such notice of public hearing shall set forth the place, the time and the date that such hearing shall take place. The date so fixed for the hearing shall be

not less than five days after such publication but must be held before October fifth of that year. At such public hearing any citizen or taxpayer of such county shall be heard. After the public hearing the county park commission shall pass a resolution adopting one of the three methods of payment. Such resolution adopting a method of payment shall be binding except that if installment payments are provided for, any installment may be paid before the time such installment becomes due under the method adopted in said resolution. After the passage of such resolution, a certified copy thereof shall be forwarded by the secretary of the county park commission to the board of trustees of the Police and Firemen's Retirement System of New Jersey.

C. 43:16A-42. Membership conditions.

3. Any police employees of any such county park commission may become a member by filing with the board of trustees his election in writing to become such member at any time within six months after this act becomes effective. Each such police employee so electing to become a member shall file with the board of trustees a detailed statement of all service rendered by him as a police employee of such county park commission prior to the date of his application and for which he claims credit. As soon as practicable thereafter the board of trustees shall verify such statement and shall issue to him a prior service certificate certifying to the aggregate length of such service allowable as creditable service. Such certificate shall be final and conclusive for retirement purposes as to such service, unless thereafter modified by the board of trustees upon application made by the member within one year, or upon its own initiative within one year after the date of issuance of such prior service certificate, or unless in any four-year period which shall elapse subsequent thereto, the member to which such certificate was issued fails to render to the employer two additional years of service; in the latter case such certificate shall be void.

C. 43:16A-43. Liable for accrued liability.

4. The county park commission shall be liable to the board of trustees for the whole costs for the accrued liability on account of service credited on all prior service certificates issued to any police member of a county park commission.

C. 43:16A-44. Certification of contributions.

5. The board of trustees shall certify to the secretary of any such county park commission on or before the first day of February following, for the then current fiscal year and thereafter on or before the first day of December of each year for the ensuing fiscal year, the normal contribution of such county park commission and also its contribution for accrued liability for prior service credits.

C. 43:16A-45. To transmit information.

6. The secretary of each county park commission having employees who are members of the State fund shall transmit to the board of trustees such information as the board shall, from time to time, require.

7. This act shall take effect immediately.

Approved October 20, 1948.

CHAPTER 442

A SUPPLEMENT to "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May twenty-third, one thousand nine hundred and forty-four (P. L. 1944, c. 255).

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

C. 43:16A 39. May admit police employees as members.

1. The board of trustees may by resolution admit as members into the retirement system the police employees of any county park commission in counties of the second class having a population not in excess of three hundred thousand. Whenever any such county park commission shall so request, the board of trustees shall make an investigation to determine the eligibility of the county applicants and may thereafter, subject to the provisions of the act to which this act is a supplement, and the rules and regulations of the board of trustees, admit such persons to membership in the retirement system.

2. This act shall take effect immediately.

Approved October 20, 1948.

CHAPTER 443

AN ACT authorizing the Governor on behalf of the State of New Jersey to enter into a supplemental compact or agreement with the Commonwealth of Pennsylvania, amending Articles I, II, IV and XII of, and adding a new Article to be known as Article XIII to, the compact and agreement between the State of New Jersey and the Commonwealth of Pennsylvania authorized by and made pursuant to an act entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the said river; authorizing the New Jersey Interstate Bridge Commission on behalf of the State of New Jersey for these purposes to enter into an agreement with the Commonwealth of Pennsylvania creating the Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation," approved June thirtieth, one thousand nine hundred and thirty-one (P. L. 1931, c. 391), by changing the name of the Delaware River Joint Commission to Delaware River Port Authority, by changing the method of appointment of the commissioners for the State of New Jersey, by extending the jurisdiction, powers and duties of said Delaware River Port Authority and defining such additional

jurisdiction, powers and duties; to take effect upon the enactment of substantially similar legislation by the Commonwealth of Pennsylvania embodying the supplemental agreement between the two States in this act set forth, and authorizing the Governor to apply, on behalf of the State of New Jersey, to the Congress of the United States for its consent thereto.

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

Note. Authorized to enter into agreement or compact.

1. The Governor is hereby authorized to enter into a supplemental compact or agreement, on behalf of the State of New Jersey, with the Commonwealth of Pennsylvania, amending and supplementing the compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey entitled "Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Commission as a body corporate and politic and defining its powers and duties," which was executed on behalf of the Commonwealth of Pennsylvania by its Governor on July first, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on July first, one thousand nine hundred and thirty-one, and which was consented to by the Congress of the United States by Public Resolution No. 26, being Chapter 258 of the Public Laws, 72nd Congress, approved June fourteenth, one thousand nine hundred and thirty-two, which supplemental compact and agreement shall be in substantially the following form:

Form.

"Supplemental agreement between the Commonwealth of Pennsylvania and the State of New Jersey amending and supplementing the agreement entitled "Agreement between the Commonwelth of Pennsylvania

and the State of New Jersey creating the Delaware River Joint Commission as a body corporate and politic and defining its powers and duties'' by changing the name of the Delaware River Joint Commission to Delaware River Port Authority, by changing the method of appointment of the commissioners for the State of New Jersey, by extending the jurisdiction, powers and duties of said Delaware River Port Authority and defining such additional jurisdiction, powers and duties.''

The Commonwealth of Pennsylvania and the State of New Jersey do hereby solemnly covenant and agree each with the other as follows:

C. 32:3-2. Article I amended.

(1) Article I of the agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Commission as a body corporate and politic and defining its powers and duties, which was executed on behalf of the Commonwealth of Pennsylvania by the Governor on July first, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on July first, one thousand nine hundred and thirty-one, and which was consented to by the Congress of the United States by Public Resolution No. 26, being Chapter 258 of the Public Laws, 72nd Congress, approved fourteenth, one thousand nine hundred and thirty-two, be and the same is hereby amended to read as follows:

ARTICLE I

Delaware river port authority, functions and purposes.

The body corporate and politic, heretofore known as the Delaware River Joint Commission hereby is continued under the name of Delaware River Port Authority (hereinafter in this agreement called the ''commission''), which shall constitute the public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey for the following public purposes and

which shall be deemed to be exercising an essential governmental function in effectuating such purposes, to wit:

a. The operation and maintenance of the bridge, owned jointly by the two States and the city of Philadelphia, as its interests may appear, across the Delaware river between the city of Philadelphia in the Commonwealth of Pennsylvania and the city of Camden in the State of New Jersey, including its approaches, and the making of additions and improvements thereto.

b. The effectuation, establishment, construction, operation and maintenance of railroad or other facilities for the transportation of passengers across the said bridge, including extensions thereof, to the vicinity of Race street and Eighth street in the city of Philadelphia and to the vicinity of Carman street and Haddon avenue in the city of Camden.

c. The investigation of the necessity for additional means of communication between the Commonwealth of Pennsylvania in the vicinity of Philadelphia and the State of New Jersey opposite thereto and between the ports of Philadelphia and Camden and the sea, and making of such studies, surveys and estimates as may be necessary to determine the feasibility and cost of any such additional means of communication, whether the same be by bridge, tunnel, canal or otherwise.

d. Co-operation with all other bodies interested or concerned with, or affected by the promotion, development or use of the Delaware river.

e. The procurement from the government of the United States of any consents which may be requisite to enable any project within its powers to be carried forward.

f. The promotion of the Delaware river as a highway of commerce between Philadelphia and Camden and the sea.

g. The promotion of increased commerce on the Delaware river, both freight and passenger, and for this purpose the publication of such literature and the adoption of such means as may be deemed appropriate.

h. To study and make recommendations to the proper authorities for the improvement of terminal, lighterage, wharfage, warehouse and other facilities necessary for the promotion of commerce on the Delaware river.

i. The commission may petition any interstate commerce commission, public service commission, public utilities commission, or any similar body, or any other Federal, municipal, State or local authority, administrative, judicial, or legislative, having jurisdiction in the premises, for the adopton and executon of any physical improvement, change in method, rate of transportation, system of handling freight, warehousing, docking, lightering or transfer of freight, which, in the opinion of the commission, may be designed to improve or better the handling of commerce in and through the vicinity of Philadelphia and Camden and the Delaware river from Philadelphia and Camden to the sea, or improve terminal and transportation facilities therein. It may intervene in any proceeding affecting the commerce of the port area.

j. Any other functions which may be of mutual benefit to the Commonwealth of Pennsylvania and the State of New Jersey in so far as concerns the promotion and development of the ports of Philadelphia and of Camden and the use by commercial vessels of their facilities.

(2) Article II of said Agreement be and the same is hereby amended to read as follows:

ARTICLE II

C. 32:3-3. Members.

The commission shall consist of sixteen commissioners, eight resident voters of the Commonwealth of Pennsylvania and eight resident voters of the State of New Jersey, who shall serve without compensation.

Pennsylvania members.

The first eight commissioners for the Commonwealth of Pennsylvania shall be the Governor of the Commonwealth, the Auditor General, the State Treasurer, the mayor of the city of Philadelphia and the four additional persons now serving as members of the Pennsylvania commission, existing by virtue of Act No. 338, of the Commonwealth of Pennsylvania, approved July ninth, one thousand nine hundred and nineteen (Pamphlet Laws 814), and acts amendatory thereof and supplementary thereto.

New Jersey members.

The first eight commissioners for the State of New Jersey shall be the eight individuals now holding office as members of the New Jersey Interstate Bridge Commission, existing by virtue of chapter two hundred seventy-one of the laws of said State of one thousand nine hundred and twenty-nine, approved May sixth, one thousand nine hundred and twenty-nine, and acts amendatory thereof and supplementary thereto, which said eight individuals are hereby appointed by said State as such commissioners, who shall serve for their unexpired terms as members of the New Jersey Interstate Bridge Commission.

Ex officio members, terms.

For the Commonwealth of Pennsylvania, the Governor, the Auditor General, the State Treasurer and the executive head of the city of Philadelphia in office at the time shall always be members of the commission and in addition thereto there shall be four members appointed by the Governor, who shall be known as appointive members. Whenever a vacancy occurs in the appointive mem-

bership of the commission the Governor shall appoint a member to serve for a term of five years from the date of his appointment.

The commissioners for the State of New Jersey shall be appointed by the Governor, with the advice and consent of the Senate, for terms of five years; and in case of a vacancy occurring in the office of commissioner during a recess of the Legislature, it may be filled by the Governor by an ad interim appointment which shall expire at the end of the next regular session of the Senate unless a successor shall be sooner appointed and qualify and, after the end of the session, no ad interim appointment to the same vacancy shall be made unless the Governor shall have submitted to the Senate a nomination to the office during the session and the Senate shall have adjourned without confirming or rejecting it and no person nominated for any such vacancy shall be eligible for an ad interim appointment to such office if the nomination shall have failed of confirmation by the Senate. The commissioners in office when this amendment takes effect shall continue in office until the expiration of their respective terms and until their respective successors shall be appointed and shall qualify.

Hold-over.

All commissioners shall continue to hold office after the expiration of the terms for which they are appointed or elected unless and until their respective successors are appointed and qualified, but no period during which any commissioner shall hold over shall be deemed to be an extension of his term of office for the purpose of computing the date on which his successor's term expires.

(3) Article IV of said Agreement be and the same is hereby amended to read as follows:

ARTICLE IV

C. 32:3-5. Powers.

For the effectuation of its authorized purposes the commission is hereby granted the following powers:

a. To have perpetual succession.

b. To sue and be sued.

c. To adopt and use an official seal.

d. To elect a chairman, vice chairman, secretary and treasurer, and to adopt suitable by-laws for the management of its affairs. The secretary and treasurer need not be members of the commission.

e. To appoint such other officers and such agents and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation.

f. To enter into contracts.

g. To acquire, own, hire, use, operate and dispose of personal property.

h. To acquire, own, use, lease, operate and dispose of real property and interests in real property, and to make improvements thereon.

i. To grant the use of, by franchise, lease or otherwise and to make charges for the use of, any property or facility owned or controlled by it.

j. To borrow money upon its bonds or other obligations, either with or without security.

k. To exercise the right of eminent domain.

l. To determine the exact location, system and character of and all other matters in connection with any and all improvements or facilities which it may be authorized to own, construct, establish, effectuate, operate or control.

m. In addition to the foregoing, to exercise the powers, duties, authority and jurisdiction

heretofore conferred and imposed upon the aforesaid Pennsylvania commission and upon the aforesaid New Jersey Interstate Bridge Commission severally, or upon both of said commissions jointly, by the Commonwealth of Pennsylvania or the State of New Jersey, or both of the said two States; and

n. To exercise all other powers not inconsistent with the constitutions of the two States or of the United States, which may be reasonably necessary or incidental to the effectuation of its authorized purposes or to the exercise of any of the foregoing powers, except the power to levy taxes or assessments, and generally to exercise in connection with its property and affairs, and in connection with property within its control, any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs.

The commission shall have full power and authority to purchase, construct, lease and operate any terminal facility, any transportation facility, and any other facility of commerce; and to make charges for the use thereof. The commission shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of either State concurred in by the legislation of the other.

(4) Article XII of said Agreement be and the same is hereby amended to read as follows:

ARTICLE XII

C. 32:3-13. Annual reports.

The commission shall make annual reports to the Governors and Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey, setting forth in detail its operations and transactions, and may make such additional reports from time to time to the Governors and Legislatures as it may deem desirable.

Special report on new project.

Whenever the commission after investigation and study shall have concluded plans with estimates of cost and means of financing any new project, other than those described in Article One, subdivision "b" hereof, for transportation across or under the Delaware river within the area hereinbefore described, any new project for the improvement of the Delaware river's port facilities, or any other project for the mutual advantage of Pennsylvania and New Jersey and coming within the purposes for which it is created, the commission shall make to the Legislatures of each State a report dealing generally with the contemplated project and shall request of said Legislatures authority to proceed with the project described and it shall not be within the power of the commission to construct, erect or otherwise acquire any facility or project, except those described in Article One, subdivision "b" hereof, unless and until the Legislatures of both States shall have authorized the commission to proceed with the project generally outlined in its report thereon.

(5) Add to said Agreement a new Article to be entitled, and to read, as follows:

Article XIII

C. 32:3-13.1. Terms defined.

The following words as herein used shall have the following meaning:

"Port area" means the vicinity of Philadelphia and Camden and the Delaware river from Philadelphia and Camden to the sea.

"Transportation facility" shall include railroads, steam or electric, motor truck or other street or highway vehicles, tunnels, bridges, boats, ferries, carfloats, lighters, tugs, floating elevators, barges, scows or harbor craft of any kind, aircraft suitable for harbor service, and every kind of transportation facility now in use or hereafter designed for use for the transportation or carriage of persons or property.

"Terminal facility" shall include wharves, piers, slips, ferries, docks, dry docks, bulkheads, dockwalls, basins, carfloats, floatbridges, grain or other storage elevators, warehouses, cold storage, tracks, yards, sheds, switches, connections, overhead appliances, and every kind of terminal or storage facility now in use or hereafter designed for use for the handling, storage, loading or unloading of freight at steamship, railroad or freight terminals.

"Railroads" shall include railways, extensions thereof, tunnels, subways, bridges, elevated structures, tracks, poles, wires, conduits, power houses, substations, lines for the transmission of power, car barns, shops, yards, sidings, turnouts, switches, stations and approaches thereto, cars and motive equipment.

"Facility" shall include all works, buildings, structures, appliances and appurtenances necessary and convenient for the proper construction, equipment, maintenance and operation of such facility or facilities or any one or more of them.

"Real property" shall include land under water, as well as uplands, and all property either now commonly or legally defined as real property or which may hereafter be so defined.

"Personal property" shall include choses in action and all other property now commonly or legally defined as personal property or which may hereafter be so defined.

"To lease" shall include to rent or to hire.

"Rule or regulation." until and unless otherwise determined by the Legislatures of both States, shall mean any rule or regulation not inconsistent with the Constitution of the United States or of either State, and, subject to the exercise of the power of Congress, for the improvement of the conduct of navigation and commerce within the port area, and shall include charges, rates, rentals or tolls fixed or established by the Port Authority; and until otherwise determined as

aforesaid, shall not include matters relating to harbor or river pollution.

Plural or singular. The singular wherever used herein shall include the plural.

Wherever action by the legislation of either State is herein referred to, it shall mean an act of the Legislature duly adopted in accordance with the provisions of the Constitution of the State.

Note. Supplemental compact of agreement binding.

2. Upon its signature, on behalf of the State of New Jersey and the Commonwealth of Pennsylvania, such supplemental compact or agreement and the compact or agreement so amended and supplemented shall become binding and shall have the force and effect of a statute of the State of New Jersey, and the Delaware River Port Authority shall thereupon become vested with all the powers, rights and privileges, and be subject to the duties and obligations contained therein, as though the same were specifically authorized and imposed by statute and the State of New Jersey shall be bound by all of the obligations assumed by it under such supplemental compact or agreement and under such compact or agreement so amended and supplemented; and the Governor shall transmit an original signed copy thereof to the Secretary of State for filing in his office.

Note. Congressional approval.

3. The Governor is hereby authorized to apply on behalf of the State of New Jersey, to the Congress of the United States for its consent and approval of such supplemental compact or agreement.

Note. Act effective.

4. This act shall become effective immediately upon its approval by the Governor and the passage by the Commonwealth of Pennsylvania of a substantially similar act embodying the supplemental compact or agreement between the two States hereinabove set forth.

Approved October 20, 1948.

CHAPTER 444

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State government; establishing and concerning the State Department of Health as a principal department in the executive branch of the State government; amending "An act relating to public health; providing for the establishment in the Executive Branch of the State Government of a State Department of Health, defining its organization, functions, powers and duties, providing thereby for the consolidation and co-ordination of public health activities; abolishing the offices of Perth Amboy Port health officer and deputy Perth Amboy Port health officer; transferring to, and vesting in said State Department of Health the functions, powers and duties of the Perth Amboy Port health officer and of the deputy Perth Amboy Port health officer; amending section 26:1–1, repealing sections 26:2–1 to 26:2–55, inclusive, 26:4–111, 26:4–114, 26:4–115, and supplementing Title 26 of the Revised Statutes," approved May twenty-second, one thousand nine hundred and forty-seven (L. 1947, c. 177); amending sections 9:13–1 and 9:13–2 of the Revised Statutes; and supplementing Title 26 of the Revised Statutes.

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

Section amended.

1. Section two of chapter one hundred seventy-seven of the laws of one thousand nine hundred and forty-seven is amended to read as follows:

C. 26:1A-2. State department of health.

2. There is hereby established in the Executive Branch of the State Government a principal department which shall be known as the State Department of Health.

Section amended

2. Section three of chapter one hundred seventy-seven of the laws of one thousand nine hundred and forty-seven is amended to read as follows:

C. 26:1A-3. State commissioner of health; qualifications, appointment, term.

3. The head and chief administrative officer of the department shall be the State Commissioner of Health, who shall be a duly licensed physician, a graduate of a regularly chartered and legally constituted medical school or college, with skill in sanitary science, and with at least five years of full-time experience in an administrative or executive capacity in a public health agency. He shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor.

Salary.

He shall devote his entire time and attention to the duties of his office shall receive such salary as shall be provided by law.

C. 26:1A-69. Examination, licensing, registration, section.

3. There is hereby established in the State Department of Health a Section of Examination, Licensing and Registration.

C. 26:1A-70. Power and duties transferred.

4. The State Board of Barber Examiners, the department of beauty culture control, and the board of beauty culture control, and all of their respective functions, powers, duties, records and property are hereby transferred to the Section of Examination, Licensing and Registration established hereunder in the State Department of Health.

C. 26:1A-71. Functions and powers of boards continued.

5. Subject to the restrictions and limitations contained in this act and except as otherwise provided herein, each of the respective boards and agencies within the Section of Examination, Licensing and Registration established hereunder shall continue to have all the powers and shall exercise all of the functions and duties vested in, or imposed upon it by law.

C. 26:1A-72. Members to continue.

6. This act shall not affect the terms of office of the present members of the respective boards enumerated in section four hereof. Such boards shall continue to be constituted as provided by existing law.

C. 26:1A-73. Removal of members.

7. Any member of any of the boards enumerated in section four hereof may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

Vacancies.

Any vacancy occurring in the membership of any of such boards shall be filled in the same manner as the original appointment but for the unexpired term only.

C. 26:1A-74. Authority transferred.

8. The authority, vested pursuant to existing law in any of the boards or agencies enumerated in section four hereof, or in any member or officer thereof, to appoint, employ or remove clerical, secretarial, recording or other personnel, except inspectors or enforcement agents, is hereby transferred to and vested in the State Commissioner of Health. The State Commissioner of Health shall fix the compensation of all persons appointed or employed by him pursuant to such authority within the limits of available appropriations therefor. Persons thus appointed or employed shall be assigned to such duties as the State Commissioner of Health shall prescribe.

The authority, vested pursuant to existing law in any of such respective boards or agencies or in any member or officer thereof, to appoint, employ or remove inspectors or enforcement agents shall continue to be exercised by such board or agency; *provided, however,* that the appointment, employment or removal of any person pursuant to such authority shall be subject to the approval of the State Commissioner of Health. Such board or agency shall, subject to the approval of the State Commissioner of Health, and within the limits of available appropriations therefor, fix the compensation of inspectors and enforcement agents thus appointed or employed. Persons thus appointed or employed shall be assigned to such duties as such board shall determine.

Proviso.

C. 26:1A-75. Additional powers.

9. In addition to other powers and duties specifically conferred and imposed upon him by this act or by any other law, the State Commissioner of Health shall:

(a) Supervise the work of the employees engaged in any of the boards or agencies within the State Department of Health or any bureau or section in said department.

(b) Adopt uniform procedures for all secretarial, recording and clerical duties of each of the boards and agencies within the Section of Examination, Licensing and Registration.

(c) Maintain a public register of all persons licensed by any of the several boards and agencies within the said section, or by or in the name of the State Department of Health.

(d) Integrate, so far as practicable, all staff services of the State Department of Health and of each of the bureaus and sections therein.

C. 26:1A-76. Employees transferred.

10. Such clerical, secretarial, recording or other personnel, except inspectors and enforcement agents, of each of the respective boards and agencies enumerated in section four hereof, as the State Commissioner of Health may, after consultation with the members of such board or agency, determine are needed for the proper performance of the work of such board or agency, are hereby transferred to the Section of Examination, Licensing and Registration established hereunder. Persons so transferred shall be assigned to such duties as the State Commissioner of Health shall determine.

Such inspectors and enforcement agents of each of the respective boards and agencies enumerated in section four hereof, as such board or agency may, subject to the approval of the State Commissioner of Health, determine are needed for the proper performance of the work of such board or agency, are hereby transferred to such board or agency. Persons so transferred shall be assigned to such duties as such board or agency shall determine.

C. 26:1A-77. Funds transferred.

11. The treasurer or custodian of the funds of each of the respective boards and agencies enumerated in section four hereof shall, on the effective date hereof, through the State Commissioner of Health, transfer to the State treasury all funds and investments belonging to such board or agency.

C. 86:1A-78. Payment of fees.

12. Notwithstanding the provisions of any other law to the contrary:

(1) All license, certificate, permit, registration and renewal fees prescribed by law for any of the professions or occupations with which any of the boards or agencies enumerated in section four hereof is concerned, or payable to any such board or agency, or to any member or officer thereof, pursuant to law, shall henceforth be paid into the State treasury through the State Commissioner of Health; and

Payment of fines and penalties.

(2) All fines, penalties, and other moneys derived from the operation of, or payable pursuant to law to, any of the boards or agencies enumerated in section four hereof, or to any member or officer thereof, shall henceforth be paid into the State treasury through the State Commissioner of Health.

Credited to respective boards.

Such fees, fines, penalties and other moneys so paid into the State treasury shall be placed to the credit of the respective board or agency concerned therewith, and no part thereof may be disbursed or expended for any purpose except in accordance with appropriations made by law, and then only upon warrant of the State Treasurer on vouchers certified or approved by the chairman, president, or other presiding officer of the board or agency concerned therewith and the State Commissioner of Health. Expenditures from appropriations in any fiscal year shall in no event exceed the amount paid into the State treasury for or on behalf of such board or agency during such year.

C. 26:1A-79. To submit budget.

13. On or before the tenth day of January, one thousand nine hundred and forty-nine, each of the boards and agencies within the Section of Examination, Licensing and Registration established

hereunder shall prepare and submit to the State Commissioner of Health a budget request for appropriations for such board or agency for the fiscal year ending June thirtieth, one thousand nine hundred and fifty; and on or before the fifteenth day of September in each year commencing with the year one thousand nine hundred and forty-nine, each of such boards and agencies shall prepare and submit to the State Commissioner of Health a budget request for appropriations for such board or agency for the ensuing fiscal year. The respective budget requests so prepared shall, upon approval of the State Commissioner of Health, be submitted to the State Treasurer. The total annual appropriations for any of such boards or agencies shall in no event exceed the total amount of all moneys paid into the State treasury for or on behalf of such board or agency, as provided herein, during the preceding fiscal year.

C. 26:1A-80. Surplus to lapse.

14. Any surplus remaining in any year to the credit of any of the boards or agencies within the Section of Examination, Licensing and Registration established hereunder, after annual appropriations made as provided herein, shall be paid into and become part of the general fund of the State.

C. 26:1A-81. Limitations on appropriations to continue.

15. Limitations on appropriations to any of the boards or agencies enumerated in section four hereof, contained in any existing law, shall, notwithstanding the provisions of this act, continue in full force and effect.

Section amended.

16. Section 9:13–1 of the Revised Statutes is amended to read as follows:

State Crippled Children Commission continued.

9:13–1. The commission for the care and treatment of crippled children created by an act entitled "An act to create a commission for the care and treatment of crippled children, defining its powers and duties and making an appropriation therefor," approved April seventh, one thousand nine hundred and thirty-one (L. 1931, c. 70, p. 126), hereinafter in this article designated as the "commission", is continued and is hereby constituted an agency within the State Department of Health.

Such commission shall be known as the "State Crippled Children's Commission."

Members.

The commission shall consist of ten members as follows: the State Commissioner of Health or an officer of the State Department of Health designated by him; one representative each from the organizations known as the Elks, Rotarians, Shrine, Kiwanis, Lions, Medical Society of New Jersey; and one member of the Senate and one member of the House of Assembly, to be appointed by the Governor on the recommendation of their respective organizations; and one citizen of the State to be appointed by the Governor. The Senator and Assemblyman shall be appointed annually; the State Commissioner of Health shall serve during his continuance in office as such commissioner; if any officer be designated by the State Commissioner of Health as aforesaid, such officer shall serve at the pleasure of such commissioner; and each of the other members of the commission shall serve for a term of five years and until his successor is designated or appointed, as the case may be, and has qualified. Any vacancy in the membership of the commission, occurring other than by expiration of term, shall be filled in the same manner as the original appointment but for the unexpired term only.

Vacancies.

Removal.

Any member of the commission may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

Section amended.

17. Section 9:13–2 of the Revised Statutes is amended to read as follows:

Chairman and secretary.

9:13–2. The commission shall appoint a chairman and secretary from among its members. The State Commissioner of Health shall provide the commission with such personnel as he shall, after consultation with the commission, deem necessary for the proper discharge of the duties imposed upon the commission. The State Commissioner of Health shall, after consultation with the commission, prescribe the duties of persons thus assigned to the commission, and shall fix their compensation,

within the limits of available appropriations therefor.

The members of the commission shall receive no compensation for their services but shall be entitled to their actual and necessary expenses incurred in the performance of duty. No compensation.

18. Such employees of the State Crippled Children's Commission, as the State Commissioner of Health may, after consultation with such commission, determine are needed for the proper performance of the work of such commission, are hereby transferred to the State Department of Health. Persons so transferred shall be assigned to such duties as the State Commissioner of Health shall after consultation with the commission, prescribe. C. 26:1A-82. Employees transferred.

19. All appropriations available and to become available to the State Crippled Children's Commission are hereby transferred to the State Department of Health, and shall be available for the objects and purposes for which appropriated. C. 26:1A-83. Appropriations transferred.

20. All appropriations available and to become available to the State Board of Barber Examiners, and all appropriations available and to become available to the department of beauty culture control and to the board of beauty culture control are hereby transferred to the State Department of Health. C. 26:1A-84. Appropriations transferred.

21. Nothing in this act shall be construed to deprive any person of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system. C. 26:1A-85. Construing civil service status.

22. This act shall not affect the orders, rules and regulations heretofore made or promulgated by any of the respective boards or agencies enumerated in section four of this act but such orders, rules and regulations shall continue with full force and effect until amended or repealed by such board or agency. C. 26:1A-86. Rules and regulations to remain in force.

23. This act shall not affect actions or proceedings, civil or criminal, brought by or against any C. 26:1A-87. Not to affect proceedings.

of the respective boards or agencies enumerated in section four of this act and pending on the effective date hereof, and such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by such board or agency as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any of such respective boards or agencies, and all such matters and proceedings pending before any such board or agency on the effective date of this act shall be continued before such board or agency.

C. 26:1A-88. Not to affect validity of licenses or certificates of registration.

24. Nothing in this act shall affect the validity of any license, certificate of registration, or other authorization, heretofore issued to any person under any prior law, to practice any profession or to engage in any occupation governed or regulated by the provisions of this act or by any board or agency enumerated in section four of this act; but all persons holding such licenses, certificates of registration, or other authorization, shall in all other respects be subject to the provisions of this act and to the respective provisions of law governing or regulating such profession or occupation.

C. 26:1A-89. Repealer.

25. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed.

C. 26:1A-90. Short title.

26. This act shall be known as, and may be cited as, the "State Department of Health Act of 1948."

C. 26:1A-91. Act effective.

27. This act shall take effect on the first day of January, one thousand nine hundred and forty-nine, except that any appointment, and any confirmation of any appointment, permitted by this act may be made prior to such date.

Approved October 21, 1948.

CHAPTER 445

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; and establishing and concerning a Department of State as a principal department in the executive branch of the State Government.

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

C. 52:16A-1. Department of State.

1. There is hereby established in the executive branch of the State Government a principal department which shall be known as the Department of State.

C. 52:16A-2. Secretary of State.

2. The head of the Department of State shall be the Secretary of State who shall be appointed by the Governor, with the advice and consent of the Senate, and who shall serve during the term of office of the Governor. He shall receive such salary as shall be provided by law. Any vacancy occurring in the office of Secretary of State shall be filled in the same manner as the original appointment, but for the unexpired term only.

Vacancy.

Incumbent to continue.

The person in office as Secretary of State on the thirty-first day of December, one thousand nine hundred and forty-eight, shall hold the office of Secretary of State in the Department of State established hereunder for the unexpired period of the term for which he was appointed, and until his successor is appointed and qualifies.

C. 52:16A-3. Powers, duties and records transferred.

3. The functions, powers, duties, records and property of the existing office of Secretary of State, and of the Secretary of State, are hereby transferred to and vested in the Department of State established hereunder, and shall be exercised and used by the Secretary of State pursuant to the provisions of this act and as otherwise provided by law.

C. 52:16A-4. Office, powers, functions of State Athletic Commissioner transferred.

4. The office of State Athletic Commissioner, together with all of its functions, powers and duties is continued, but such office is hereby transferred to the Department of State established hereunder.

State Athletic Commissioner, appointment, term.

The head of such office shall be the State Athletic Commissioner, who shall be a person qualified by training and experience to direct the work of such office. The State Athletic Commissioner shall be appointed by the Governor, with the advice and consent of the Senate and shall serve during the term of office of the Governor appointing him and until the commissioner's successor is appointed and qualifies; *provided, however,* that the person in office as State Athletic Commissioner on the thirty-first day of December, one thousand nine hundred and forty-eight, shall hold the office of State Athletic Commissioner in the Department of State established hereunder for the unexpired period of the term for which he was appointed, and until his successor is appointed and qualifies.

Proviso.

C. 52:16A-5. Salary.

5. The State Athletic Commissioner shall receive such salary as shall be provided by law. He may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

C. 52:16A-6. Vacancy.

6. Any vacancy occurring in the office of State Athletic Commissioner shall be filled in the same manner as the original appointment but for the unexpired term only.

C. 52:16A-7. Records and property of State Athletic Commissioner transferred.

7. Except as otherwise provided herein, the functions, powers, duties, records and property of the existing State Athletic Commissioner are hereby transferred to and vested in the State Athletic Commissioner designated as the head of the office of State Athletic Commissioner in the Department of State established hereunder, and shall be exercised and used by said commissioner pursuant to the provisions of this act and as otherwise provided by law.

C. 52:16A-8. Secretary of State appointing authority.

8. The State Athletic Commissioner shall have no authority to appoint, employ or remove any clerical personnel required in the performance of his duties. The authority to appoint, employ or

remove, fix the compensation of, within the limits of available appropriations therefor, and prescribe the duties of such personnel is hereby vested in the Secretary of State.

C. 52:16A-9. Employees transferred.

9. Such clerical personnel employed in the existing office of State Athletic Commissioner as the Secretary of State may, after consultation with the State Athletic Commissioner, determine are needed for the proper performance of the duties of such commissioner, are hereby transferred to the Department of State established hereunder. Persons so transferred shall be assigned to such duties as the Secretary of State may determine.

Such inspectors, referees and other officials of the existing office of State Athletic Commissioner, as the State Athletic Commissioner may determine are needed for the proper performance of the duties of such commissioner, are hereby transferred to the office of State Athletic Commissioner in the Department of State established hereunder. Persons so transferred shall be assigned to such duties as the State Athletic Commissioner may determine.

C. 52:16A-10. State board of canvassers, functions, powers and duties.

10. There shall be in the Department of State the Board of State Canvassers, to be constituted as provided by law.

The Board of State Canvassers shall have and exercise all of the functions, powers and duties conferred and imposed upon it by law.

C. 52:16A-11. Secretary of State, powers and duties.

11. In addition to other powers and duties specifically conferred and imposed upon him by this act or by any other law, the Secretary of State shall:

(a) Supervise the work of the employees engaged in the Department of State.

(b) Adopt uniform procedures for all secretarial, recording and clerical duties for each office within the Department of State.

(c) Maintain a public register of all persons licensed by the State Athletic Commissioner.

(d) Integrate, so far as practicable, all staff services of the Department of State and of each of the offices therein.

C. 52:16A-12. Request officer.

12. The Secretary of State shall be the request officer of the Department of State within the meaning of such term as defined in chapter one hundred twelve of the laws of one thousand nine hundred and forty-four.

C. 52:16A-13. Employees transferred.

13. Such employees of the existing office of Secretary of State, as the Secretary of State may determine are needed for the proper performance of the functions and duties imposed upon him, are hereby transferred to the Department of State established hereunder. Persons thus transferred shall be assigned to such duties as the Secretary of State shall determine.

C. 52:16A-14. Appropriation transferred.

14. All appropriations available and to become available to the Secretary of State, and all appropriations available and to become available to the State Athletic Commissioner are hereby transferred to the Department of State established hereunder, and shall be available for the objects and purposes for which appropriated.

C. 52:16A-15. Construing, civil service status.

15. Nothing in this act shall be construed to deprive any person of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

C. 52:16A-16. Rules and regulations to continue.

16. This act shall not affect the orders, rules and regulations heretofore made or promulgated by the Secretary of State but such orders, rules and regulations shall continue with full force and effect until amended or repealed by the Secretary of State.

C. 52:16A-17. Not to affect rules of State Athletic Commissioner

17. This act shall not affect the orders, rules and regulations heretofore made or promulgated by the State Athletic Commissioner, but such orders, rules and regulations shall continue with full force and effect until amended or repealed by the State Athletic Commissioner.

C. 52:16A-18. References to terms.

18. Whenever the term "State Athletic Commissioner" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the State Athletic Commissioner designated as the head of the office of State Athletic Commissioner in the Department of State established hereunder.

C. 52:16A-19. Not to affect proceedings, by or against State Athletic Commissioner.

19. This act shall not affect actions or proceedings, civil or criminal, brought by or against the State Athletic Commissioner and pending on the effective date hereof, and such actions and proceedings may be prosecuted or defended in the same manner and to the same effect by the State Athletic Commissioner as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, the State Athletic Commissioner, and all such matters and proceedings pending before the State Athletic Commissioner on the effective date of this act shall be continued before the State Athletic Commissioner.

C. 52:16A-20. Not affect proceedings of transferred departments.

20. This act shall not affect actions or proceedings, civil or criminal, brought by or against any officer, the functions, powers and duties of whom have been herein assigned or transferred to the Department of State or to any officer or agency continued or constituted hereunder, and pending on the effective date of this act, and such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the department, officer or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any officer, the functions, powers and duties of whom have been herein assigned or transferred to the Department of State or to any officer or agency continued or constituted hereunder, and all such matters or proceedings pending before such officer on the effective date of this act shall be continued by the department, officer or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect.

C. 52:16A-21. Not to affect validity licenses or certificates.

21. Nothing in this act shall affect the validity of any license, certificate of registration, or other authorization, heretofore issued to any person under

any prior law, to practice any profession or to engage in any occupation governed or regulated by the provisions of this act or by any officer, the functions, powers and duties of whom have been herein transferred or assigned to an officer within the Department of State established hereunder: but all persons holding such licenses, certificates of registration, or other authorization shall in all other respects be subject to the provisions of this act and to the respective provisions of law governing or regulating such profession or occupation.

C. 52:16A-22. Repealer.

22. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed.

C. 52:16A-23. Short title.

23. This act shall be known as, and may be cited as, the "Department of State Act of 1948."

C. 52:16A-24. Act effective.

24. This act shall take effect on the first day of January, one thousand nine hundred and forty-nine, except that any appointment, and any confirmation of any appointment, permitted by this act may be made prior to such date.

Approved October 21, 1948.

CHAPTER 446

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government; and establishing and concerning a Department of Labor and Industry as a principal department in the executive branch of the State Government.

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

C. 34:1A-1. Department of Labor and Industry.

1. There is hereby established in the Executive Branch of the State Government a principal department which shall be known as the Department of Labor and Industry.

As used in this act, unless the context clearly indicates otherwise, the word "department" means the Department of Labor and Industry established herein. Department defined.

2. The administrator and head of the department shall be a commissioner, who shall be known as the Commissioner of Labor and Industry, and who shall be a person qualified by training and experience to perform the duties of his office. The commissioner shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor. He shall receive such salary as shall be provided by law. C. 34:1A-2. Commissioner of Labor and Industry Administrator. Salary.

3. The commissioner, as head of the department, shall: C. 34:1A-3. Duties of commissioner.

(a) Administer the work of the department;

(b) Appoint and remove officers and other personnel employed within the department, subject to the provisions of Title 11 of the Revised Statutes, Civil Service, and other applicable statutes, except as herein otherwise specifically provided;

(c) Perform, exercise and discharge the functions, powers and duties of the department through such divisions as may be established by this act or otherwise by law;

(d) Organize the work of the department in such divisions, not inconsistent with the provisions of this act and in such bureaus and other organizational units as he may determine to be necessary for efficient and effective operation;

(e) Adopt, issue and promulgate, in the name of the department, such rules and regulations as may be authorized by law;

(f) Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees;

(g) Institute or cause to be instituted such legal proceedings or processes as may be necessary

properly to enforce and give effect to any of his powers or duties;

(h) Make an annual report to the Governor and to the Legislature of the department's operations, and render such other reports as the Governor shall from time to time request or as may be required by law;

(i) Co-ordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicating functions;

(j) Integrate within the department, so far as practicable, all staff services of the department and of the several divisions and other agencies therein; and

(k) Perform such other functions as may be prescribed in this act or by any other law.

C. 34:1A-4. May delegate powers.

4. The commissioner may delegate to subordinate officers or employees in the department such of his powers as he may deem desirable, to be exercised under his supervision and direction, and shall, by order, rule or regulation filed with the Secretary of State, designate one or more officers or employees in the department who may act for him and on his behalf in the event of his absence or disability.

C. 34:1A-5. Divisions established.

5. There is hereby established in the Department of Labor and Industry a Division of Labor, a Division of Workmen's Compensation, and a Division of Employment Security.

C. 34:1A-6. Unemployment compensation commission; powers and duties transferred.

6. All of the functions, powers and duties of the existing Department of Labor, of the Commissioner of Labor, and of the respective bureaus and divisions therein, of the existing Unemployment Compensation Commission, and of the respective bureaus and divisions therein, and of the executive director of such commission are continued, but such functions, powers and duties are hereby transferred to the Department of Labor and Industry established hereunder.

C. 34:1A-7. Department of labor; powers and transferred.

7. All of the functions, powers and duties of the existing Department of Labor and of the respective bureaus and divisions therein and of the Commissioner of Labor herein transferred to the Department of Labor and Industry, exclusive of those of, or relating to, or administered through, the workmen's compensation bureau and those exercised or performed in the administration of the provisions of chapter fifteen of Title 34 of the Revised Statutes, and the acts amendatory and supplementary thereof, are hereby assigned to, and shall be exercised and performed through, the Division of Labor in the department.

C. 34:1A-8. Division of labor, director, appointment, salary, duties.

8. The Division of Labor shall be under the immediate supervision of a director, who shall be a person qualified by training and experience to direct the work of such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified. He shall receive such salary as shall be provided by law.

The director shall administer the work of such division under the direction and supervision of the commissioner, and shall perform such other functions of the department as the commissioner may prescribe.

C. 34:1A-9. Bureau of migrant labor.

9. There shall be within the Division of Labor, a Bureau of Migrant Labor, consisting of the Commissioner of Labor and Industry and a migrant labor board.

Division of migrant labor, powers and duties transferred.

The division of migrant labor of the existing Department of Labor, together with all of its functions, powers and duties is continued, but such division is transferred to and constituted the Bureau of Migrant Labor in the Division of Labor. The migrant labor board of the division of migrant labor in the existing Department of Labor and all of its functions, powers and duties are hereby transferred to the Bureau of Migrant Labor in the Division of Labor. Such board shall continue to

have all of the powers and shall exercise all of the functions and duties vested in, or imposed upon, it by law. This act shall not affect the terms of office of the present appointed members of such board. Such board shall continue to be constituted as provided by existing law. Any appointed member of such board may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

C. 34:1A-10. Organization continued

10. Except as otherwise provided herein or as may be changed pursuant to authorization contained herein or in any other law, the organization of the existing Department of Labor is continued as the organization of the Division of Labor established hereunder; *provided, however,* that divisions in the Department of Labor shall hereafter be constituted bureaus in the Division of Labor established hereunder, and any person appointed, pursuant to law, as a deputy in such division shall hereafter be known and designated as a deputy director in such division.

Proviso.

C. 34:1A-11. Workmen's compensation bureau, powers and duties transferred.

11. All of the functions, powers and duties of the workmen's compensation bureau of the existing Department of Labor, and those exercised or performed by it or any of its officers or employees in the administration of the provisions of chapter fifteen of Title 34 of the Revised Statutes, and the acts amendatory and supplementary thereof, and all of the functions, powers and duties of the existing Department of Labor and of the Commissioner of Labor relating to or administered through such workmen's compensation bureau, and all of the functions, powers and duties of the director and secretary of such bureau, are hereby assigned to, and shall be exercised and performed through, the Division of Workmen's Compensation in the department.

C. 34:1A-12. Members, division of workmen's compensation.

12. The Division of Workmen's Compensation shall consist of the Commissioner of Labor and Industry who shall act as chairman, a director who shall be appointed as hereinafter provided, deputy directors of compensation appointed by the com-

missioner, and such referees and other employees as may, in the judgment of the commissioner, be necessary. Appointments of such deputy directors of compensation, referees and other employees shall be made in accordance with the provisions of Title 11 of the Revised Statutes, Civil Service.

Director, qualification, appointment, salary.

The director of the Division of Workmen's Compensation shall be a person qualified by training and experience to direct the work of such division. He shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified. He shall receive such salary as shall be provided by law.

Duties.

The director of the Division of Workmen's Compensation shall, subject to the supervision and direction of the Commissioner of Labor and Industry:

(a) Be the administrative head of the division;

(b) Prescribe the organization of the division, and the duties of his subordinates and assistants, except as may otherwise be provided by law;

(c) Direct and supervise the activities of all members of the division;

(d) Make an annual report to the Commissioner of Labor and Industry of the work of the division, which report shall be published annually for general distribution at such reasonable charge, not exceeding cost, as the commissioner shall determine;

(e) Perform such other functions of the department as the commissioner may prescribe.

The director of the Division of Workmens Compensation shall also serve as secretary of such division.

C. 34:1A-13. Organization to continue.

13. Except as otherwise provided herein or as may be changed pursuant to authorization contained herein or in any other law, the organization of the workmen's compensation bureau of the existing Department of Labor is continued as the organization of the Division of Workmen's Compensation established hereunder.

C. 34:1A-14. Division of employment security.

14. All of the functions, powers and duties of the Unemployment Compensation Commission, of the respective bureaus and divisions therein, and of the executive director of such commission, are hereby assigned to, and shall be exercised and performed through, the Division of Employment Security in the Department of Labor and Industry established hereunder.

C. 34:1A-15. Director, qualifications, appointment, term, salary.

15. The division of Employment Security shall be under the immediate supervision of a director who shall be a person qualified by training and experience to direct the work of such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified. He shall receive such salary as shall be provided by law.

Duties.

The director shall administer the work of such division under the direction and supervision of the commissioner, and shall perform such other functions of the department as the commissioner may prescribe.

C. 34:1A-16. Employment security council, members, qualifications, appointment.

16. There shall be within the Division of Employment Security an Employment Security Council which shall consist of seven members, not more than four of whom shall be of the same political affiliation. Two of the seven members of the council shall be persons who by reason of vocation, employment or affiliations, may fairly be regarded as representative of employers, two shall be persons who by reason of vocation, employment or affiliations, may fairly be regarded as representative of employees, and three shall represent the general public. Each member of the council shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and shall serve until his successor has been appointed and has qualified, except that the seven persons in office as members of the Unemployment Compensation Commission on the effective date of this act shall constitute the first members of the Employ-

ment Security Council and shall continue in office as such for the remainder of the respective terms for which they were appointed as members of the Unemployment Compensation Commission.

Chairman.

Each Governor shall designate one of the members of the council as chairman of such council. Any member of the council so designated shall serve as such chairman at the pleasure of the Governor designating him and until his successor has been designated. The chairman of the council shall be its presiding officer.

Vacancies.

Any vacancies in the membership of said council occurring other than by expiration of term shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

No compensation.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

C. 34:1A-17.

17. The Employment Security Council shall:

Duties and functions of employment security council.

(a) Consult and advise with the Commissioner of Labor and Industry and the director of the Division of Employment Security with respect to the administration and operation of the unemployment compensation law.

(b) Review the operation and effect of the unemployment compensation law in its several parts, and to that end hold hearings with respect thereto as it may deem necessary or desirable; and

(c) Report to the Governor and the Legislature annually and at such other times as it may deem in the public interest with respect to its findings and conclusions.

The commissioner shall, insofar as practicable, consult the council on all matters of major policies and procedures involved in or connected with the administration of the unemployment compensation law, and he shall inform the council of the action taken in connection with such matters.

The council shall have access to all files and records of the division and may require any officer or employee therein to provide such information as it may deem necessary in the performance of its functions.

C. 34:1A-18. Advisory council on disability benefits.

18. There shall also be within the Division of Employment Security the Advisory Council on Disability Benefits, as established by and constituted under the Temporary Disability Benefits Law, except that, in keeping with the purposes and provisions of this act, the council shall aid, consult with and advise the Commissioner of Labor and Industry and the Director of the Division of Employment Security. The council shall have access to all files and records of the division relating to the administration of the Temporary Disability Benefits Law, and may require any officer or employee therein to provide such information as it may deem necessary in the performance of its functions.

C. 34:1A-19. Board of review, members, appointment.

19. There shall be within the Division of Employment Security a Board of Review consisting of three members, who shall act as a final appeals board in cases of benefit disputes, including appeals from determinations with respect to demands by the deputy for refunds of benefits under section 43:21–16(d) of the Revised Statutes, and who shall supervise the work of local appeal tribunals which may be organized pursuant to the unemployment compensation law. The members of the Board of Review shall be appointed by the director of the Division of Employment Security, subject to the approval of the commissioner, pursuant to the provisions of Title 11 of the Revised Statutes, Civil Service. The first board constituted under this act shall consist of the members of the Board of Review constituted pursuant to section 43:21–10 of the Revised Statutes in office on the effective date of this act. No member of the Board of Review shall participate in any case in which he is an interested party.

C. 34:1A-20. Appeal tribunals, members.

20. To hear and decide disputed benefit claims, including appeals from determinations with respect to demands by the deputy for refunds of benefits under section 43:21–16(d) of the Revised Statutes, the director of the Division of Employment Security, with the approval of the Commissioner of Labor and Industry, shall establish one or more impartial appeal tribunals consisting in each case of either a salaried examiner or a body consisting of three members, one of whom shall be a salaried examiner, who shall serve as chairman, one of whom shall be a representative of employers and the other of whom shall be a representative of employees; each of the latter two members shall serve at the pleasure of the commissioner and be paid a fee of not more than twenty dollars ($20.00) per day of active service on such tribunal plus necessary expenses. No person shall participate on behalf of the division in any case in which he is an interested party. The director of the Division of Employment Security may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other member and his alternates. In no case shall the hearings proceed unless the chairman of the appeal tribunal is present.

Alternates.

Disputed claims.

Disputed claims for benefits under approved private plans established in accordance with the Temporary Disability Benefits Law shall be heard, reviewed, and determined as provided in section 26 (a) of that act.

C. 34:1A-21. Organization continued.

21. Except as otherwise provided herein or as may be changed pursuant to authorization contained herein or in any other law, the organization of the existing Unemployment Compensation Commission is continued as the organization of the Division of Employment Security established hereunder; *provided, however,* that any division required by law in the Unemployment Compensation Commission shall hereafter be constituted a bureau in the Division of Employment Security established hereunder.

Proviso.

C. 34:1A-22. Commission for the rehabilitation of physically handicapped persons transferred.

22. The State Commission for the Rehabilitation of Physically Handicapped Persons, and all of its functions, powers and duties are hereby transferred to the Department of Labor and Industry established hereunder. Notwithstanding the provisions of this act or of any other law to the contrary, such commission shall continue to have all the powers and shall exercise all of the functions and duties vested in, or imposed upon, it by law. This act shall not affect the terms of office of the present appointed members of such commission. Such commission shall continue to be constituted as provided by existing law.

C. 34:1A-23. State board of mediation transferred.

23. The New Jersey State Board of Mediation of the existing Department of Labor and all of its functions, powers and duties are hereby transferred to the Department of Labor and Industry established hereunder. Such board shall continue to have all of the powers and shall exercise all of the functions and duties vested in, or imposed upon, it by law. This act shall not affect the terms of office of the present members of such board. Such board shall continue to be constituted as provided by existing law. Any member of such board may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

C. 34:1A-24. Directors in unclassified service, removal.

24. The director of each division in the Department of Labor and Industry shall be in the unclassified service of the civil service of the State. Any such director may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

Vacancies.

Any vacancy occurring in the office of director of any division in the department shall be filled in the same manner as the original appointment.

C. 34:1A-25. Appropriations transferred.

25. All appropriations and other moneys available to become available to any department, commission, board, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Labor and Industry or to any office or agency designated, continued or constituted therein, are hereby trans-

ferred to the department of Labor and Industry established hereunder, and shall be available for the objects and purposes for which appropriated subject to any terms, restrictions, limitations or other requirements imposed by State or Federal law.

C. 34:1A-26. Employees transferred.

26. Such employees of any department, commission, board, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Labor and Industry or to any office or agency designated, continued or constituted therein, as the Commissioner of Labor and Industry may determine are needed for the proper performance of the functions and duties imposed upon the Department of Labor and Industry, or such office or agency therein, are hereby transferred to the department, office or agency to which such functions, powers and duties have been herein assigned or transferred.

C. 34:1A-27. Construing as to civil service status.

27. Nothing in this act shall be construed to deprive any person holding any office or position not abolished pursuant to the provisions of this act, of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service. Nothing in this act shall be construed to deprive any person of any right or protection provided him under any pension law or retirement system.

C. 34:1A-28. Files, books, and records transferred.

28. All files, books, papers, records, equipment and other property of any department, commission, board, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Labor and Industry or to any officer or agency designated, continued or constituted hereunder, shall upon the effective date of this act be transferred to the department, officer or agency to which such assignment or transfer has been made hereunder.

C. 34:1A-29. Not to affect previous order, rules and regulations.

29. This act shall not affect the orders, rules and regulations heretofore made or promulgated by any department, commission, board, officer or other agency, the functions, powers and duties of which

have been herein assigned or transferred to the Department of Labor and Industry or to any officer or agency designated, continued or constituted hereunder; but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

C. 34:1A-30. Not to affect court actions.

30. This act shall not affect actions or proceedings, civil or criminal, brought by or against any department, commission, board, officer or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Labor and Industry or to any officer or agency designated, continued or constituted hereunder, and pending on the effective date of this act, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the department, officer or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any department, commission, board, officer or agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Labor and Industry or to any officer or agency designated, continued or constituted hereunder, and all such matters or proceedings pending before such department, commission, board, officer or other agency on the effective date of this act shall be continued by the department, officer or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect.

C. 34:1A-31. Offices and commissions abolished.

31. The Unemployment Compensation Commission, the office of executive director of the Unemployment Compensation Commission, the office of director of the New Jersey State Employment Service Division of the Unemployment Compensation Commission and the office of the commissioner of labor are hereby abolished

The term of office of the present commissioner of labor shall expire on the effective date of this act. Term to expire.

C. 34:1A-32. Reference to terms.

32. Subject to the provisions of this act:

Whenever the term "Commissioner of Labor" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Commissioner of Labor and Industry designated as the head of the Department of Labor and Industry established hereunder.

Whenever the term "Unemployment Compensation Commission" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Commissioner of Labor and Industry designated as the head of the Department of Labor and Industry established hereunder.

Whenever the term "Deparmtent of Labor" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Labor established hereunder.

Whenever the term "deputy commissioner of labor" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to a deputy director in the Division of Labor established hereunder.

Whenever the term "deputy commissioner of workmen's compensation" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to a deputy director of workmen's compensation in the Division of Workmen's Compensation established hereunder.

Whenever the term "inspector of the department of labor" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to an inspector of the Division of Labor established hereunder.

Whenever the term "workmen's compensation bureau" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Division of Workmen's Compensation established hereunder.

Whenever the term "secretary of the workmen's compensation bureau" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the secretary of the Division of Workmen's Compensation established hereunder.

Whenever the term "division of migrant labor in the department of labor" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Bureau of Migrant Labor in the Division of Labor established hereunder.

Whenever the term "Executive Director of the Unemployment Compensation Commission" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the director of the Division of Employment Security established hereunder.

Whenever the term "New Jersey State Employment Service Division" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the New Jersey State Employment Service Bureau in the Division of Employment Security established hereunder.

Whenever the term "board of review" occurs or any reference is made thereto in the unemployment compensation law, the same shall be deemed to mean or refer to the Board of Review in the Division of Employment Security established hereunder.

Whenever the term "appeal tribunal" occurs or any reference is made thereto in the unemployment compensation law, the same shall be deemed to mean or refer to an appeal tribunal in the Division of Employment Security established hereunder.

C. 34:1A-33. Repealer.

33. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed.

C. 34:1A-34. Short title.

34. This act shall be known as, and may be cited as the "Department of Labor and Industry Act of 1948."

35. This act shall take effect on the first day of January, one thousand nine hundred and forty-nine, except that any appointment, and any confirmation or approval of any appointment, permitted by this act may be made prior to such date. C. 34:1A-35. Act effective.

Approved October 21, 1948.

CHAPTER 447

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government: constituting and concerning the department of agriculture as a principal department in the executive branch of the State Government; amending sections 4:1–1 and 4:1–2, and supplementing chapter one of Title 4, of the Revised Statutes.

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

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

4:1–1. The Department of Agriculture, hereinafter in this chapter referred to as the "department," created and established by the act entitled "An act to establish a department of agriculture, and to prescribe its powers and duties," passed March twenty-ninth, one thousand nine hundred and sixteen (L. 1916, c. 268, p. 561), together with its amendments and supplements, is continued and is hereby constituted a principal department in the executive branch of the State Government. It shall have a common seal and shall exercise the powers and perform the functions and duties conferred and devolved in this Title. Department of agriculture, continued.

Section amended.

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

Boards, divisions and personnel of department.

4:1–2. The department shall consist of:

a. A State Board of Agriculture, which shall be the head of the department;

b. A Secretary of Agriculture, who shall be the principal executive officer of the department;

c. An assistant secretary of agriculture;

d. A division of animal industry;

e. A division of markets;

f. A division of plant industry;

g. An office of milk industry;

h. Such other divisions and bureaus as may be created as provided in section 4:1–17 of this Title; and

i. The officers and employees authorized to be appointed and employed.

C. 4:1-4.1. Removal of officers.

3. Any member of the State Board of Agriculture may be removed from office by the Governor, for cause, upon notice and opportunity to be heard. The Secretary of Agriculture may be removed from office by the Governor, upon notice and opportunity to be heard.

C. 4:1-24. Office of milk industry established, director, term.

4. There is hereby established in the Department of Agriculture an Office of Milk Industry which shall be under the immediate supervision of a director, who shall be appointed by the Governor, with the advice and consent of the Senate, and who shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified; except that the person in office as director of milk control on the thirty-first day of December, one thousand nine hundred and forty-eight, shall be the first director of the Office of Milk Industry established hereunder, and he shall serve as such for the remainder of the term for which he was appointed as director of milk control and until his successor is appointed and has qualified.

Salary.

The director of the Office of Milk Industry shall receive such salary as shall be provided by law. He may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

C. 4:1-25. Functions, powers and duties transferred.

5. Except as otherwise provided herein the functions, powers, duties, records and property of the present director of milk control are hereby transferred to and vested in the Office of Milk Industry established hereunder, to be exercised and used by the director thereof pursuant to the provisions of this act and as otherwise provided by law.

C. 4:1-26. Office space provided.

6. The Secretary of Agriculture shall provide the Office of Milk Industry with such clerical, technical and other personnel as he shall deem necessary, after consultation with the director of said office, for the proper discharge of the duties imposed upon such director. The Secretary of Agriculture shall fix the compensation of persons thus assigned to the Office of Milk Industry, within the limits of available appropriations therefor.

Director to prescribe duties of personnel.

The director of the Office of Milk Industry shall prescribe the duties of all persons thus assigned to said office.

C. 4:1-27. Employees transferred.

7. Such employees of the Milk Control Board, except as otherwise provided in this act, as the Secretary of Agriculture may determine are needed for the proper performance of the additional functions and duties of the Department of Agriculture prescribed herein, are hereby transferred to the Department of Agriculture established hereunder. Persons so transferred shall be assigned to such duties as the Secrtary of Agriculture shall determine.

Such employees of the present director of milk control, except as otherwise provided in this act, as the Secretary of Agriculture may determine are needed for the proper performance of the duties of the director of the Office of Milk Industry are hereby transferred to the Office of Milk Industry established hereunder. Persons so transferred shall be assigned to such duties as the director of the Office of Milk Industry shall determine.

C. 4:1-28. Construing as to civil service status.

8. Nothing in this act shall be construed to deprive any person of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

C. 4:1-29. Existing board and office abolished.

9. The Milk Control Board and the existing office of director of milk control are hereby abolished. The terms of office of the present members of the Milk Control Board shall expire on the effective date of this act.

C. 4:1-30. Appropriations transferred.

10. All appropriations available and to become available to the Milk Control Board and to the existing office of director of milk control abolished by this act are hereby transferred to the Department of Agriculture.

Records and property transferred.

The records and property of the Milk Control Board are hereby transferred to the Department of Agriculture.

C. 4:1-31. Orders, rules and regulations continued.

11. The orders, rules and regulations heretofore made or promulgated by the director of milk control, in effect on the effective date hereof, shall continue with full force and effect until amended or repealed pursuant to law.

C. 4:1-32. Reference to term.

12. Whenever the term "director of milk control" occurs or any reference is made thereto, in any law, contract, or document, the same shall be deemed to mean or refer to the director of the Office of Milk Industry established hereunder.

C. 4:1-33. Not to affect court actions.

13. This act shall not affect actions or proceedings, civil or criminal, brought by or against the director of milk control, and pending on the effective date of this act, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the director of the Office of Milk Industry established hereunder, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, the director of milk control, and all such matters or proceedings pending before such director on the effective date of this act shall be continued by the director of the Office of Milk Industry established hereunder, as if the foregoing provisions had not taken effect.

C. 4:1-34. Judicial review.

14. Any person, applicant or licensee aggrieved by any act, proceeding, rule, order, regulation, decision or determination of the director of the Office

of Milk Industry and directly affected thereby, shall be entitled to judicial review thereof. Proceedings for review shall be instituted by filing an appeal in the Appellate Division of the Superior Court, in accordance with its rules, within ten days after: the termination of such proceeding; or the filing of such regulation, rule or order with the Secretary of State pursuant to law; or the service of the decision or determination.

C. 4:1-35. Filing of appeal to act as a stay.

15. The filing of an appeal from a rule or order of the director fixing or refixing any price, shall, unless the court otherwise orders, act as a stay upon any such rule or order that would otherwise become effective, such stay to continue until a decision is rendered upon such appeal by the Appellate Division of the Superior Court.

C. 4:1-36. To transmit record on appeal.

16. Within five days after service of the notice of appeal the director of the Office of Milk Industry shall, in accordance with rules of the Superior Court, transmit to the Appellate Division of the Superior Court the original or a certified copy of the entire record of the proceedings under review; but, by stipulation of all parties to the appeal, the record may be shortened by eliminating any portion thereof.

C. 4:1-37. Application to present additional evidence.

17. Application may be made by any party to the Appellate Division of the Superior Court, in accordance with its rules, for leave to present additional evidence on the issues in the case and if it appears to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceedings before the director of the Office of Milk Industry, the court may order that the additional evidence be taken before the director upon such terms as the court may deem proper. The director may modify his findings and rule, order decision or determination by reason of the additional evidence and shall file with the Appellate Division of the Superior Court the additional evidence together with any modified or new rule, order, decision or determination.

May modify findings.

May order additional evidence taken.

Whenever, in its discretion, the court determines that the interests of justice so require, it may, with or without any such application first having been made to it, order that additional evidence be taken before it upon such terms as the court may deem proper.

C. 4:1-38. Conducting appeal, determination.

18. The appeal shall be conducted by the Appellate Division of the Superior Court, without a jury, in accordance with its rules and shall be confined to the record and any additional testimony which may be taken pursuant to the provisions of section seventeen hereof. The court may affirm the rule, order, decision or determination of the director, or may suspend, reverse, vacate or modify it if the substantial rights of the appellant have been prejudiced as a result of the director's rule, order, decision or determination being:

(1) Contrary to constitutional rights or privileges; or

(2) In excess of the statutory authority of the director; or

(3) Affected by other error of law; or

(4) Made or promulgated upon unlawful procedure; or

(5) Unsupported by substantial evidence in view of the entire record as submitted; or

(6) Arbitrary or capricious.

In making the foregoing determinations the court shall review the whole record or such portions thereof as may be cited by any party; and due account shall be taken of the rule of prejudicial error. Substantial evidence shall mean the quantum of evidence similar to that necessary to sustain a jury's finding in an action at law.

C. 4:1-39. Repealer.

19. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed.

C. 4:1-40. Short title.

20. This act shall be known as, and may be cited as, the "Department of Agriculture Act of 1948."

C. 4:1-41. Act effective.

21. This act shall take effect on the first day of January, one thousand nine hundred and forty-nine, except that any appointment, and any con-

firmation or approval of any appointment, permitted by this act may be made prior to such date.

Approved October 25, 1948.

CHAPTER 448

AN ACT relating to the reorganization of the executive and administrative offices, departments and instrumentalities of the State Government; establishing and concerning a Department of Conservation and Economic Development as a principal department in the executive branch of the State Government; amending sections 13:12–6, 13:12–8, 23:1–1, 23:2–8, 23:3–22, 23:4–1, 23:4–2, 23:4–9, 23:4–11 to 23:4–13, inclusive, 23:4–25 to 23:4–27, inclusive, 23:4–29, 23:4–30, 23:4–39, 23:4–41 to 23:4–45, inclusive, 23:4–48, 23:4–50, 23:4–53 to 23:4–55, inclusive, 23:4–58.1, 23:5–1, 23:5–3, 23:5–7, 23:5–10, 23:5–11, 23:5–17, 23:6–1, 23:8–9 to 23:8–11, inclusive, 23:10–1 to 23:10–3, inclusive, 23:10–5 to 23:10–9, inclusive, 23:10–13, 23:10–15, 23:10–19 to 23:10–21, inclusive, and repealing sections 12:9–1, 12:9–10 and 12:10–1, of the Revised Statutes.

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

ARTICLE I

C. 13:1B-1. Department of conservation and economic development established.

1. There is hereby established in the executive branch of the State Government a principal department which shall be known as the Department of Conservation and Economic Development.

Reference to terms.

As used in this act, unless the context clearly indicates otherwise, the word "department" means the Department of Conservation and Economic Development established herein.

C. 13:1B-2. Commissioner to be administrative head.

2. The administrator and head of the department shall be a commissioner, who shall be known as the Commissioner of Conservation and Economic Development, and who shall be a person qualified by training and experience to perform the duties of his office. The commissioner shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor. He shall receive such salary as shall be provided by law.

Salary.

C. 13:1B-3. Duties.

3. The commissioner, as head of the department, shall:

a. Administer the work of the department;

b. Appoint and remove officers and other personnel employed within the department, subject to the provisions of Title 11 of the Revised Statutes, Civil Service, and other applicable statutes, except as herein otherwise specifically provided;

c. Perform, exercise and discharge the functions, powers and duties of the department through such divisions as may be established by this act or otherwise by law;

d. Organize the work of the department in such divisions, not inconsistent with the provisions of this act and in such bureaus and other organizational units as he may determine to be necessary for efficient and effective operation;

e. Adopt, issue and promulgate, in the name of the department, such rules and regulations as may be authorized by law;

f. Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees;

g. Institute or cause to be instituted such legal proceedings or processes as may be necessary properly to enforce and give effect to any of his powers or duties;

h. Make an annual report to the Governor and to the Legislature of the department's operations, and render such other reports as the Governor shall from time to time request or as may be required by law.

i. Co-ordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicating functions;

j. Integrate within the department, so far as practicable, all staff services of the department and of the several divisions and other agencies therein; and

k. Perform such other functions as may be prescribed in this act or by any other law.

C. 13:1B-4. May delegate powers, deputy.

4. The commissioner may delegate to subordinate officers or employees in the department such of his powers as he may deem desirable, to be exercised under his supervision and direction. He shall, by order, rule or regulation filed with the Secretary of State, designate one or more of the officers or employees in the department who may act for him and on his behalf in the event of his absence or disability.

C. 13:1B-5. Divisions established.

5. There is hereby established in the Department of Conservation and Economic Development, a Division of Planning and Development, a Division of Veterans' Services, a Division of Fish and Game, a Division of Shell Fisheries, and a Division of Water Policy and Supply.

The commissioner shall have authority to organize and maintain in his offices an Administrative Division and to assign to employment therein such secretarial, clerical and other assistants in the department as his office and the internal operations of the department shall require.

C. 13:1B-6. Functions, powers and duties of sundry departments, commissions and councils transferred.

6. All of the functions, powers and duties of the existing Department of Economic Development and of each of the divisions therein, of the Economic Council of the Department of Economic Development, of the Co-ordinator and Commissioner of the Department of Economic Development of the existing State Department of Conservation and of each of the divisions therein, of each of the councils of the respective divisions of the State Department of Conservation and of each member, committee or subdivision of any thereof, of the State Commissioner of Conservation, of the existing State Department of Aviation, of the State Aviation Commission, of the State Director of Aviation, of the harbor masters under and pursuant to the provisions of article one, chapter nine, of Title 12 of the Revised Statutes, of the harbor master for the harbor of Elizabeth and Elizabeth creek under and pursuant to the provisions of article two, chapter nine, of Title 12 of the Revised Statutes, and of the port wardens under and pursuant to the provisions of chapter ten of Title 12 of the Revised Statutes, are hereby transferred to and vested in the Department of Conservation and Economic Development established hereunder.

The public housing and development authority created by "An act to establish a department of economic development, defining its functions, powers and duties and providing thereby for the consolidation and co-ordination of post-war planning and activities, and making an appropriation therefor," approved April sixth, one thousand nine hundred and forty-four (P. L. 1944, c. 85), together with all of its functions, powers, duties, records and property is hereby transferred to the Department of Conservation and Economic Development established hereunder and is continued as a body politic and corporate therein, with corporate succession. The public housing and development authority shall have the same powers and duties and shall be subject to the same restrictions and limitations now prescribed by law with respect thereto.

ARTICLE II

PLANNING AND DEVELOPMENT

C. 13:1B-7. Division of planning and development.

7. All of the functions, powers and duties of the existing Department of Economic Development and of the respective divisions therein, and of the Coordinator and Commissioner of the Department of Economic Development, herein transferred to the Department of Conservation and Economic Development, exclusive of those of, or relating to, or administered through, the Division of Veterans' Services, the veterans loan authority, and exclusive of those functions, powers and duties of the public housing and development authority hereinafter required to be exercised and performed through the Division of Veterans' Services established hereunder; and all of the functions, powers and duties of the existing Department of Aviation, of the State Aviation Commission, and of the State Director of Aviation, herein transferred to the Department of Conservation and Economic Development; and all of the functions, powers and duties of the State Commissioner of Conservation, of the existing State Department of Conservation and of the respective divisions and councils therein, herein transferred to the Department of Conservation and Economic Development, exclusive of those of, or relating to, or administered through, the Division of Fish and Game, the Division of Shell Fisheries, and the Division of Water Policy and Supply; and all of the functions, powers and duties of the harbor masters under and pursuant to the provisions of article one, chapter nine, of Title 12 of the Revised Statutes, of the harbor master for the harbor of Elizabeth and Elizabeth creek under and pursuant to the provisions of article two, chapter nine, of Title 12 of the Revised Statutes, and of the port wardens under and pursuant to the provisions of chapter ten of Title 12 of the Revised Statutes, herein transferred to the Department of Conservation and Economic Development, are

hereby assigned to, and shall be exercised and performed through, the Division of Planning and Development in the department.

C. 13:1B-8. Director, qualification, appointment, term and salary.

8. The Division of Planning and Development shall be under the immediate supervision of a director, who shall be a person qualified by training and experience to direct the work of such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified. He shall receive such salary as shall be provided by law.

Duties.

The director shall administer the work of such division under the direction and supervision of the commissioner, and shall perform such other functions of the department as the commissioner may prescribe.

C. 13:1B-9. Additional functions, powers and duties.

9. In addition to other functions, powers and duties vested in it by this act or by any other law, the department shall, through the Division of Planing and Development:

a. Promote and encourage the expansion and development of markets for New Jersey products.

b. Promote and encourage the location and development of new business in this State as well as the maintenance and expansion of existing business, and for that purpose to cooperate with State and local agencies, individuals and officers, both within and outside the State.

c. Plan and develop an effective business information service both for the direct assistance of industry of this State and for the encouragement of industry outside the State to use business facilities within the State.

d. Co-operate with interstate commissions, agencies and authorities engaged in formulating and promoting the adoption of interstate

compacts and agreements helpful to business, industry and commerce.

e. Conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the State, and designed to develop new products.

f. Advise and co-operate with municipal, county, regional and other local agencies and officers within the State to plan and otherwise co-ordinate the development of a system of air routes, airports and landing fields within the State and to protect their approaches.

g. Co-operate with interstate commissions and authorities, State departments, and with councils, commissions and other State agencies, and with appropriate Federal agencies, and with interested private individuals and clubs in the co-ordination of plans and policies for the development of air commerce and air facilities.

C. 13:1B-10. Planning and development council.

10. There shall be within the Division of Planning and Development, a Planning and Development Council which shall consist of twelve members. Each member of the council shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and shall serve until his successor has been appointed and has qualified, except that of the first appointments hereunder, three shall be for a term of one year, three for two years, three for three years and three for four years.

Chairman.

Each Governor shall designate one of the members of the council as chairman of such council. Any member of the council so designated shall serve as such chairman at the pleasure of the Governor designating him and until his successor has been designated. The chairman of the council shall be its presiding officer.

Vacancies.

Any vacancies in the membership of said council occurring other than by expiration of term shall be filled by the Governor, with the advice and con-

sent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

No compensation.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

C. 13:1B-11. Powers, functions and duties of planning and development council.

11. The Planning and Development Council shall, subject to the approval of the commissioner:

a. Formulate comprehensive economic policies for the development and use of the natural and economic resources of the State, for the development of technical services and information useful to small business units, for the increase of employment opportunities, for the promotion and encouragement of the expansion and development of markets for New Jersey products, and for the promotion and encouragement of the development of new business in New Jersey as well as the maintenance and expansion of existing business.

b. Formulate comprehensive policies for the preservation and conservation and use of all State forests and State parks, except those regulated by interstate compact, and of all historic sites within the State; formulate plans for the improvement, use and extension of the State forests, parks and historic sites under the jurisdiction of the department, and for the establishment of a uniform forest and park policy by the State, so far as the character and use of such forests and parks will permit; and formulate plans for the best methods to reforest cut-over, denuded, waste and other lands and to prevent injury of forests, brush land and salt marshes by fire, insects and disease.

c. Formulate comprehensive policies for the prevention and control of beach erosion.

C. 13:1B-12. Additional powers of the council.

12. In addition to its powers and duties otherwise provided in section 11 hereof, the Planning and Development Council shall:

a. Consult with and advise the commissioner and the director of the Division of Planning and Development with respect to the work of such division.

b. Study the activities of the Division of Planning and Development and hold hearings with respect thereto as it may deem necessary or desirable.

c. Report to the Governor and the Legislature annually, and at such other times as it may deem in the public interest, with respect to its findings and conclusions.

C. 13:1B-13. Riparian leases, regulations.

13. No riparian leases or grants shall hereafter be allowed except when approved by at least a majority of the Planning and Development Council; and no such leases or grants shall hereafter in any case be allowed except when approved and signed by the Governor and the Commissioner of Conservation and Economic Development.

Section amended.

14. Section 13:12–6 of the Revised Statutes is amended to read as follows:

Title to capital stock vested in department of conservation and economics.

13:12–6. The title to the shares of capital stock of the canal and banking company acquired or to be acquired by the State of New Jersey, under and by virtue of the agreement entered into under the authority of the act entitled "An act to authorize the acquisition by the State of the Morris canal (as defined in this act), in whole or in part, and all the stock of the Morris Canal and Banking Company and the rights of all stockholders in said company in said canal property and water rights, and all or any part of the right, title and interest of the Lehigh Valley Railroad Company in said canal property and water rights by virtue of its lease of said canal from the Morris Canal and Banking Company, or otherwise; to provide for a commission authorized to negotiate and agree upon

terms of settlement with the Morris Canal and Banking Company and the Lehigh Valley Railroad Company, in relation to the said canal property and water rights, and to vest in said commission certain powers necessary for carrying out the terms of settlement and to make such other provisions as may be necessary to effectuate the objects aforesaid," approved March eleven, one thousand nine hundred and twenty-two (L. 1922, c. 212, p. 367), and the title to the shares of capital stock of the canal and banking company, acquired or to be acquired by the State of New Jersey pursuant to the provisions of the act entitled "An act concerning and regulating the acquisition and taking of shares of the capital stock of the Morris Canal and Banking Company by the State of New Jersey, or any agent thereof, providing a procedure and the manner of making compensation therefor," approved March nineteen, one thousand nine hundred and twenty-three (L. 1923, c. 112, p. 210), and the act entitled "A supplement to an act entitled 'An act concerning and regulating the acquisition and taking of shares of the capital stock of the Morris Canal and Banking Company by the State of New Jersey, or any agent thereof, providing a procedure and the manner of making compensation therefor,' approved March nineteen, one thousand nine hundred and twenty-three," approved March eight, one thousand nine hundred and twenty-four (L. 1924, c. 80, p. 156), and vested in the Board of Conservation and Development in trust for the State of New Jersey by section one of the act entitled "An act vesting in the Board of Conservation and Development in trust for the State of New Jersey, the title to the shares of capital stock of the Morris Canal and Banking Company now held or that may hereafter be acquired by the State of New Jersey and providing that the members of said board shall be eligible to serve as directors of said company," approved March nineteen, one thousand nine hundred and twenty-three (L. 1923, c. 110, sec. 1, p. 208), is hereby transferred

to and vested in the Department of Conservation and Economic Development in trust for the State of New Jersey.

15. Section 13:12–8 of the Revised Statutes is amended to read as follows: Section amended.

13:12–8. The board of directors of the canal and banking company shall consist of three members, two of whom shall constitute a quorum. The members of the board shall be elected at the annual meeting of the stockholders of the canal company, and shall hold office for one year and until their successors are duly elected and qualified. The Commissioner of Conservation and Economic Development, the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury and their successors in office shall be eligible to serve as directors of the canal and banking company. Board of directors of canal and banking company.

The capital stock of the canal and banking company, the title to which is vested in the Department of Conservation and Economic Development in trust for the State by section 13:12–6 of this Title, shall, at each election of directors of the canal and banking company, be voted in favor of the election as such directors of the persons then holding the offices of Commissioner of Conservation and Economic Development, State Treasurer, and Director of the Division of Budget and Accounting in the Department of the Treasury, respectively.

16. The Board of New Jersey Pilot Commissioners, also referred to as the Commissioners of Pilotage, and all of its functions, powers and duties are hereby transferred to the Division of Planning and Development established hereunder. Such commissioners shall continue to have all of the powers and shall exercise all of the functions and duties vested in, or imposed upon, them by law. This act shall not affect the terms of office of the present Commissioners of Pilotage. Such board shall continue to be constituted as provided by existing law. Any Commissioner of pilotage may be removed from office by the Governor, for cause, upon notice and opportunity to be heard. C. 13:1B-14. Board of N. J. pilot commissioners transferred.

C. 13:1B-15. State soil conservation committee transferred.

17. The State Soil Conservation Committee and all of its functions, powers and duties are hereby transferred to the Division of Planning and Development established hereunder. Such committee shall continue to have all of the powers and shall exercise all of the functions and duties vested in or imposed upon it by law. Such committee shall continue to be constituted as provided by existing law.

ARTICLE III

VETERANS' SERVICES

C. 13:1B-16. Division of veterans' services.

18. All of the functions, powers and duties of the Division of Veterans' Services of the existing Department of Economic Development, and of the Department of Economic Development and the Coordinator and Commissioner thereof relating to or administered through said division, herein transferred to the Department of Conservation and Economic Development, are hereby assigned to, and shall be exercised and performed through, the Division of Veterans' Services in the department.

C. 13:1B-17. Veterans loan authority transferred.

19. The veterans loan authority created by an act entitled "An act to provide for guaranteed or insured bank loans to certain war veterans for the purposes of establishing or re-establishing themselves in small businesses or professions, and of enabling them to purchase household furnishings and household appliances required by them for use in their homes, and providing appropriations therefor," approved April fourteenth, one thousand nine hundred and forty-four (P. L. 1944, c. 126), as said title was amended by chapter one hundred twenty-one of the laws of one thousand nine hundred and forty-six, together with all of its functions, powers, duties, records and property is hereby transferred to the Department of Conservation and Economic Development established hereunder and is continued as a body politic and corporate therein, with corporate succession. The veterans loan authority shall have the same powers and duties and shall be subject to the same restric-

tions and limitations now prescribed by law with respect thereto. The functions, powers and duties of the veterans loan authority shall be exercised and performed through the Division of Veterans' Services in the department.

C. 13:1B-18. Public housing and development authority, transferred.

20. The functions, powers and duties of the public housing and development authority under and pursuant to "An act providing for housing for veterans of World War II and other people of the State and declaring an emergency in respect thereto," approved October first, one thousand nine hundred and forty-six (P. L. 1946, c. 323), shall be exercised and performed through the Division of Veterans' Services in the department.

C. 13:1B-19. Director, veterans' services qualifications, appointment, term, salary.

21. The Division of Veterans' Services shall be under the immediate supervision of a director, who shall be a person qualified by training and experience to direct the work of such division. He shall be a person of demonstrated interest in veterans' affairs, and shall be a war veteran. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified. He shall receive such salary as shall be provided by law.

Duties.

The director shall administer the work of such division under the direction and supervision of the commissioner, and shall perform such other functions of the department as the commissioner may prescribe.

C. 13:1B-20. Veterans' service council, qualifications, members, terms.

22. There shall be within the Division of Veterans' Services, a Veterans' Services Council which shall consist of nine members. Each member of the council shall be a war veteran, and shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and shall serve until his successor has been appointed and has qualified, except that of the first appointments hereunder, two shall be for a term of one year, two for two years, two for three years, and three for four years.

Chairman.

Each Governor shall designate one of the members of the council as chairman of such council. Any member of the council so designated shall serve as such chairman at the pleasure of the Governor designating him and until his successor has been designated. The chairman of the council shall be its presiding officer.

Vacancies.

Any vacancies in the membership of said council occurring other than by expiration of term shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

No compensation.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

C. 13:1B-21. Functions and duties of veterans' service council.

23. The Veterans' Services Council shall, subject to the approval of the commissioner, formulate comprehensive policies for the co-ordination of all services for the benefit of war veterans and their dependents.

The council shall also:

a. Consult with and advise the commissioner and the director of the Division of Veterans' Services with respect to the work of the division.

b. Study the activities of the Division of Veterans' Services and hold hearings with respect thereto as it may deem necessary or desirable.

c. Report to the Governor and the Legislature annually, and at such other times as it may deem in the public interest, with respect to its findings and conclusions.

C. 13:1B-22. To succeed to powers and functions of economic council.

24. The Veterans' Services Council shall succeed to, and shall exercise and perform, the functions, powers and duties of the Economic Council of the existing Department of Economic Development

under and pursuant to "An act providing for housing for veterans of World War II and other people of the State and declaring an emergency in respect thereto," approved October first, one thousand nine hundred and forty-six (P. L. 1946, c. 323).

ARTICLE IV

FISH AND GAME

C. 13:1B-23. Division of fish and game, transferred.

25. All of the functions, powers and duties of the Division of Fish and Game of the existing State Department of Conservation, of the Fish and Game Council therein, and of the State Commissioner of Conservation relating to or administered through said division, herein transferred to the Department of Conservation and Economic Development, are hereby assigned to, and shall be exercised and performed through, the Division of Fish and Game in the department.

C. 13:1B-24. Fish and game council, members, qualifications.

26. There shall be within the Division of Fish and Game, a Fish and Game Council which shall consist of eleven members, each of whom shall be chosen with due regard to his knowledge of and interest in the conservation of fish and game. Each member of the council shall be appointed by the Governor, with the advice and consent of the Senate. Three of such members shall be farmers, recommended to the Governor for appointment to the council by the agricultural convention held pursuant to the provisions of article two of chapter one of Title 4 of the Revised Statutes; six of such members shall be sportsmen, recommended to the Governor for appointment to the council by the New Jersey State Federation of Sportsmen's Clubs; and two of such members shall be commercial fishermen. One of such farmer representatives and two of such sportsmen representatives in the council shall be chosen from among residents of any of the following counties—Bergen, Essex, Hudson, Morris, Passaic, Sussex and Warren; one of such farmer representatives and two of such sportsmen representatives in the council shall be chosen from

among residents of any of the following counties—Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and Union; and one of such farmer representatives and two of such sportsmen representatives shall be chosen from among residents of any of the following counties—Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem.

Terms.

Each member of the council shall be appointed for a term of four years and shall serve until his successor has been appointed and has qualified; except that of the first appointments hereunder, two shall be for a term of one year, three for two years, three for three years, and three for four years, each commencing on April first following the date of appointment. The term of each of the respective first appointees to the council shall be designated by the Governor.

Incumbent members to continue.

The persons in office as members of the Fish and Game Council in the Division of Fish and Game of the existing State Department of Conservation on the effective date of this act shall constitute the Fish and Game Council established hereunder until the first day of April, one thousand nine hundred and forty-nine, at which time their respective terms of office shall expire.

C. 13:1B-25. Eligible for membership in county federation of sportsmen's clubs.

27. In order to permit for the broadest possible representation of sportsmen in the making of recommendations for appointment of sportsmen to membership in the council, every sportsmen's club, duly organized and existing under and by virtue of the laws of this State, and having a membership of twenty-five or more persons interested in the conservation of the natural resources of the State, shall be eligible for membership in the appropriate County Federation of Sportsmen's Clubs. Any refusal by any such County Federation of Sportsmen's Clubs to accept any such club into membership shall be subject to reversal by the State Federation of Sportsmen's Clubs.

C. 13:1B-26. Chairman of council.

28. Each Governor shall designate one of the members of the council as chairman of such council. Any member of the council so designated shall serve as such chairman at the pleasure of the Governor designating him and until his successor has been designated. The chairman of the council shall be its presiding officer.

Vacancies.

Any vacancies in the membership of said council occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

No compensation.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

Not eligible for reappointment.

No person who has been appointed a member of the council for two successive terms, including an unexpired term, shall again be eligible for that office for four years next following the expiration of his second successive term.

C. 13:1B-27. Director, division of fish and game, qualifications, appointment, term, salary.

29. The Division of Fish and Game shall be under the immediate supervision of a director, who shall be a person with special training and experience in wild life management and otherwise qualified to direct the work of such division. The director of such division shall be appointed by the Fish and Game Council, subject to the approval of the Governor, and shall, unless sooner removed by the Governor as hereinafter provided, serve at the pleasure of such council and until the director's successor is appointed and has qualified. He shall receive such salary as shall be provided by law.

Duties.

The director shall administer the work of such division under the direction and supervision of the commissioner.

C. 13:1B-28. Powers, duties and functions, fish and game council.

30. In addition to its powers and duties otherwise hereinafter provided, the Fish and Game Council shall, subject to the approval of the commissioner, formulate comprehensive policies for

the protection and propagation of fish, birds, and game animals and for the propagation and distribution of food fish and for the keeping up of the supply thereof in the waters of the State.

The council shall also:

a. Consult with and advise the commissioner and director of the Division of Fish and Game with respect to the work of such division.

b. Study the activities of the Division of Fish and Game and hold hearings with respect thereto as it may deem necessary or desirable.

c. Report to the Governor and the Legislature annually, and at such other times as it may deem in the public interest, with respect to its findings and conclusions.

Article V

FISH AND GAME CODE

C. 13:1B-29. Terms defined.

31. As used in this article, unless otherwise specifically indicated:

"Division" means the Division of Fish and Game in the Department of Conservation ond Economic Development.

"Council" means the Fish and Game Council in the Division of Fish and Game of the Department of Conservation and Economic Development.

"Code" means the State Fish and Game Code.

C. 13:1B-30. To establish State fish and game code.

32. For the purpose of providing an adequate and flexible system of protection, propagation, increase, control and conservation of fresh water fish, game birds, game animals, and fur-bearing animals in this State, and for their use and development for public recreation and food supply, the council is hereby authorized and empowered to determine under what circumstances, when and in what localities, by what means and in what amounts and numbers such fresh water fish, game birds, game animals, and fur-bearing animals, or any of them, may be pursued, taken, killed, or had in possession so as to maintain an adequate and proper

supply thereof, and may, after first having determined the need for such action on the basis of scientific investigation and research, adopt and from time to time amend and repeal such appropriate and reasonable regulations concerning the same, or any of them, penalties for the violation of which are prescribed by certain of the sections of Title 23 of the Revised Statutes amended herein, as it deems necessary to preserve, properly utilize or maintain the best relative number of any species or variety thereof, at the times, in the manner and to the extent hereinafter provided. The regulations so established shall be called the State Fish and Game Code.

C. 13:1B-31. Regulations relative to fresh water fish.

33. Any regulation of the council or amendment thereto adopted pursuant to the provisions of this article which relates to fresh water fish, or any species or variety thereof, after the council has first determined the need for such action on the basis of scientific investigation and research, may apply to all or any portion of the State, at the discretion of the council, and may do any or all of the following as to any or all species or varieties of fresh water fish:

a. Establish, extend, shorten or abolish open seasons and closed seasons.

b. Establish, change or abolish bag limits, possession limits and size limits.

c. Establish and change territorial limits for the pursuit, taking, or killing of any or all species or varieties.

d. Prescribe the manner and the means of pursuing, taking, or killing any species or variety.

C. 13:1B-32. Regulations relative to game birds, game or fur-bearing animals.

34. Any regulation of the council or amendment thereto adopted pursuant to the provisions of this article which relates to game birds, game animals or fur-bearing animals, after the council has first determined the need for such action on the basis of scientific investigation and research, may apply

to all or any part of the State, at the discretion of the council, and may do any or all of the following as to any or all species or varieties of game birds, game animals, and fur-bearing animals:

a. Establish, extend, shorten or abolish open seasons and closed seasons.

b. Establish, change or abolish bag limits and possession limits.

c. Establish and change territorial limits for the pursuit, taking, or killing of any or all species or varieties.

d. Prescribe the manner and the means of pursuing, taking, or killing any species or variety.

e. Establish, change or abolish restrictions based upon sex, maturity, or other physical distinction.

C. 13:1B-33. Hearings, notice, contents.

35. Prior to final adoption by the council of any regulation authorized to be established pursuant to the provisions of this article, or any amendment thereto or repealer thereof, the council shall hold a public hearing thereon. Notice of such hearing shall be filed with the Secretary of State at least twenty days prior to the hearing, and shall be published in the New Jersey Register if such Register be then required to be published by the Secretary of State, and in such other manner as the council shall determine, not less than fifteen days prior to the hearing. Such notice shall specify the time when and the place where such hearing will be held, together with the text of the proposed regulation, amendment or repealer.

C. 13:1B-34. Regulation, amendment or repealer, filing.

36. If after such hearing the council is satisfied that the proposed regulation, amendment or repealer, or any part of such regulation, amendment or repealer, is advisable, it may adopt the same, and if so, it shall state the date on which it takes effect and the council shall cause a true copy of the same to be filed with the Secretary of State.

Every regulation, amendment or repealer adopted by the council pursuant to the provisions of this article shall become effective at the time specified therein but not sooner than five days after its publication in the New Jersey Register following such filing, if such Register be then required to be published by the Secretary of State; or if such Register is not then required to be published by the Secretary of State, then not sooner than ten days after such filing. Regulations effective.

The council may publish and distribute summaries of such regulations, amendments, and repealers in such manner as it may from time to time determine. May publish summaries of regulations.

Copies of the State Fish and Game Code, and its amendments, duly certified by the chairman of the council shall be received in evidence in all court or other judicial proceedings in the State. Copies of code as evidence.

37. Any regulation, or amendment thereto, or repealer thereof adopted by the council pursuant to the provisions of this article shall be subject to review on certiorari, or action or proceeding in lieu thereof, to any court of competent jurisdiction. C. 13:1B-35. Review of regulations or amendments.

38. It shall be unlawful for any person to violate any of the provisions of the State Fish and Game Code adopted and published in accordance with the provisions of this article. C. 13:1B-36. Violation.

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

23:1–1. As used in this Title:

a. "Division," "Board," or "Board of Fish and Game Commissioners" means the Division of Fish and Game in the Department of Conservation and Economic Development. Terms defined.

b. "Council" means the Fish and Game Council in the Division of Fish and Game of the Department of Conservation and Economic Development.

c. "Code" means the State Fish and Game Code.

d. "Protector" means fish and game protector.

e. "Assistant protector" means assistant fish and game protector.

f. "Warden" means fish and game warden.

g. "Deputy warden" means deputy fish and game warden.

h. "Open season" is the time during the year when fish, game, birds or animals, as the case may be, may be captured, taken, killed or had in possession.

i. "Closed season" is the time during the year when fish, game, birds or animals, as the case may be, may not be captured, taken, killed or had in possession.

C. 13:1B-37. Provisions not affect statutes relative to fees.

40. The provisions of the State Fish and Game Code shall not in any manner affect, change or modify any of the provisions of Title 23 of the Revised Statutes setting or determining the amount or cost of licenses, permits or fees.

C. 13:1B-38. Enforcement.

41. The fish and game wardens and deputy fish and game wardens shall enforce all the provisions of the State Fish and Game Code, and may execute all processes issued for the violation of such provisions, and serve subpœnas issued for the examination, investigation or trial of all offenses against such provisions.

Section amended.

42. Section 23:2–8 of the Revised Statutes is amended to read as follows:

Summary arrest, aid of peace officers.

23:2–8. The council, the wardens, the deputy wardens and the protector shall have the power of summary arrest in cases of flagrant violation of this Title, or of the provisions of the State Fish and Game Code, and may, in the discharge of their duties, call in the aid of a constable, sheriff or other peace officer when deemed necessary. An officer neglecting or refusing to aid when so required shall forfeit twenty-five dollars ($25.00) to be recovered by action at law.

43. Section 23:3–22 of the Revised Statutes is amended to read as follows: Section amended.

23:3–22. If a person shall, after conviction of any violation of the fish and game laws, or of any provision of the State Fish and Game Code, be again convicted of another violation of the fish and game laws, or of any provision of the State Fish and Game Code, the court or magistrate before whom the second conviction is had shall, in addition to imposing the penalties provided for the violation, revoke, upon presentation of a certified copy of the former conviction, any fishing license or hunting license or bow and arrow license issued to the person convicted a second time, and a license issued to a person within a period of two years from the date of his second conviction shall be void. Revocation of license for second conviction.

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

23:4–1. No person shall capture, kill, injure, destroy or have in possession any reed-bird, wild swans, wood duck, wild geese, brant, wild ducks, rails or marsh hens, gallinules, coot (commonly known as crow duck), upland plover, black-bellied plover, golden plover, greater or lesser yellowlegs; willets, sandpipers, dowitchers or robin snipe, brown backs, curlews, turnstones or calico backs, godwits or marlin, tattlers, Wilson snipe or jack-snipe, woodcock or any other birds commonly known as shore birds, surf snipe or bay snipe, unless an open season is prescribed therefor by the regulations of the United States Bureau of Biological Survey, made under the provisions of an Act of Congress relating to migratory birds, and then only during the respective open seasons fixed for such birds by such regulations. Open and close seasons, federal regulations, penalty.

No person shall capture, kill, injure, destroy or have in possession any quail, rabbit, hare, gray, black or fox squirrel, raccoon, woodchuck, English or ring-necked pheasant, ruffed grouse, wild turkey, partridge, or any other game bird or game animal, other than those mentioned in the first paragraph of this section, unless an open season

is prescribed therefor by the State Fish and Game Code, and then only during the respective open seasons fixed by such code; or, in the absence of such provision in said code, unless an open season is prescribed therefor by law, and then only during the respective open seasons fixed by this section.

Unless otherwise prescribed by the State Fish and Game Code, the open season for quail, rabbit, hare, gray, black or fox squirrel, male English or ring-necked pheasant, ruffed grouse, or partridge, except as hereinafter in this article is restricted, shall be from November tenth to December tenth; *provided, however,* no person shall capture, kill, injure, destroy or have in his possession any of the birds or animals mentioned in this paragraph on the first day of any open season for such birds and animals before nine ante meridan.

Proviso.

Unless otherwise prescribed by the State Fish and Game Code, the open season for woodchuck, shall be from July first to September thirtieth; *provided, however,* that notwithstanding any provision of the State Fish and Game Code or of this section to the contrary, woodchuck may be taken at any time from cultivated farms by landowners or occupants of farms, members of their family, guests or hired help.

Proviso.

Unless otherwise prescribed by the State Fish and Game Code, the open season for raccoon, shall be from November first to January fifteenth between sunset and surise only, except during the open season for deer.

Unless otherwise provided by the State Fish and Game Code, the birds and animals for which an open season is prescribed by this section may be possessed during the respective open seasons therefor and for the additional period of ten days immediately succeeding the open seasons.

Except as otherwise specifically provided by this act or any other law, for capturing, killing, injuring, destroying or having in possession any of the game birds or game animals mentioned in this section, or any other game bird or game animal, other

than during the respective open seasons, if any, and at the times, if any, fixed therefor by the respective provisions of the State Fish and Game Code, or, in the absence of any such provisions in said code, fixed therefor by this section, or for violating any other provision of this section, a person shall be liable to a penalty of twenty dollars ($20.00) for each bird or animal or part thereof unlawfully captured, killed, injured, destroyed or had in possession.

Section amended.

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

Bag limit, penalty.

23:4–2. No person shall capture, kill, injure, destroy or have in possession:

a. In any one day more than the number of quail, male English or ring-necked pheasant, partridge, ruffed grouse, gray squirrels or rabbits permitted by the respective provisions of the State Fish and Game Code, or, in the absence of any such provision in said code, more than ten quail, two male English or ring-necked pheasant, three partridge, three ruffed grouse, six gray squirrels or six rabbits;

b. During the open season therefor more than the number of English or ring-necked pheasants or raccoons permitted by the respective provisions of the State Fish and Game Code, or, in the absence of any such provision in said code, more than thirty English or ring-necked pheasants or more than fifteen raccoons—

Under a penalty of twenty dollars ($20.00) for each bird, squirrel, raccoon or rabbit captured, killed, injured, destroyed or had in possession in excess of the number permitted by the respective provisions of said code, or, in the absence of any such provision in said code, in excess of the number permitted by this section.

Provisions not to apply.

No provision of the State Fish and Game Code prescribing bag limits or possession limits for quail, male English or ring-necked pheasant, partridge, ruffed grouse, gray squirrels, rabbits or raccoons and nothing in this section shall apply to a proprietor of a hotel, restaurant or cafe having in possession at his hotel, restaurant or cafe at any time any game raised on licensed game preserves tagged or marked in accordance with law, or to any rabbit during the open season and for a period of ten days immediately succeeding the open season.

Section amended.

46. Section 23:4–9 of the Revised Statutes is amended to read as follows:

Shooting and trapping squirrels and rabbits by farmers, construing.

23:4–9. Nothing contained in this Title or in any provision of the State Fish and Game Code shall be construed as to prevent farmers or fruit growers from shooting, or trapping by means of box traps, gray squirrels, rabbits or hares during the entire year on the property owned or leased by him for the raising of fruit, vegetables, trees, shrubbery, nursery stock, or other produce. The person so trapping or shooting shall first make an affidavit before any official authorized to administer oaths, that gray squirrels or rabbits have injured fruit, vegetables, trees, shrubbery, nursery stock or other produce on his premises and shall immediately send the same to the division, which may, upon receipt of such affidavit, issue to such person or his authorized representative a permit to so trap or shoot.

To notify game warden.

The person so trapping shall keep the gray squirrels or rabbits alive and notify the fish and game warden of the county, who shall liberate them in such parts of the State as may be directed by the division, and the person so shooting shall report the number of gray squirrels or rabbits killed to the game warden of the county in which such gray squirrels or rabbits were killed, within forty-eight hours after such killing.

Not to sell.

No person shall barter or sell any gray squirrels or rabbits so trapped or shot.

47. Section 23:4–11 of the Revised Statutes is amended to read as follows: Section amended.

23:4–11. No person shall capture, kill, injure or destroy or pursue, with that intent, any of the game birds or animals enumerated in this chapter on his own property or on that of another person, except during the seasons, at the times and in the manner provided by the respective provisions of the State Fish and Game Code, or, in the absence of such provisions in said code, except during the seasons, at the times and in the manner provided in this chapter. A person who violates this section shall be liable to the penalties provided in this chapter for the violations thereof. Hunting on own property, construing.

48. Section 23:4–12 of the Revised Statutes is amended to read as follows: Section amended.

23:4–12. No person shall kill, destroy or injure, pursue with intent to kill or injure or in any manner attempt to take or injure, any anatidae commonly known as swans, geese, brant and river and sea ducks; rallidae, commonly known as rails, gallinules, coots and mud hens; limicolae, commonly known as shore birds, surf snipe or bay snipe, among them being yellowlegs, plovers, willets, sandpipers, dowitchers or robin snipe, brown backs, curlews, turnstones or calico backs, godwits or marlin, tattlers and woodcocks, gallinae, commonly known as wild turkey, grouse, prairie chickens, pheasants, partridge and quails; or any hare commonly known as rabbit; gray, black or fox squirrels; or any other game bird or game animal, except in the manner prescribed by the provisions of the State Fish and Game Code, or, in the absence of such provision in said code, except in the manner usually known as hunting with a gun, the gun being not larger than ten gauge and held at arm's length and fired from the shoulder without rest, or by the use of bow and arrow, under a penalty of twenty dollars ($20.00) for each offense; *provided, however*, that woodchucks, commonly called groundhogs, may be dug out of their dens or killed in any manner, at any time, by landowners or occupants Restrictions as to manner of hunting. Proviso.

of farms, or by members of their family, guests, or hired help, when such dens are located on farms, and woodchucks may also be taken in any manner during the regular open woodchuck season by any other person.

Section amended.

49. Section 23:4–13 of the Revised Statutes is amended to read as follows:

Regulations as to guns, penalty.

23:4–13. No person shall use in hunting any fowl or animals of any kind any firearm except as permitted by the provisions of the State Fish and Game Code, or, in the absence of such provision in said code, except a shotgun being not larger than ten gauge, and capable of holding not more than two cartridges at one time, or that may be fired more than twice without reloading, or use a silencer on any firearm when hunting for game or fowl, under a penalty of twenty dollars ($20.00) for each offense; *provided, however,* that the division in its discretion may issue permits for the use of a rifle for shooting woodchucks only. No person shall have any missile larger than as permitted by the provisions of the State Fish and Game Code, or, in the absence of such provision in said code, larger than number four shot in possession in the woods or fields at any time other than during the open season for killing deer, under a penalty of one hundred dollars ($100.00) for each offense.

Proviso.

Section amended.

50. Section 23:4–25 of the Revised Statutes is amended to read as follows:

Dogs running at large, penalty.

23:4–25. The owner, lessee or custodian of a dog found running at large in the woods or fields, or a person going into the woods or fields with a hound or firearm, except during the open season for quail, rabbit, squirrel, English or ring-necked pheasant, raccoon, woodchuck, ruffed grouse, or partridge, shall be liable to a penalty of twenty dollars ($20.00) for each offense.

Training dog, regulations.

The occupant of a farm may permit his dog to run at large on the land he occupies, except during the open season for deer. The owner, lessee or custodian of a dog may go into the woods or fields with the dog without firearms for the purpose of

exercising or training it in daylight at any time, except during the open season for deer. Nothing in this section contained shall be construed to prohibit the training of raccoon dogs between the hours of sunset and sunrise for a period of four weeks prior to the last week preceding the opening of the raccoon season. Construing.

This section shall not apply to hunting deer, raccoon, woodchuck, woodcock, snipe, rail, mud hen and waterfowl at the time and in the manner provided by the respective provisions of the State Fish and Game Code, or, in the absence of such provisions in said code, at the time and in the manner provided by law, or to the killing of crows, hawks, woodchuck and vermin at any time of the year when in the act of destroying poultry, crops or property. Section not to apply.

51. Section 23:4–26 of the Revised Statutes is amended to read as follows: Section amended.

23:4–26. Nothing in this Title, or in any law supplementary thereto, or in any provision of the State Fish and Game Code, shall be construed to prohibit a regularly organized or incorporated association from holding what is commonly known as field trials or field days in this State for the handling and working of dogs upon liberated game birds. The associations shall, however, first obtain a license from the division to hold the field trial or field day. Field trials, regulations.

52. Section 23:4–27 of the Revised Statutes is amended to read as follows: Section amended.

23:4–27. No person shall sell, offer for sale or possess for sale in this State, whether killed or taken within or without the State, a dead body, or part thereof, of any species of squirrel, wild rabbit, wild hare, or wild deer, or of a game bird or song bird belonging to a species or subspecies native to this State and protected by the provisions of the State Fish and Game Code, or, in the absence of any provision in said code to the contrary protected by law or belonging to a family, any species or subspecies of which is native to this State and pro- Unlawful sale of game, penalty.

tected by the provisions of the State Fish and Game Code, or, in the absence of any provision in said code to the contrary, protected by law, under a penalty of twenty dollars ($20.00) for each such squirrel, wild rabbit, wild hare, wild deer or bird so sold, offered for sale or possessed for sale; *provided, however,* that wild rabbits or wild hares legally killed in another State may be brought into this State at any time for possession, sale and consumption; *and provided, further, however,* that nothing herein contained shall prohibit the sale of commercially raised wild rabbits and wild hares. The carcasses of deer and the unplucked carcasses of mallard, black and wood ducks, Canada geese, ruffed grouse, squirrels, rabbits, hares, quails and pheasants of all species raised on licensed game preserves and properly tagged, and the unplucked carcasses of Scotch grouse, European black grouse, European black plover, red-legged partridge and Egyptian quail coming from a foreign country, which are properly tagged by the State authorities, may be sold at any time for food purposes.

Proviso.

Proviso.

Sale of tagged game for food purposes.

Section amended.

53. Section 23:4–29 of the Revised Statutes is amended to read as follows:

Taking of game from State prohibited, exceptions.

23:4–29. No person shall remove or attempt to remove from this State an animal or bird, other than deer, protected by the provisions of the State Fish and Game Code, or, in the absence of any provision in said code to the contrary, protected by this Title. A nonresident holding a nonresidents' and aliens' hunting license may, however, in any one day, remove from the State the number of animals or birds that may be taken under the provisions of the State Fish and Game Code in one day by one person, or, in the absence of such provisions in said code, the number of animals or birds that may be taken under the laws of this State in one day by one person, but not more birds or animals may be removed by one person in one calendar week than the number that may be taken under the provisions of the State Fish and Game Code in two days by one person, or, in the absence of such

provisions in said code, than the number that may be taken under the laws of this State in two days by one person. No removal shall be made unless the animals or birds are exposed to open view.

A person violating this section shall be liable to a penalty of twenty dollars ($20.00) for each animal or bird removed or sought to be removed. Penalty.

This section shall not apply to common carriers carrying from beyond the confines of this State in unbroken packages to some point beyond the confines of this State any such protected animal or bird, nor shall it apply to English or ring-necked pheasants, mallard, black or wood ducks, Canada geese, ruffed grouse, rabbits, squirrels and quail, properly tagged, raised on game preserves, the owners or lessees of which are licensed by the division. Section not to apply.

54. Section 23:4–30 of the Revised Statutes is amended to read as follows: Section amended.

23:4–30. Except as otherwise provided in this Title, when the possession or sale of fowl or game is prohibited by this Title, or by the provisions of the State Fish and Game Code, reference is had equally to such fowl or game coming from without the State as to that taken within the State. Application of law.

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

23:4–39. No person shall hunt, pursue, take or trap a mink or otter in this State at any time, except during such period as provided by the State Fish and Game Code, or, in the absence of such provision in said code, except from six o'clock post meridian, on November thirtieth in each year to March fifteenth of the following year. No person shall hunt, pursue, take or trap a muskrat in this State at any time, except from six o'clock post meridian, on November thirtieth in each year to March fifteenth of the following year. This section shall not prevent the destruction at any time of muskrats which are damaging dams or canal banks by the owners or agents thereof, or the setting of traps after three o'clock post meridian, on November thirtieth in each year. Open season, fur-bearing animals. Exception.

Section amended.

56. Section 23:4–41 of the Revised Statutes is amended to read as follows:

Penalties.

23:4–41. Except as otherwise specifically permitted by this article, any person hunting, pursuing, taking or trapping a mink or otter in this State at any time except during the period designated therefor by the State Fish and Game Code, or, in the absence of such provision in said code, except during the period designated therefor in this article, or violating any other provision of this article, shall be guilty of a misdemeanor and pay a penalty of one hundred dollars ($100.00), and whether or not he has been criminally prosecuted for the violation, shall be liable to a penalty of twenty dollars ($20.00) for each offense.

Section amended.

57. Section 23:4–42 of the Revised Statutes is amended to read as follows:

Deer, open season, size of horns, number

23:4–42. Except as provided in the second paragraph of this section, no person shall hunt for, pursue, shoot at, take, kill, wound or attempt to take, kill or wound a deer of any description prohibited by the provisions of the State Fish and Game Code, or, in the absence of such provision in said code, whose horns are less than three inches long, or a doe deer at any time, other than as permitted by the provisions of the State Fish and Game Code, or hunt for, pursue, shoot at, take, kill, wound or attempt to take, kill or wound any wild deer at any time except during the period permitted by the State Fish and Game Code, or, in the absence of such provision in said code, except from December twelfth to December sixteenth, or, if any of said days shall fall upon a Sunday, then to December seventeenth, inclusive, or, kill in any one year more than the number of deer permitted by the State Fish and Game Code, or, in the absence of any such provision in said code, kill in any one year more than one deer, except that persons may kill a deer between December seventh and December eleventh, inclusive, using a bow and arrow exclusively.

Killing on cultivated land.

The owner or lessee of any land, a portion of which is under cultivation, or the authorized agents

of the owner or lessee having on their person a written permit signed by the owner or lessee, and the division may kill deer at any time that the deer may be found on that land but no doe deer shall be killed during the open season for deer. The carcass of a deer killed while so trespassing shall become the property of the division and may be removed and disposed of in the manner it directs. For the purpose of this section, land under cultivation shall be construed to mean pasture fields seeded with cultivated grass or land on which planted crops are growing.

Section amended.

58. Section 23:4–43 of the Revised Statutes is amended to read as follows:

Possession of wild deer, prohibited, exceptions.

23:4–43. No person shall have in possession in this State any wild deer except during the period permitted by the State Fish and Game Code, or, in the absence of such provision in said code, except from December twelfth to December sixteenth, or, if any of said days shall fall on a Sunday, then to December seventeenth, inclusive, except hunters who have killed a deer between December seventh and December eleventh, inclusive, using a bow and arrow exclusively. No person shall have in possession any doe or any deer of any description, except during such period, and of such description as permitted by the State Fish and Game Code; and, in the absence of such provisions in said code, no person shall have in possession at any time any doe or any deer, except a deer with horns at least three inches long.

Prima facie evidence of unlawful possession.

The having in possession of any wild deer during the time and periods prohibited in the State Fish and Game Code, or, in the absence of such provisions in said code, during the time and periods prohibited in this article, or the having in possession any doe or any deer of any description, except during such period, and of such description as permitted by the State Fish and Game Code; or, in the absence of such provisions in said code, the having in possession at any time of a doe or deer not having horns at least three inches long, shall

be prima facie evidence in all courts and places of the fact that such wild doe or deer is in possession unlawfully.

Article not to apply.

This article shall not apply to deer killed on game preserves, the owners or lessees of which are licensed by the division, or to deer coming from another State, which is properly tagged, showing where the same was killed.

Section amended.

59. Section 23:4–44 of the Revised Statutes is amended to read as follows:

Weapons permitted in hunting deer.

23:4–44. Unless otherwise prescribed by the State Fish and Game Code, no person engaged in hunting for wild deer shall use or carry a rifle of any kind or description, or any firearm or shotgun of a smaller caliber than twelve gauge, or load such firearm or shotgun with a bullet or other missile larger than that commonly known as buckshot, or have in possession in the woods or fields during the open season for killing deer any missile except buckshot or have any missile larger than number four shot in possession in the woods or fields at any time other than during the open season for killing deer; *provided, however,* that nothing in this section shall prevent the hunting of deer with a bow and arrow as stated in this section and in sections 23:4–42 and 23:4–43 of the Revised Statutes and as otherwise provided by law and the State Fish and Game Code; *provided,* that it shall be unlawful, unless otherwise prescribed by the State Fish and Game Code, for any person to have in his possession or under his control any gun or firearm at any time while hunting deer with bow and arrow, and no person shall use or have in his possession or under his control while hunting any poison arrow, arrow with explosive tips, or any bow drawn, held or released by mechanical means.

Proviso.

Proviso.

Section amended.

60. Section 23:4–45 of the Revised Statutes is amended to read as follows:

Hunting by daylight only.

23:4–45. No person shall hunt for, pursue, stalk or shoot at a wild deer, except by daylight on the days designated by the State Fish and Game Code, or, in the absence of such provision in said code, except by daylight on the days designated by law.

61. Section 23:4–48 of the Revised Statutes is amended to read as follows: Section amended.

23:4–48. Except as otherwise specifically permitted by this article: any person hunting for, pursuing, shooting at, taking, killing, wounding, having in possession in this State or attempting to take, kill or wound a deer of any other description that as permitted by the State Fish and Game Code, or, in the absence of such provision in said code, a deer whose horns are less than three inches long; or hunting for, pursuing, shooting at, taking, killing, wounding, having in possession in this State or attempting to take, kill or wound a doe deer at any time other than as may be permitted by the State Fish and Game Code; or hunting for, pursuing, shooting at, taking, killing, wounding, having in possession in this State or attempting to take, kill or wound any wild deer at any time, except during the period designated therefor by the State Fish and Game Code, or, in the absence of such provision in said code, except during the period designated therefor in this article; or killing in any one year more than the number of deer permitted by the State Fish and Game Code, or, in the absence of such provision in said code, more than one deer; or hunting for, pursuing, stalking or shooting at a wild deer, except by daylight on the days designated therefor by the State Fish and Game Code, or, in the absence of such provision in said code, except by daylight on the days designated by law; or killing a deer in this State at any time and failing to report the same within forty-eight hours to the Division at Trenton, or to the warden of the county in which the deer was killed; or violating any of the other provisions of this article, shall be liable to a penalty of one hundred dollars ($100.00) for each offense, and, whether or not he has been prosecuted for a penalty for the violation, shall be guilty of a misdemeanor. Penalties.

Section amended.

62. Section 23:4–50 of the Revised Statutes is amended to read as follows:

Wild birds other than game birds, possession, killing, plumage, penalty.

23:4–50. Any provision of law or of the State Fish and Game Code to the contrary notwithstanding, no person shall, within this State, kill or catch, or have in his possession, living or dead, a wild bird other than a game bird as defined in section 23:4–49 of this Title, or purchase, offer or expose for sale any such wild bird after it has been killed or caught. No part of plumage, skin or body of a bird protected by this section shall be sold or had in possession for sale. Plumage, as used in this section, includes any part of the feathers, head, wings, or tail of a bird, and when the word occurs in this section reference is had equally to plumage of birds coming from without the State as to birds obtained within the State, but it shall not be construed to apply to the feathers of ostriches, domestic fowl or domestic pigeons. The fact that a bird belongs to a different species from that native in this State shall constitute no defense to the possession thereof if it belongs to the same family as any bird protected by this section. The English or European house sparrow (passer domesticus), European starling, blackbird, crow, goshawk, Cooper's hawk, sharp-shinned hawk, and great horned owl are not included among the birds protected by this section.

A person violating this section shall be subject to a fine of twenty dollars ($20.00) for each bird or part thereof killed, caught or had in possession.

Section amended.

63. Section 23:4–53 of the Revised Statutes is amended to read as follows:

Wild pigeons protected, penalty.

23:4–53. Any provision of law or of the State Fish and Game Code to the contrary notwithstanding, no person shall capture, kill, injure or have in possession, living or dead, or attempt to capture, kill or injure, a wild or passenger pigeon, or destroy or interfere in any manner with the nest or eggs of a wild or passenger pigeon, under a penalty of two hundred and fifty dollars ($250.00) for each offense.

64. Section 23:4–54 of the Revised Statutes is amended to read as follows: Section amended.

23:4–54. Any provision of law or of the State Fish and Game Code to the contrary notwithstanding, a person who traps, shoots, kills, steals, wounds or in any way detains a registered banded Antwerp or homing pigeon, commonly known as "carrier" pigeon, when on the wing or at rest, or while engaged in a flight, shall be subject to a fine of not less than ten dollars ($10.00) or more than than twenty-five dollars ($25.00), or be imprisoned for a term not exceeding thirty days. Carrier pigeons protected, penalty.

65. Section 23:4–55 of the Revised Statutes is amended to read as follows: Section amended.

23:4–55. No person shall sell, trap, take, capture, kill or have in possession after the same has been trapped, taken, captured or killed, a beaver, and no person shall have in his possession or sell a raw pelt of a beaver, whether caught within or without the jurisdictional limits of this State, unless the same has been tagged by the regular salaried fish and game warden of the county wherein such pelt is had in possession, or sale is to be made, under a penalty of one hundred dollars ($100.00) for each beaver so trapped, taken, sold, captured, killed or had in possession; *provided,* that the Division of Fish and Game may issue permits up to and not exceeding one hundred in any one calendar year to bona fide residents of the State to trap not more than the number of beaver permitted by the State Fish and Game Code during the period permitted therefor by said code; or, in the absence of such provisions in said code, not more than five beaver between February first and February twenty-eighth. The fee for this permit shall be five dollars ($5.00), and no beaver or raw pelt of same taken under this permit shall be sold without first having been tagged by the warden above referred to, under a penalty of one hundred dollars ($100.00) for each offense. The Division of Fish and Game may, in its discretion, issue permits to owners or lessees of land, a portion of which is under cultivation, to kill Beaver protected, penalty. Proviso, trapping permits, limits number, fee.

beavers that are destroying said property, but the carcasses of all beavers killed under said permits must be turned over to the division for disposal.

Section amended.

66. Section 23:4–58.1 of the Revised Statutes is amended to read as follows:

Hunting foxes with hounds and firearms, penalty.

23:4–58.1. No person shall hunt foxes with hounds and firearms except during such time and period prescribed by the State Fish and Game Code, and, in the absence of such provisions in said code, no person shall hunt foxes with hounds and firearms except in daylight from November tenth to April thirtieth, but foxes shall not be hunted with hounds during the deer season. Any person who shall violate any of the provisions of this section shall be liable to a penalty of twenty dollars ($20.00).

Section amended.

67. Section 23:5–1 of the Revised Statutes is amended to read as follows:

Open season for certain fish.

23:5–1. No person shall catch, take, kill or have in possession any:

a. Black bass, Oswego bass, white bass, rock bass, calico bass or crappie, except during such period as prescribed by the respective provisions of the State Fish and Game Code, or, in the absence of such provisions in said code, except from June fifteenth to November thirtieth, or

b. Trout or landlocked salmon, except during such period as prescribed by the respective provisions of the State Fish and Game Code, or, in the absence of such provisions in said code, except from April fifteenth to July fifteenth, and from September first to September thirtieth; *provided, however,* no person shall catch, take, kill or have in their possession any trout or landlocked salmon mentioned in this paragraph on the first day of any open season before eight ante meridian, or

c. Pike perch, pike or pickerel, except during such period as prescribed by the respective provisions of the State Fish and Game Code, or, in the absence of such provisions in said

code, except from May twentieth to November thirtieth and from the first Saturday in January to the last Sunday in January, or

Angle in the streams stocked with trout with fly, bait or lure during such period as prohibited therefor by the State Fish and Game Code, or, in the absence of such provision in said code, between the first day of March and April fourteenth, both dates inclusive;

Penalty.

Under a penalty of twenty dollars ($20.00) for each fish so unlawfully caught, taken, killed or had in possession or for the attempt to catch, take or kill any such fish, or for any other violation of this section.

Section amended.

68. Section 23:5–3 of the Revised Statutes is amended to read as follows:

Fishing through ice.

23:5–3. No person shall take or attempt to take a fish from any of the waters of this State by any means or in any manner through an opening in the ice in these waters, or beneath the ice, prohibited by the State Fish and Game Code, or, in the absence of such provisions in said code, no person shall take or attempt to take a fish from any of the waters of this State by a line with hooks attached thereto, or by any other device, net or tackle operated through an opening in the ice in these waters, or drawn beneath the ice, excepting that:

a. Carp and suckers may be taken through or under the ice by the means, in the manner and during the period, prescribed by said code, or, in the absence of such provisions in said code, with a net through or under the ice between December first and March first next ensuing in each year;

b. Suckers may be taken through the ice by the means and during the period prescribed by said code, or, in the absence of such provisions in said code, by means of hooks directly attached to a rigid handle, the hooks not to exceed three in number, between December first and March first;

c. Pike perch, pike and pickerel may be taken through the ice by the means and during the period prescribed by said code, or, in the absence of such provisions in said code, in the manner known as angling with hand lines or with rod and line, between the first Saturday in January and the last Sunday in January, the number of lines not to exceed ten in number, each of which lines shall not have more than one hook attached. No person shall take, kill, catch or have in possession on one day during such period prescribed by said code, or, in the absence of such provision in said code, from the first Saturday in January and the last Sunday in January, more than the number of perch, pike perch or pickerel, permitted by said code, or, in the absence of such provision in said code, more than ten in the aggregate of perch and pike perch, and ten in the aggregate of pike and pickerel.

Penalty.

Any person who violates any provision of this section shall be liable to a penalty of fifty dollars ($50.00) for each fish unlawfully taken or possessed.

Section amended.

69. Section 23:5–7 of the Revised Statutes is amended to read as follows:

Minimum size of certain fish, penalty.

23:5–7. No person shall kill, sell, expose for sale or have in possession any black bass, Oswego bass or white bass measuring less than the number of inches prescribed by the respective provisions of the State Fish and Game Code, or, in the absence of such provisions in said code, measuring less than nine inches in length, or any strawberry or calico bass, or crappie measuring less than the number of inches prescribed by the respective provisions of the State Fish and Game Code, or, in the absence of such provisions in said code, measuring less than six inches in length, or any pike perch, pike or pickerel measuring less than the number of inches prescribed by the respective provisions of the State Fish and Game Code, or, in the absence of such

provisions in said code, measuring less than twelve inches in length, or any trout measuring less than the number of inches prescribed by the State Fish and Game Code, or, in the absence of such provision in said code, measuring less than seven inches in length, except for the purposes of stocking the waters of this State therewith, and then only at the direction of the division or upon license first obtained from the division under penalty of twenty dollars ($20.00) for each fish so unlawfully killed, sold, exposed for sale or had in possession. The esox fasciatus, commonly known as Long Island pickerel, varied and grass pike, is not included among the fish protected by this section.

Section amended.

70. Section 23:5–10 of the Revised Statutes is amended to read as follows:

Fresh water fish, creel limit, penalty.

23:5–10. No person shall take, catch or kill in one day more than the number of trout, pike perch, pickerel, rock bass, crappie, calico bass, salmon, black bass or Oswego bass permitted by the respective provisions of the State Fish and Game Code, or, in the absence of any such provision in said code, more than ten trout, ten pike perch, ten pickerel, twenty rock bass, twenty in the aggregate of crappie and calico bass, ten salmon or ten in the aggregate of black bass and Oswego bass, and under no circumstances shall any person take, catch or kill in any one day more than the number of fish, commonly classed as fresh water game and food fish, permitted by the provisions of the State Fish and Game Code, or, in the absence of such provision in said code, more than twenty-five in the aggregate of fish commonly classed as fresh water game and food fish, under a penalty of twenty dollars ($20.00) for each fish so taken, caught or killed in excess of the number permitted by the respective provisions of said code, or, in the absence of any such provision in said code, in excess of the number permitted by this section.

Section amended.

71. Section 23:5–11 of the Revised Statutes is amended to read as follows:

Fishing, excepting angling prohibited, penalty, exceptions.

23:5–11. Except as otherwise provided in section 23:5–3 of this Title, no person shall take or attempt to take fish from any of the waters of this State by any means prohibited by the State Fish and Game Code, or, in the absence of such provisions in said code, by means of any contrivance, except in the manner commonly known as angling with hand line or with rod and line, under a penalty of twenty dollars ($20.00) for each offense. Eels may be caught at any time by means of wicker eel baskets anchored on the bottom of streams and ponds, and minnows and other bait fish may be taken by such means, in such manner, in such waters, and under such circumstances prescribed by the State Fish and Game Code, or, in the absence of such provisions in said code with a seine not over fifty feet in length in all ponds and lakes which have an area of over one hundred acres, and in all other waters with a seine not over thirty feet in length, but in every such case, all trout, pickerel, bass, pike and pike perch captured therein shall be immediately released therefrom uninjured as far as practicable. Fish may also be taken in any manner under the direction of or by permission given by the Division of Fish and Game for stocking purposes.

Section amended.

72. Section 23:5–17 of the Revised Statutes is amended to read as follows:

Fishing at night for certain fish, prohibited.

23:5–17. No person shall take, in any manner, any trout, bass, pike perch, pike or pickerel during such hours as is prohibited by the State Fish and Game Code, or, in the absence of such provision in said code, between nine o'clock in the evening and daylight of the morning following, under a penalty of twenty dollars ($20.00) for each fish so taken.

Section amended.

73. Section 23:6–1 of the Revised Statutes is amended to read as follows:

Unlawful contrivances, penalty for permitting.

23:6–1. No owner, lessee or tenant of any property shall permit the erection, construction or maintenance thereon of any of the contrivances for the unlawful taking of fish and game prohibited

under the provisions of this Title, or permit the unlawful setting of any fyke or other net or the unlawful drawing of any net upon such property, under a penalty of twenty dollars ($20.00) for each offense. Such owner, lessee or tenant shall immediately destroy all such unlawful contrivances found or placed upon his premises, and no action for damages shall lie or be maintained against any property owner, lessee or tenant for the destruction.

Section amended.

74. Section 23:8–9 of the Revised Statutes is amended to read as follows:

Lands of division deemed refuge.

23:8–9. All lands acquired or controlled in any manner by the division are hereby constituted refuges for all birds and animals whose pursuit or taking is regulated or prohibited under the provisions of this Title.

Section amended.

75. Section 23:8–10 of the Revised Statutes is amended to read as follows:

Hunting or carrying gun on preserve prohibited.

23:8–10. No person shall at any time hunt, pursue, kill or take, or attempt to kill or take, within the limits of a game refuge, a bird or animal, the hunting for, killing or taking of which is regulated by the State Fish and Game Code, or, in the absence of any such provision in said code, the hunting for, killing or taking of which is regulated by law. No person shall at any time hunt, pursue, kill or take, or attempt to kill or take, within the limits of a game refuge, a bird or animal, the hunting for, killing or taking of which is prohibited by the State Fish and Game Code, or, in the absence of any provision of said code to the contrary, the hunting for, killing or taking of which is prohibited by law. No person shall carry a shotgun or rifle within the limits of a game refuge unless authorized by the division.

Section amended.

76. Section 23:8–11 of the Revised Statutes is amended to read as follows:

Penalty.

23:8–11. Any person who shall at any time hunt, pursue, kill or take, or attempt to kill or take, within the limits of a game refuge, a bird or animal, the hunting for, killing or taking of which is

regulated by the State Fish and Game Code, or, in the absence of any such provision in said code, the hunting for, killing or taking of which is regulated by law; or who shall at any time hunt, pursue, kill or take, or attempt to kill or take, within the limits of a game refuge, a bird or animal, the hunting for, killing or taking of which is prohibited by the State Fish and Game Code, or, in the absence of any provision of said code to the contrary, the hunting for, killing or taking of which is prohibited by law; or who violates any other provisions of this article, shall be liable to a penalty of fifty dollars ($50.00) for each of offense.

Section amended.

77. Section 23:10–1 of the Revised Statutes is amended to read as follows:

Enforcement, recovery of penalties.

23:10–1. All provisions contained in this Title, in any law supplementary thereto and in the State Fish and Game Code for the protection of fish, game and birds, or in any manner prohibiting or regulating the taking or possession of the same, shall, except as otherwise specifically provided, be enforced and all penalties for the violations thereof shall be recovered in accordance with the provisions of this chapter.

Section amended.

78. Section 23:10–2 of the Revised Statutes is amended to read as follows:

Jurisdiction and venue.

23:10–2. Every district court and every municipal court, hereinafter in this chapter referred to as the "court," shall, except as otherwise specifically provided, have jurisdiction to try and punish any person violating any provision of this Title, any provision of any law supplementary thereto or any provisions of the State Fish and Game Code, and every penalty prescribed for such violation may be enforced and recovered before such court either in the county where the offense is committed or where the offender is first apprehended or where he may reside.

Section amended.

79. Section 23:10–3 of the Revised Statutes is amended to read as follows:

Who may institute proceedings.

23:10–3. Proceedings for the recovery of penalties for the violation of any provision of this Title,

any provision of any law supplementary thereto, or any provision of the State Fish and Game Code shall be brought in the name of the State, by a duly commissioned warden, deputy warden, police officer, constable or a member of any regularly incorporated fish and game protective association, or the fish and game protector as prosecutor, and no such proceeding shall be instituted by any other person unless specifically authorized by law.

Section amended.

80. Section 23:10–5 of the Revised Statutes is amended to read as follows:

Arrest on view without warrant, summary hearing, penalty.

23:10–5. Any constable, police officer, fish and game warden, protector, or deputy warden, or any officer or member of any incorporated game protective society may, for a violation of any provision of this Title, or any provision of any law supplementary thereto, or of any provision of the State Fish and Game Code committed within the view of any such officer or person, arrest, without warrant, the offender and carry him before a court of the county wherein such arrest is made, which court shall summarily hear and determine the guilt or innocence of such person, after receiving from the officer or person making the arrest, a complaint in writing, duly verified, setting forth the nature of the offense, and any person or persons who shall, by threat, menace or force, or in any manner, attempt to deter or prevent any fish and game warden or other person authorized to make arrests for violation of the fish and game laws of this State, or any provision of any law supplementary thereto, or any provision of the State Fish and Game Code from enforcing or carrying into effect any provisions of this Title, or any provision of any law supplementary thereto, or any provision of the State Fish and Game Code or who shall resist arrest or the seizure of boats or nets or other apparatus illegally used, shall be subject to a fine of one hundred dollars ($100.00).

Section amended.

81. Section 23:10–6 of the Revised Statutes is amended to read as follows:

Pleadings, contents of complaint.

23:10–6. In proceedings under this chapter no further pleadings than the filing of the complaint and the issuing of the warrant shall be necessary on the part of the person instituting such proceedings, nor shall such proceedings be invalidated because of lack of indorsement of the complaint or the warrant or for insufficiency in the recital of the offense charged.

Such complaint shall specify the section and statute or provision of the State Fish and Game Code violated, and the time and place of such violation.

Section amended.

82. Section 23:10–7 of the Revised Statutes is amended to read as follows:

Verification of complaint.

23:10–7. A complaint filed in any proceeding under this chapter, if made by a member of the Fish and Game Council, the fish and game protector or the assistent protector, shall be considered duly verified if made under the oath or affirmation of such official, which oath or affirmation may be made by such official upon information and belief.

Section amended.

83. Section 23:10–8 of the Revised Statutes is amended to read as follows:

Issuance of warrant.

23:10–8. The court shall, upon receiving a complaint in writing, duly verified, of the violation of any provision of this Title, or any provision of any law supplementary thereto, or any provision of the State Fish and Game Code, issue a warrant directed to any constable, police officer, fish and game warden, fish and game protector, or deputy warden commanding him to cause the person so complained of to be arrested and brought before such court.

Section amended.

84. Section 23:10–9 of the Revised Statutes is amended to read as follows:

Violations by corporations, summons, service.

23:10–9. The court, shall, upon receiving a complaint in writing duly verified, of the violation of any provision of this Title, or any provision of any law supplementary thereto, or any provision of the State Fish and Game Code by any corporation, issue a summons directed to any constable,

police officer, fish and game warden, protector or deputy warden, requiring such corporation to be and appear before such court on the day therein named, to answer the complaint.

Such summons shall be served on the president, vice-president, secretary, superintendent or manager of such corporation at least five days before the time of appearance mentioned therein. All proceedings thereafter shall be the same as in cases against individuals, except where a different procedure is provided by this chapter.

Section amended.

85. Section 23:10–13 of the Revised Statutes is amended to read as follows:

Form of conviction.

23:10–13. The conviction in proceedings under this chapter shall be in the following or similar form:

State of New Jersey, }
} ss.
County of ..... }

Be it remembered, that on this ..... day of ....., A. D. nineteen hundred and ....., at ....., in said county, ..., defendant, was, by ....., (insert name of court) convicted of violating (specify section and statute or provision of the State Fish and Game Code violated), in a summary proceeding at the suit of (insert name and the official title of person instituting such proceedings), plaintiff, upon complaint made by .....;

And further, that the witnesses in said proceeding who testified for the plaintiff were (name them), and those for the defendant were (name them);

Whereupon said (district court or municipal court, as the case may be) does hereby render judgment that the plaintiff recover of the defendant ..... penalty, and ..... costs of this proceeding.

Such conviction shall be signed by the judge of the district court or magistrate of the municipal court before whom the conviction is had.

Section amended.

86. Section 23:10–15 of the Revised Statutes is amended to read as follows:

Release on probation, installment payment of fine.

23:10–15. If the record of a person convicted of a violation of this Title, or any provision of any law supplementary thereto, or any provision of the State Fish and Game Code shall, in the judgment of the court in which the conviction is had, so justify, the court may order him to be released on probation under the care of the probation officer of the county, the payment of a fine and costs of proceedings to be paid to the probation officer in weekly installments of such sum as he may determine. This money shall inure to the benefit of the Division of Fish and Game, and the probation officer shall account for and turn over the same or any other money collected by him on account thereof to the Division of Fish and Game for its uses and purposes.

Section amended.

87. Section 23:10–19 of the Revised Statutes is amended to read as follows:

Use of recovered moneys.

23:10–19. All moneys recovered for violations of this Title, or any provision of any law supplementary thereto, or any provision of the State Fish and Game Code shall, except as otherwise specifically provided, be paid to the Division of Fish and Game for its use and purposes.

Any court or person receiving such moneys for violations of this Title, or any provision of any law supplementary thereto, or any provision of the State Fish and Game Code, who fails to forward the same to the Division of Fish and Game within days after receipt of same shall be guilty of a misdemeanor.

Section amended.

88. Section 23:10–20 of the Revised Statutes is amended to read as follows:

Searches and seizures.

23:10–20. A member of the Fish and Game Council, the fish and game protector or a warden may, without warrant, search and examine any boat, conveyance, vehicle, fish box, fish basket, game bag,

game coat or other receptacle for game and fish, when he has reason to believe that a provision of this Title, or any law supplementary thereto, or the State Fish and Game Code has been violated, and shall seize and take possession of any bird, animal or fish unlawfully caught, taken, killed, had in possession or under control, shipped or about to be shipped.

A court, upon receiving proof of probable cause for believing in the concealment of a bird, animal or fish so unlawfully caught, taken, killed, had in possession or under control, shipped or about to be shipped, shall issue a search warrant and cause a search to be made in any place, and to that end, may, after demand and refusal, cause any building, inclosure or car to be entered, and any apartment, chest, box, locker, crate, basket or package to be broken open and its contents examined by a member of the Fish and Game Council, the fish and game protector or a warden. All birds, animals or fish, seized by a member of the council, the protector or a warden shall be disposed of in such manner as the court before which the offense is tried directs.

Not liable.

The member of the council, protector or warden shall not be liable for damages by reason of any such search or the destruction of any nets or fishing apparatus in accordance herewith.

Section amended.

89. Section 23:10–21 of the Revised Statutes is amended to read as follows:

Forfeiture of equipment, procedure.

23:10–21. A person found using a seine, gill, drift, anchor or sink net, fixed net, trap, pot, pound, set line, fyke, weir or other apparatus for the taking of fish in any waters of this State in violation of this Title, or any provision of any law supplementary thereto, or any provision of the State Fish and Game Code shall, in addition to the penalties prescribed, forfeit the same.

All constables, sheriffs, fish and game wardens and the fish and game protector shall, and any other person may, seize and secure the same, and shall immediately thereafter give notice thereof

to a district court of the county wherein, or to the municipal court within the jurisdiction of which, the seizure is made, who shall, at an appointed time and place summarily hear and determine whether the same was unlawfully used, and if it so appears, make an order directing the confiscation and forfeiture of the same to the division's use, which division may dispose thereof at its discretion.

C. 13:1B-39. Not to affect pending prosecutions.

90. The adoption by the council of any regulation pursuant to the provisions of this article shall not affect any prosecution pending on the effective date of such regulation, nor prevent the institution of any prosecution for violation of any of the provisions of law rendered inoperative by the taking effect of such regulation, which was committed prior to the effective date of such regulation; but all such pending prosecutions shall be completed, and all such violations shall be prosecuted, in the same manner, and under the same authority, and with like effect, as prior to the effective date of such regulation.

C. 13:1B-40. Provisions severable.

91. If any clause, sentence, paragraph, or part of this article or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this article.

C. 13:1B-41. Provisions operative.

92. The provisions of this article shall be inoperative until the first day of April, on thousand nine hundred and forty-nine.

Article VI

SHELL FISHERIES

C. 13:1B-42. Division of shell fisheries, transferred.

93. All of the functions, powers and duties of the Division of Shell Fisheries of the existing State Department of Conservation, of the Shell Fisheries Council therein and of each member, committee and subdivision thereof, and of the State Commissioner of Conservation relating to, or administered through said division, herein transferred to the Department of Conservation and

Economic Development, are hereby assigned to, and shall be exercised and performed through, the Division of Shell Fisheries in the department.

C. 13:1B-43. Director, division of shell fisheries, qualifications, appointment, term, salary.

94. The Division of Shell Fisheries shall be under the immediate supervision of a director, who shall be a person qualified by training and experience to direct the work of such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified. He shall receive such salary as shall be provided by law.

Duties.

The director shall admisister the work of such division under the direction and supervision of the commissioner, and shall perform such other functions of the department as the commissioner may prescribe.

C. 13:1B-44. Shell fisheries council, members, qualifications, terms.

95. There shall be within the Division of Shell Fisheries, a Shell Fisheries Council which shall consist of nine members. Each member of the council shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and shall serve until his successor has been appointed and has qualified, except that of the first appointments hereunder, two shall be for a term of one year, two for two years, two for three years, and three for four years. The residence qualifications heretofore applicable to eight memberships in the Shell Fisheries Council of the Division of Shell Fisheries of the existing State Department of Conservation shall apply to eight memberships in the Shell Fisheries Council established hereunder, and the remaining member of such Shell Fisheries Council shall be chosen from among the residents of any of the following counties: Bergen, Camden, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Salem, Somerset, Sussex, Union and Warren.

Chairman.

Each Governor shall designate one of the members of the council as chairman of such council. Any member of the council so designated shall

serve as such chairman at the pleasure of the Governor designating him and until his successor has been designated. The chairman of the council shall be its presiding officer.

Vacancies.

Any vacancies in the membership of said council occurring other than by expiration of term shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

No compensation.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

C. 13:1B-45. Functions and duties of shell fisheries council.

96. The Shell Fisheries Council shall, subject to the approval of the commissioner, formulate comprehensive policies for the preservation and improvement of the shellfish industry of the State.

The council shall also:

a. Consult with and advise the commissioner and the director of the Division of Shell Fisheries with respect to the work of the division.

b. Study the activities of the Division of Shell Fisheries and hold hearings with respect thereto as it may deem necessary or desirable.

c. Report to the Governor and the Legislature annually, and at such other times as it may deem in the public interest, with respect to its findings and conclusions.

C. 13:1B-46. Leasing of land under tidal water, regulations.

97. No lease of any of the lands of the State under the tidal waters thereof, to be exclusively used and enjoyed by the lessee for the planting and cultivating of oysters and clams, shall hereafter be allowed except when approved by at least a majority of the Shell Fisheries Council; and no such lease shall hereafter in any case be allowed except when approved and signed by the Commissioner of Conservation and Economic Development.

ARTICLE VII

WATER POLICY AND SUPPLY

C. 13:1B-47. Division of water policy and supply transferred.

98. All of the functions, powers and duties of the Division of Water Policy and Supply of the existing State Department of Conservation of the Water Policy and Supply Council therein, and of the State Commissioner of Conservation relating to or administered through said division, herein transferred to the Department of Conservation and Economic Development, are hereby assigned to, and shall be exercised and performed through the Division of Water Policy and Supply in the department.

C. 13:1B-48. Director, division of water policy and supply, qualifications, appointment, term, salary.

99. The Division of Water Policy and Supply shall be under the immediate supervision of a director, who shall be a person qualified by training and experience to direct the work of such division. The director of such division shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified. He shall receive such salary as shall be provided by law.

Duties.

The director shall administer the work of such division under the direction and supervision of the commissioner, and shall perform such other functions of the department as the commissioner may prescribe.

C. 13:1B-49. Water policy and supply council, members, terms.

100. There shall be within the Division of Water Policy and Supply, a Water Policy and Supply Council which shall consist of nine members. Each member of the council shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and shall serve until his successor has been appointed and has qualified, except that of the first appointments hereunder, two shall be for a term of one year, two for two years, two for three years and three for four years.

Chairman.

Each Governor shall designate one of the members of the council as chairman of such council. Any member of the council so designated shall serve as such chairman at the pleasure of the Governor designating him and until his successor has been designated. The chairman of the council shall be its presiding officer.

Vacancies.

Any vacancies in the membership of said council occurring other than by expiration of term shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

No compensation.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

C. 13:1B-50. Functions, powers and duties transferred to water policy and supply council.

101. Notwithstanding any of the provisions of this act to the contrary: the Water Policy and Supply Council shall succeed to, and shall exercise and perform, those functions, powers and duties of the Water Policy and Supply Council of the Division of Water Policy and Supply of the existing State Department of Conservation prescribed under and pursuant to the provisions of sections 58:1–8, 58:1–17 to 58:1–33, inclusive, 58:2–2, 58:4–9, 58:4–10, 58:6–1 to 58:6–5, inclusive, and 40:62–84, of the Revised Statutes, and under and pursuant to the provisions of "An act conferring emergency powers on the State Water Policy Commission, creating an interconnection revolving fund and making an appropriation therefor," approved March twenty-fifth, one thousand nine hundred and forty-two (P. L. 1942, c. 24), and under and pursuant to the provisions of "An act concerning diversion of subsurface and percolating waters of the State for domestic, industrial and other uses, and supplementing chapter one of Title 58 of the Revised Statutes," approved July first, one thousand nine hundred and forty-seven (P. L. 1947, c. 375); *provided, however,* that any action which may be

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taken by such council, in the exercise of such functions, powers and duties, shall be subject to the approval of the Commissioner of Conservation and Economic Development.

Reference to terms.

Whenever the terms "State Water Policy Commission" or "Water Policy and Supply Council" or "Division of Water Policy and Supply" occur or any reference is made thereto in any of the statutes enumerated in this section, the same shall be deemed to mean or refer to the Water Policy and Supply Council in the Division of Water Policy and Supply established hereunder.

Quorum.

Five members of the council shall constitute a quorum for the transaction of business and the exercise of any of the powers and functions of the council referred to in this section.

C. 13:1B-51. Additional powers and duties.

102. The Water Policy and Supply Council, in addition to other powers and duties vested in it, shall, subject to the approval of the commissioner:

a. Formulate comprehensive policies for the preservation and improvement of the water supply facilities of the State.

b. Survey the needs of the State for additional water supply facilities and formulate plans for the development of such facilities.

The council shall also:

a. Consult with and advise the commissioner and the director of the Division of Water Policy and Supply with respect to the work of the Division of Water Policy and Supply.

b. Study the activities of the Division of Water Policy Supply and hold hearings with respect thereto as it may deem necessary or desirable.

c. Report to the Governor and the Legislature annually, and at such other times as it may deem in the public interest, with respect to its findings and conclusions.

ARTICLE VIII

GENERAL

C. 13:1B-52. Harbor masters' fees, payment to department.

103. On and after the effective date of this act, all fees and other moneys required to be paid to harbor masters under and pursuant to the provisions of article one of chapter nine, of Title 12 of the Revised Statutes, to the harbor master for the harbor of Elizabeth and Elizabeth creek under and pursuant to the provisions of article two, of chapter nine, of Title 12 of the Revised Statutes, and to any port warden under and pursuant to the provisions of chapter ten of Title 12 of the Revised Statutes, shall be paid to the Department of Conservation and Economic Development established hereunder. Such fees and other moneys when collected or received by the department shall, by it, be paid into the State treasury and become part of the General State Fund.

C. 13:1B-53. Not to use certain fees to pay salary.

104. No part of the salary to be paid to the Commissioner of Conservation and Economic Development shall be paid from any license or permit fees received or collected by the Division of Fish and Game under and pursuant to the provisions of Title 23 of the Revised Statutes.

C. 13:1B-54. Construing as to special funds.

105. Nothing contained in this act shall be construed to in any manner affect, alter or change the provisions of law relating to the maintenance or use of the "public shooting and fishing grounds fund" and the "hunters' and anglers' license fund." Such funds shall be maintained as required, and shall be used solely for the purposes permitted, by existing law.

C. 13:1B-55. Appropriations transferred.

106. All appropriations and other moneys available and to become available to the Division of Fish and Game of the Department of Conservation are hereby transferred to the Division of Fish and Game established hereunder, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or Federal law.

All appropriations and other moneys available and to become available to the veterans loan authority are hereby transferred to the veterans loan authority in the Department of Conservation and Economic Development established hereunder, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by law.

All appropriations and other moneys available and to become available to the public housing and development authority are hereby transferred to the public housing and development authority in the Department of Conservation and Economic Development established hereunder, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by law.

C. 13:1B-56. Transfer of federal aid.

107. All other appropriations and other moneys available and to become available to any department, board, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Conservation and Economic Development or to any office or agency designated, continued or constituted therein, are hereby transferred to the Department of Conservation and Economic Development established hereunder, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or Federal law.

C. 13:1B-57. Directors in unclassified service, removal.

108. The director of each division in the Department of Conservation and Economic Development shall be in the unclassified service of the civil service of the State. Any such director may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

Vacancy.

Any vacancy occurring in the office of director of any division in the department shall be filled in the same manner as the original appointment.

C. 13:1B-58. Employees transferred.

109. Such employees of any department, commission, council, board, authority, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Conservation and Economic Development or to any office, authority or agency designated, continued or constituted therein, as the Commissioner of Conservation and Economic Development may determine are needed for the proper performance of the functions and duties imposed upon the Department of Conservation and Economic Development, or such office, authority or agency therein, are hereby transferred to the department, office, authority or agency to which such functions, powers and duties have been herein assigned or transferred.

C. 13:1B-59. Construing as to civil service status.

110. Nothing in this act shall be construed to deprive any person whose term of office is not terminated by this act of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service. Nothing in this act shall be construed to deprive any person of any right or protection provided him under any pension law or retirement system.

C. 13:1B-60. Files, books, records and equipment transferred.

111. All files, books, papers, records, equipment and other property of any department, commission, council, board, office, authority or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Conservation and Economic Development or to any office, authority or agency designated, continued or constituted hereunder, shall upon the effective date of this act be transferred to the department, office, authority or agency to which such assignment or transfer has been made hereunder.

C. 13:1B-61. Not to affect orders, rules and regulations.

112. This act shall not affect the orders, rules and regulations heretofore made or promulgated by any department, commission, council, board, authority, officer or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Con-

servation and Economic Development or to any officer, authority or agency designated, continued or constituted hereunder; but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

C. 13:1B-62. Not to affect judicial proceedings.

113. This act shall not affect actions or proceedings, civil or criminal brought by or against any department, commission, council, board, authority, officer or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Conservation and Economic Development or to any officer, authority or agency designated, continued or constituted hereunder, and pending on the effective date of this act, but such actions or proceedings may be prosecuted or defended in the same manner and to the same affect by the department, officer, authority or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any department, commission, council, board, officer, authority or agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Conservation and Economic Development or to any officer, authority or agency designated, continued or constituted hereunder, and all such matters or proceedings pending before such department, commission, council, board, officer, authority or other agency on the effective date of this act shall be continued by the department, officer, authority or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect.

C. 13:1B-63. Authorized to accept gifts, devises and grants.

114. The department, or any of the divisions established hereunder, is authorized to accept for and in the name of the State, subject to the approval of the Governor and the Commissioner of Conservation and Economic Development, grants, conveyances and devises of land, and bequests and

donations of money or other personal property to be used for the maintenance and use of any service in or activity of the department, or of such division, if such grants, conveyances, devises, bequests or donations are unconditional or are subject to such conditions as the commissioner finds are reasonable and not inconsistent with the use of such property for such service or activity; *provided, however,* that prior to the acceptance of any such grant, conveyance or devise due notice and hearing has been granted by the commissioner to the municipality or municipalities which may be affected thereby.

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C. 13:1B-64. Exercising right of eminent domain, procedure.

115. Before the department, or any of the divisions established hereunder, shall purchase or acquire any property by condemnation or otherwise, pursuant to the provisions of this act or any other law, the commissioner shall request the Attorney-General to make an examination of the title of such property and render a report thereon in writing. At least one copy of such report shall be kept on file in the office of the Department of Conservation and Economic Development at Trenton and at least one other copy thereof shall be kept on file in the office of the Department of Law and public Safety at Trenton. Such reports shall be appropriately indexed, and shall be subject to public inspection at reasonable times.

C. 13:1B-65. May accept federal aid.

116. The department, or any of the divisions established hereunder, may, subject to the approval of the Governor and Commissioner of Conservation and Economic Development, apply for and accept grants from the Federal Government or any agency thereof, and may comply with the terms, conditions and limitations thereof, for any of the purposes of the department, or of such division. Any money so received may be expended by the department, or such division, subject to any limitations imposed in such grants to effect any of the purposes of the department, or of such division, as the case may be, upon warrant of the Director of the Division of Budget and Accounting of the

Department of the Treasury on vouchers certified and approved by the Commissioner of Conservation and Economic Development.

C. 13:1B-66. Regulations relative to appointment and employment.

117. No person shall be eligible to or shall continue to hold the office of Commissioner of Conservation ond Economic Development who is engaged in any business in which water is distributed or sold under any public franchise, or who is engaged in the shellfish business in this State, or who is engaged in the business of lumbering in any forest preserve in this State. No person shall be eligible for any employment in any capacity in the Division of Water Policy and Supply who is engaged in any business in which water is distributed or sold under any public franchise. No person shall be eligible for employment in any capacity in the Division of Planning and Development who is engaged in the business of lumbering in any forest preserve in this State. No person shall be eligible for any employment in any capacity in the Division of Shell Fisheries who is engaged in the shellfish business in this State.

C. 13:1B-67. Terms of sundry officials to expire.

118. The terms of office of the Co-ordinator and Commissioner of the Department of Economic Development, of the members of the Economic Council of the Department of Economic Development, of the director of the division of planning and engineering of the Department of Economic Development, of the director of the division of veterans' services of the Department of Economic Development, of the State Commissioner of Conservation, of the members of the Water Policy and Supply Council of the Division of Water Policy and Supply of the State Department of Conservation, of the members of the Shell Fisheries Council of the Division of Shell Fisheries of the State Department of Conservation, of the members of the Forestry, Geology, Parks and Historic Sites Council of the Division of Forestry, Geology, Parks and Historic Sites of the State Department of Conservation, of the members of the Navigation Council of the Division of Navigation of the State De-

partment of Conservation, of the director of the Division of Shell Fisheries of the State Department of Conservation, of the director of the Division of Navigation of the State Department of Conservation, of the members of the State Aviation Commission, of the State Director of Aviation, of the harbor masters appointed under the provisions of article one, of chapter nine, of Title 12 of the Revised Statutes, of the harbor master of Elizabeth and Elizabeth creek appointed under the provisions of article two, of chapter nine, of Title 12 of the Revised Statutes, and of the port wardens appointed under the provisions of chapter ten, of Title 12 of the Revised Statutes, shall expire on the effective date of this act.

C. 13:1B-68. Directors' terms to expire, new board, members, terms.

119. The terms of office of the present directors of the Morris Canal and Banking Company shall expire on the effective date of this act, and the persons holding the offices of Commissioner of Conservation and Economic Development, State Treasurer, and Director of the Division of Budget and Accounting in the Department of the Treasury, respectively, on the effective date of this act, shall constitute the board of directors, and shall exercise and perform the functions, powers and duties of the directors, of the Morris Canal and Banking Company until the next annual meeting of the stockholders of said company, and until their successors are duly elected and qualified.

C. 13:1B-69. Reference to terms.

120. Whenever the term "Department of Economic Development" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Department of Conservation and Economic Development established hereunder.

Whenever the terms "Co-ordinator" or "Commissioner of the Department of Economic Development" occur or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Commissioner of Conservation and Economic Development, designated as the head of the Department of Conserva-

tion and Economic Development established hereunder.

Whenever the term "State Department of Conservation" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Department of Conservation and Economic Development established hereunder.

Whenever the term "State Commissioner of Conservation" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to refer to the Commissioner of Conservation and Economic Development, designated as the head of the Department of Conservation and Economic Development established hereunder.

Whenever the term "director of shell fisheries" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the director of the Division of Shell Fisheries established hereunder.

Whenever the term "State Department of Aviation" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Department of Conservation and Economic Development established hereunder.

Whenever the term "State Aviation Commission" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Commissioner of Conservation and Economic Development, designated as the head of the Department of Conservation and Economic Development established hereunder.

Whenever the term "State Director of Aviation" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the Commissioner of Conservation and Economic Development, designated as the head of the Department of Conservation and Economic Development established hereunder.

Whenever the term "veterans loan authority" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the veterans loan authority in the Department of Conservation and Economic Development established hereunder.

Whenever the term "public housing and development authority" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the public housing and development authority in the Department of Conservation and Economic Development established hereunder.

Whenever the term "State soil conservation committee" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the State soil conservation committee in the Division of Planning and Development established hereunder.

Whenever the terms "board of New Jersey pilot commissioners" or "commissioners of pilotage" occur or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the board of New Jersey pilot commissioners or commissioners of pilotage in the Division of Planning and Development established hereunder.

Whenever the term "harbor master" occurs or any reference is made thereto under and pursuant to the provisions of article one, chapter nine, of Title 12 of the Revised Statutes, the same shall be deemed to mean or refer to the Commissioner of Conservation and Economic Development, designated as the head of the Department of Conservation and Economic Development established hereunder.

Whenever the term "harbor master for the harbor of Elizabeth and Elizabeth creek" occurs or any reference is made thereto under and pursuant to the provisions of article two, of chapter nine, of Title 12 of the Revised Statutes, the same shall be deemed to mean or refer to the Commissioner of

Conservation and Economic Development, designated as the head of the Department of Conservation and Economic Development established hereunder.

Whenever the term "port warden" occurs or any reference is made thereto under and pursuant to the provisions of chapter ten, of Title 12 of the Revised Statutes, the same shall be deemed to mean or refer to the Commissioner of Conservation and Economic Development, designated as the head of the Department of Conservation and Economic Development established hereunder.

C. 13:1B-70. Repealer.

121. Sections 12:9–1, 12:9–10 and 12:10–1 of the Revised Statutes are repealed.

In addition thereto, all acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed.

C. 13:1B-71. Short title.

122. This act shall be known as, and may be cited as, the "Department of Conservation and Economic Development Act of 1948."

C. 13:1B-72. Act effective.

123. Except as otherwise specifically provided with respect to the provisions of Article V hereof, this act shall take effect on the first day of January, one thousand nine hundred and forty-nine, except that any appointment, and any confirmation or approval of any appointment, permitted by this act may be made prior to such date.

Approved October 25, 1948.

CHAPTER 449

AN ACT concerning the retirement of, and pensions for, policemen and firemen of the police and fire departments in municipalities, including members of the fire departments of any fire district located in any township, and including police officers having supervision or regulation of traffic upon county roads and in respect to such pensions including retired policemen and firemen and members of police and fire departments, and the widows, children and dependent parents of deceased members of said departments, in certain cases, and amending section 43:16–4 of the Revised Statutes.

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

Section amended

1. Section 43:16–4 of the Revised Statutes is amended to read as follows:

Pension for departments.

43:16–4. The widow of any member of such police or paid or part-paid fire department, who shall have paid into the fund the full amount of his annual assessment or contributions and shall have lost his life while on duty, shall, if she married her husband before he reached fifty years of age, receive a pension, for so long as she remains unmarried, in the sum of fifteen hundred dollars ($1,500.00) annually. If there be a widow and children of the member, the pension shall be paid to the widow for the use of herself and such children. If there be such children and no widow, or if the widow dies, the pension which the widow would have received had she survived, shall be paid to those children who have not reached eighteen years of age, in equal shares, if there be three or more children; if there be two children, they shall be paid forty dollars ($40.00) each monthly; if there

be but one child, he shall be paid fifty dollars ($50.00) monthly; but in no event shall the pensions paid to the children exceed in the aggregate, the sum of fifteen hundred dollars ($1,500.00) annually. If there be no widow and no such children under eighteen years of age, the pension shall be paid to the dependent parent or parents of the deceased member; but in no event shall any pension paid to a dependent parent exceed five hundred dollars ($500.00) per annum if there be one, or exceed three hundred seventy-five dollars ($375.00) per annum each if there be two. No widow shall be entitled to a pension who shall have married the member after he shall have reached fifty years of age, or after the date of his retirement, or while he was suffering from the last illness which resulted in his death, and no children of both such widow and member, whether natural or adopted, shall be entitled to a pension. If a widow entitled to a pension remarries, the pension shall cease and shall not be paid to the widow or her children.

Construing.

The increased pension benefits payable under this act shall apply only to cases where such policeman or fireman lost his life while on duty on or after June first, one thousand nine hundred and forty-eight, and shall not affect pensions paid or to be paid as result of deaths occurring prior to said date.

2. This act shall take effect immediately.

Approved October 27, 1948.

CHAPTER 450

AN ACT to amend "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May twenty-third, one thousand nine hundred and forty-four (P. L. 1944, c. 255).

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

Section amended.

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

C. 43:16A-10. Accidental death benefit.

10. (1) Upon the accidental death of a member before retirement; *provided,* that evidence shall be submitted to the board of trustees justifying the determination that the natural and proximate cause of such death was an accident met in the actual performance of duty within two years preceding the date of such death and that such death was not the result of the member's willful negligence, and accidental death benefit shall be payable.

(2) The accidental death benefit shall consist of:

(a) The amount of the member's aggregate contributions which shall be paid as an annuity to his designated beneficiary if living, otherwise in one sum to the executor or administrator of the member's estate; and

(b) A pension of fifteen hundred dollars ($1,500.00) a year to the widow of the member if he leaves a widow to whom he was married before he attained fifty years of age, to continue until her death or remarriage. If there be a widow and children of the member, the pension shall be paid to the widow for the use of herself and such children. If there be such children and no widow, or if the widow dies, the pension which the widow would have re-

ceived had she survived, shall be paid to those children who have not reached eighteen years of age, in equal shares, if there be three or more children; if there be two children, they shall be paid forty dollars ($40.00) each, monthly; if there be but one child, he shall be paid fifty dollars ($50.00) monthly; but in no event shall the pension paid to the children exceed, in the aggregate, the sum of fifteen hundred dollars ($1,500.00) annually.

Construing.

The increased pension benefits payable under this act shall apply only to cases where such policeman or fireman lost his life while on duty on or after June first, one thousand nine hundred and forty-eight, and shall not affect pensions paid or to be paid as result of deaths occurring prior to said date.

2. This act shall take effect immediately.

Approved October 27, 1948.

CHAPTER 451

AN ACT concerning the State Highway Department, and adding a route to the State highway system, and designating it as a freeway.

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

Additional route.

1. The State Highway Commissioner shall, as soon as practicable, and in accordance with the procedure set forth in article one of chapter seven, Title 27, of the Revised Statutes, add to the present State Highway system the following described route: Route No. . Beginning at the north side of the trans-Bayonne freeway, and thence in a general northerly direction through the city of Jersey City, in the county of Hudson, to a point at or near the approach of the Holland Tunnel.

Numbered.

2. When this route is taken into the State highway system as provided in section one of this act, the State Highway Commissioner shall proceed to give the said route an appropriate number as provided by law.

Freeway.

3. The route hereby established is hereby designated as a freeway as defined in chapter eighty-three of the laws of one thousand nine hundred and forty-five.

4. This act shall take effect immediately.

Approved October 27, 1948.

CHAPTER 452

AN ACT concerning the State Highway Department, and adding a route to the State highway system, and designating it as a freeway.

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

Additional route.

1. The State Highway Commissioner shall, as soon as practicable, and in accordance with the procedure set forth in article one of chapter seven, Title 27, of the Revised Statutes, add to the present State highway system the following described route: Route No. Beginning at a point at or near Route No. 1 at its intersection with Route No. 25 skyway, and thence in a general northerly direction, and approximately paralleling Route No. 1 in part, to a point at or near the intersection of Route No. 100, Route No. 3, and the Lincoln Tunnel approach.

Numbered.

2. When this route is taken into the State highway system as provided in section one of this act, the State Highway Commissioner shall proceed to give the said route an appropriate number as provided by law.

3. The route hereby established is hereby designated as a freeway as defined in chapter eighty-three of the laws of one thousand nine hundred and forty-five. Freeway.

4. This act shall take effect immediately.

Approved October 27, 1948.

CHAPTER 453

AN ACT authorizing the establishment of facilities under the Department of Health for the medical treatment of alcoholics and for the prevention of alcoholism, supplementing Title 26 of the Revised Statutes and abolishing the Commission on Alcoholism and Promotion of Temperance established by "An act concerning the preparation and administration of a program for the rehabilitation of alcoholics and the promotion of temperance education by the Commissioner of Alcoholic Beverage Control, the Commissioner of Institutions and Agencies, the Commissioner of Education and the Director of Health constituted the Commission on Alcoholism and Promotion of Temperance," approved April fourth, one thousand nine hundred and forty-five (P. L. 1945, c. 94).

WHEREAS, By act of the Legislature the said commission was empowered to deal with the problem of alcoholism in both its preventive and therapeutic aspects, to wit, "to prepare and administer a program for the rehabilitation of alcoholics and the promotion and furtherance of temperance and temperance education in this State; . . ."; and Preamble.

Preamble.

WHEREAS, Said commission has studied the methods of the prevention and treatment of alcoholism and investigated the adequacy of existing facilities in New Jersey for the rehabilitation of alcoholics, and has submitted recommendations for the consideration of the Legislature; and

Preamble.

WHEREAS, Alcoholism is recognized as an important public health problem affecting also the general welfare and economy of the State, and for the control of which there are insufficient facilities and programs within the State; therefore,

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

C. 26:2B-1. To initiate program.

1. The State Commissioner of Health, through the State Department of Health, shall initiate, develop and administer a program for the rehabilitation of alcoholics and the promotion and furtherance of temperance and temperance education in this State.

C. 26:2B-2. Appoint personnel.

2. The State Commissioner of Health is hereby authorized to appoint such professional and other personnel as he may deem necessary for the efficient operation of said program.

All persons appointed under this section shall be in the classified service of the civil service of the State, unless otherwise provided by law. Their compensation shall be fixed by the Commissioner of Health within the limits of available appropriations.

C. 26:2B-3. Commissioner authorized to arrange and promote program.

3. The State Commissioner of Health is hereby authorized to:

a. Arrange for, establish, and maintain within this State, and within the limits of available appropriations, a clinic or clinics for consultation concerning, and diagnosis, guidance, and treatment of alcoholics to the end that they may be rehabilitated to become useful members of society to the benefit of themselves, their families, and society in general, the clinic or clinics so established to be

located at such place or places as the State Commissioner of Health may determine to best serve the public needs;

b. Arrange and provide for the temporary hospitalization of alcoholics who, upon the department's diagnosis, and pursuant to rules and regulations promulgated under section four, are in definite medical need of such hospialization;

c. Inform the general public as well as interested persons and groups concerning alcoholism, its prevention and treatment, to the ends that alcoholism be prevented and that persons suffering from alcoholism may be disposed to seek treatment;

d. Conduct or arrange for continuous basic research, so that New Jersey contributes its share to the advance of scientific knowledge in respect to: (1) the causes, prevention, and treatment of alcoholism, and (2) the effectiveness of the department's programs.

Additional authority.

To carry out the provisions of this section and act the State Commissioner of Health shall have authority: to enter into lease, rental or similar agreements, in the name of the State, with respect to suitable clinic or hospital facilities, and to accept and engage for the use without cost of facilities and related facilities, to the extent that such use shall be made available for the purposes expressed herein; and to utilize for the purpose of this act, the available services and assistance of any persons, groups, organizations or institutions, professional or otherwise, with respect to the aims of the department; and to enter into contract for the research services of qualified organizations or persons.

C. 26:2B-4. Rules and regulations.

4. The State Commissioner of Health shall adopt and promulgate reasonable rules and regulations in connection with the program herein designated and for the carrying out of the provisions of this act.

C. 26:2B-5. Appropriations transferred.

5. All moneys appropriated to the Commission on Alcoholism and Promotion of Temperance which are unexpended on the effective date of this

act are hereby transferred to the State Department of Health for the purposes established herein.

C. 26:2B-6. Commission on alcoholism and promotion of temperance abolished.

6. The Commission on Alcoholism and Promotion of Temperance established by "An act concerning the preparation and administration of a program for the rehabilitation of alcoholics and the promotion of temperance education by the Commissioner of Alcoholic Beverage Control, the Commissioner of Institutions and Agencies, the Commissioner of Education and the Director of Health constituted the Commission on Alcoholism and Promotion of Temperance," approved April fourth, one thousand nine hundred and forty-five (P. L. 1945, c. 94), is abolished.

7. This act shall take effect immediately.

Approved October 27, 1948.

CHAPTER 454

AN ACT to facilitate vehicular traffic in the State of New Jersey by providing for the construction, maintenance, repair and operation of turnpike projects; creating the New Jersey Turnpike Authority and defining its powers and duties; providing for financing such projects by the issuance of turnpike revenue bonds of the Authority, payable solely from tolls and other revenues; and providing for the collection of tolls and other revenues to pay the cost of construction, maintenance, repair and operation of such projects and to pay such bonds and the interest thereon.

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

C. 27:23-1. Turnpike projects, bonds authorized.

1. Turnpike projects. In order to facilitate vehicular traffic and remove the present handicaps and hazards on the congested highways in the

State, and to provide for the construction of modern express highways embodying every known safety device including center divisions, ample shoulder widths, longsight distances, multiple lanes in each direction and grade separations at all intersections with other highways and railroads, the New Jersey Turnpike Authority (hereinafter created) is hereby authorized and empowered to construct, maintain, repair and operate turnpike projects (as hereinafter defined) at such locations as shall be established by law, and to issue turnpike revenue bonds of the Authority, payable solely from tolls and revenues, to finance such projects.

C. 27:23-2. State's credit not to be pledged.

2. Credit of State not pledged. Turnpike revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt or liability of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any such political subdivision, but such bonds, unless refunded by bonds of the Authority created in this act, shall be payable solely from the funds pledged for their payment as authorized herein. All such turnpike revenue bonds shall contain on the face thereof a statement to the effect that the Authority is obligated to pay the same or the interest thereon only from the tolls or revenues pledged for their payment and that neither the State nor any political subdivision thereof is obligated to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds.

Payment of expenses.

All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act and nothing in this act contained shall be construed to authorize the Authority to incur indebtedness or liability on behalf of or payable by the State or any political subdivision thereof.

C. 27:23-3. New Jersey turnpike authority established, corporate status.

3. New Jersey Turnpike Authority. There is hereby established in the State Highway Department a body corporate and politic, with corporate succession, to be known as the "New Jersey Turnpike Authority." The Authority is hereby constituted an instrumentality exercising public and essential governmental functions, and the exercise by the Authority of the powers conferred by this act in the construction, operation and maintenance of turnpike projects shall be deemed and held to be an essential governmental function of the State.

Members, appointment term and qualifications.

The New Jersey Turnpike Authority shall consist of three members, each of whom shall be a resident of the State, who shall have been a qualified elector therein for a period of at least one year next preceding his appointment. Each member of the Authority shall be appointed by the Governor, with the advice and consent of the Senate, for a term of five years and shall serve until his successor is appointed and has qualified; except that of the first appointments hereunder, one shall be for a term of two years and one for a term of three years, and they shall serve until their respective successors are appointed and have qualified. The term of each of the first appointees hereunder shall be designated by the Governor. Each member of the Authority may be removed from office by the Governor, for cause, after a public hearing. Each member of the Authority before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

Vacancies.

Any vacancies in the membership of the Authority occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

Chairman and vice-chairman.

The Governor shall designate one of the members of the Authority as chairman thereof and another member as vice-chairman thereof. The chairman and vice-chairman of the Authority so

designated shall serve as such at the pleasure of the Governor and until their respective successors have been designated. The Authority shall elect a secretary and treasurer who need not be a member. Two members of the Authority shall constitute a quorum and the vote of two members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

Quorum.

Before the issuance of any turnpike revenue bonds under the provisions of this act, each member of the Authority shall execute a surety bond in the penal sum of twenty-five thousand dollars ($25,000,00), and the secretary and treasurer shall execute a surety bond in the penal sum of fifty thousand dollars ($50,000.00), each such surety bond to be conditioned upon the faithful performance of the duties of the office of such member or secretary and treasurer, as the case may be, to be executed by a surety company authorized to transact business in the State of New Jersey as surety and to be approved by the Attorney-General and filed in the office of the Secretary of State.

Surety bond of members.

The members of the Authority shall not receive compensation for their services as members of the Authority. Each member shall be reimbursed by the Authority for his actual expenses necessarily incurred in the performance of his duties.

No compensation.

4. Definitions. As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

C. 27:23-4. Terms defined.

(a) The word "Authority" shall mean the New Jersey Turnpike Authority, created by section three of this act, or, if said Authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.

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(b) The word "project" or the words "turnpike project" shall mean any express highway, superhighway or motorway at such locations and between such termini as may hereafter be established by law, and constructed or to be constructed under the provisions of this act by the Authority, and shall include, but not be limited to all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service stations, service facilities, communications facilities, and administration, storage and other buildings which the Authority may deem necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by the Authority for the construction or the operation of such project.

(c) The word "bonds" or the words "turnpike revenue bonds" shall mean bonds of the Authority authorized under the provisions of this act.

(d) The word "public highways" shall include all public highways, roads and streets in the State, whether maintained by the State or by any county, city, borough, town, township, village, or other political subdivision.

(e) The word "owner" shall include all individuals, copartnerships, associations or corporations having any title or interest in any property, rights, easements and interests authorized to be acquired by this act.

C. 27:23-5. General powers.

5. General grant of powers. The Authority shall be a body corporate and politic and shall have perpetual succession and shall have the following powers:

(a) To adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) To adopt an official seal and alter the same at pleasure;

(c) To maintain an office at such place or places within the State as it may designate;

(d) To sue and be sued in its own name;

(e) To construct, maintain, repair and operate turnpike projects at such locations as shall be established by law;

(f) To issue turnpike revenue bonds of the Authority, for any of its corporate purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this act;

(g) To fix and revise from time to time and charge and collect tolls for transit over each turnpike project constructed by it;

(h) To establish rules and regulations for the use of any project;

(i) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;

(j) To acquire in the name of the Authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain and in accordance with the provisions of law, in so far as such provisions may be applicable, such public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein and any fee simple absolute or any lesser interest in private property, and any fee simple absolute in, easements upon, or the benefit of restrictions upon, abutting property to preserve and protect turnpike projects;

(k) To designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(l) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;

(m) To employ consulting engineers, attorneys, accountants, construction and financial experts,

superintendents, managers, and such other employees and agents as may be necessary in its judgment; to fix their compensation; and to promote and discharge such employees and agents; all without regard to the provisions of Title 11 of the Revised Statutes;

(n) To receive and accept from any Federal agency, subject to the approval of the Governor, grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions, except appropriations by the Legislature, from any source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

(o) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

C. 27:23-6. Incidental powers.

6. Incidental powers. The Authority shall have power to construct grade separations at intersections of any turnpike project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Authority as a part of the cost of such turnpike project.

If the Authority shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Authority shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Authority as a part of the cost of such turnpike project.

Any public highway affected by the construction of any turnpike project may be vacated or relocated by the Authority in the manner now pro-

vided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of such project.

In addition to the foregoing powers the Authority and its authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations as it may deem necessary or convenient for the purposes of this act, and such entry shall not be deemed a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending. The Authority shall make reimbursement for any actual damages resulting to such lands, waters and premises as a result of such activities.

The Authority shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "public utility facilities") of any public utility as defined in section 27:7–1 of the Revised Statutes, in, on, along, over or under any turnpike project. Whenever the Authority shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over or under any turnpike project shall be relocated in such turnpike project, or should be removed from such turnpike project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Authority; *provided, however,* that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Authority as a part of the cost of such turnpike project. In

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case of any such relocation or removal of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenance, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations.

C. 27:23-7. Bonds.

7. Bonds. The Authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of bonds of the Authority for any of its corporate purposes, including the refunding of its bonds. The principal of and the interest on any issue of such bonds shall be payable solely from and be secured by a pledge of tolls and revenues of all or any part of the turnpike project financed in whole or in part with the proceeds of such issue or with the proceeds of bonds refunded or to be refunded by such issue. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not exceeding thirty-five years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. The bonds shall be signed by the chairman of the Authority or shall bear his facsimile signature, and the official seal of the Authority shall be impressed thereon and attested by the secretary and treasurer of the Authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the Authority. In case any officer whose signature or a facsimile of whose signa-

ture shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The Authority may sell such bonds in such manner and for such price, as it may determine to be for the best interests of the Authority.

The proceeds of the bonds of each issue shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutiliated or shall be destroyed or lost. Bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this act.

C. 27:23-8. Trust agreement.

8. Trust agreement. In the discretion of the Authority any bonds issued under the provisions of

this act may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement or the resolution providing for the issuance of such bonds (subject to the provisions of section seven of this act) may pledge or assign tolls or other revenues to which the Authority's right then exists or may thereafter come into existence, and the moneys derived therefrom, and the proceeds of such bonds, but shall not convey or mortgage any turnpike project or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the turnpike project or projects, the rates of tolls and revenues to be charged, the payment, security or redemption of bonds, and the custody, safeguarding and application of all moneys, and provisions for the employment of consulting engineers in connection with the construction or operation of such turnpike project or projects. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual rights of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be

treated as a part of the cost of the operation of the turnpike project or projects.

Any pledge of tolls or other revenues or other moneys made by the Authority shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority.

C. 27:23-9. Revenues.

9. Revenues. The Authority is hereby authorized to fix, revise, charge and collect tolls for the use of each turnpike project and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, and restaurants, or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use; *provided,* that a sufficient number of gas stations may be authorized to be established in each service area along any such highway to permit reasonable competition by private business in the public interest; *and provided further,* that no contract shall be required, and no rent, fee or other charge of any kind shall be imposed, for the use and occupation of any turnpike project for the installation, construction, use, operation, maintenance, repair, renewal, relocation or removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or other equipment or appliances in, on, along, over or under any such turnpike project by

Proviso.

Proviso.

any public utility as defined in section 27:7–1 of the Revised Statutes which is subject to taxation pursuant to either chapter four of the laws of 1940, as amended (R. S. §§54:31–15.14 et seq.), or chapter five of the laws of 1940, as amended (R. S. §§54:31–45 et seq.), or pursuant to any other law imposing a tax for the privilege of using the public streets, highways, roads or other public places in this State. Such tolls shall be so fixed and adjusted as to carry out and perform the terms and provisions of any contract with or for the benefit of bondholders. Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State. The use and disposition of tolls and revenues shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of the trust agreement securing the same.

C. 27:23-10. Trust funds.

10. Trust funds. All moneys received pursuant to the authority of this act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this act. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and such resolution or trust agreement may provide.

C. 27:23-11. Remedies of bond holders.

11. Remedies. Any holder of bonds issued under the provisions of this act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be resricted by such trust agreement, may, by civil action or proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this act

or by such trust agreement or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging and collecting of tolls.

C. 27:23-12. Tax exempt.

12. Exemption from taxation. The exercise of the powers granted by this act will be in all respects for the benefit of the people of the State, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of turnpike projects by the Authority will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any turnpike project or any property acquired or used by the Authority under the provisions of this act or upon the income therefrom, and any turnpike project and any property acquired or used by the Authority under the provisions of this act and the income therefrom, and the bonds issued under the provisions of this act, their transfer and the income therefrom (including any profit made on the sale thereof) shall be exempt from taxation.

C. 27:23-13. Bonds legal investments.

13. Bonds eligible for investment. Bonds issued by the Authority under the provisions of this act are hereby made securities in which the State and all political subdivisions of this State, their officers, boards, commissions, departments or other agencies, all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds, including capital belonging to them or within their control; and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or

agency of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.

C. 27:23-14. Maintenance and policing.

14. Miscellaneous. Each turnpike project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Authority. Each such project shall also be policed and operated by such force of police, toll-takers and other operating employees as the Authority may in its discretion employ.

Political subdivisions authorized to lease or convey real property to authority.

All counties, cities, boroughs, towns, townships, villages, and other political subdivisions and all public departments, agencies and commissions of the State of New Jersey, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Authority at its request upon such terms and conditions as the proper authoritites of such counties, cities, boroughs, towns, townships, villages, and political subdivisions and departments, agencies or commissions of the State may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public roads and other real property already devoted to public use.

Annual report.

On or before the thirtieth day of January in each year the Authority shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or of operation of the project.

Any member, agent or employee of the Authority who is interested, either directly or indirectly, in any contract of another with the Authority, or in the sale of any property, either real or personal, to the Authority shall be guilty of a misdemeanor and punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than one year, or both. Prohibits member or agents interest in project.

15. Refunding bonds. The Authority is hereby authorized to provide by resolution for the issuance of refunding bonds of the Authority for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the Authority, for the additional purpose of constructing improvements, extensions, or enlargements of the turnpike project or projects in connection with which the bonds to be refunded shall have been issued. The Authority is further authorized to provide by resolution for the issuance of its bonds for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional project or projects. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Authority in respect of the same, shall be governed by the provisions of this act in so far as the same may be applicable. C. 27:23-15. Refunding bonds.

16. Cessation of tolls. When all bonds issued under the provisions of this act to finance any turnpike project or projects and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon C. 27:23-16. Cessation of tolls.

to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project or projects, if then in good condition and repair to the satisfaction of the State Highway Department, shall become part of the State highway system and shall thereafter be maintained by the State Highway Department free of tolls; *provided, however,* that the Authority may thereafter charge tolls for the use of any such project and pledge such tolls to the payment of bonds issued under the provisions of this act in connection with another turnpike project or projects, but any such pledge of tolls of a turnpike project to the payment of bonds issued in connection with another project or projects shall not be effectual until the principal of and the interest on the bonds issued in connection with the first mentioned project shall have been paid or provision made for their payment.

C. 27:23-17. Preliminary expenses.

17. Preliminary expenses. The State Highway Department is hereby authorized in its discretion to expend out of any funds available for the purpose such moneys as may be necessary for the study of any turnpike project or projects and to use its engineering and other forces, including consulting engineers and traffic engineers, for the purpose of effecting such study and to pay for such additional engineering and traffic and other expert studies as it may deem expedient, and all such expenses incurred by the department shall be paid by the department and charged to the appropriate turnpike project or projects, and the department shall keep proper records and accounts showing each amount so charged. Upon the sale of turnpike revenue bonds for any turnpike project or projects, the funds so expended by the department in connection with such project or projects shall be reimbursed by the Authority to the department from the proceeds of such bonds.

Deemed part of cost.

Any obligation or expense hereafter incurred by the State Highway Department with the approval of the Authority for traffic surveys, borings, preparation of plans and specifications, and other

engineering services in connection with the construction of a project shall be regarded as a part of the cost of such project and shall be reimbursed to the State out of the proceeds of bonds herein authorized.

C. 27:23-18. Deemed an additional method.

18. Additional method. The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; *provided, however,* that the issuance of turnpike revenue bonds or refunding bonds under the provisions of this act need not comply with the requirements of any other law applicable to the issuance of bonds.

C. 27:23-19. Construed liberally.

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

C. 27:23-20. Provisions severable.

20. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and to this end the provisions of this act are declared to be severable.

C. 27:23-21. Laws not applicable.

21. Inconsistent laws inapplicable. All other general or special laws, or parts thereof, inconsistent herewith are hereby declared to be in applicable to the provisions of this act.

C. 27:23-22. Short title.

22. Short title. This act shall be known as, and may be cited as the "New Jersey Turnpike Authority Act of 1948."

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

Approved October 27, 1948.

CHAPTER 455

AN ACT concerning reserves of life insurance companies of this State, and amending section 17:34–24 of the Revised Statutes.

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

Section amended

1. Section 17:34–24 of the Revised Statutes is amended to read as follows:

Reserve liability.

17:34–24. When the reserves or any part thereof of any life insurance company of this State, required by section 17:34–22 of the Revised Statutes to be computed by the commissioner or by his authority, have been computed on the basis of a higher rate of interest than three per centum (3%) per annum, and as so computed, exceed five hundred million dollars ($500,000,000.00), the company shall thereupon and thereafter set aside as a part of the reserve liability on the policies of the company at the close of each year a sum equal to six per centum (6%) of the increase for that year over the year preceding in the company's reserves or part thereof so computed, except that for premium-paying term insurances such increase in reserve for any year shall for the purposes of this section be deemed to be the reserve at the end of that year, but the aggregate of the sums so set aside shall not at any time exceed five per centum (5%) of the reserves, except in the case of premium-paying term insurances in which case the said aggregate of sums so set aside shall not at the end of any year exceed fifty per centum (50%) of the premiums of that year.

If the reserves or any part thereof of any such life insurance company were computed, prior to May sixteenth, one thousand nine hundred and forty-one, on the basis of such rate of interest as to require such company to set aside sums as provided in the preceding paragraph of this section,

then such company shall set aside as a part of the reserve liability on the policies of the company at the close of each year, subject to all the above provisions respecting premium-paying term insurances and to the aggregate limit as prescribed above but based on all the reserves of such company, required by section 17:34–22 of the Revised Statutes to be computed by the commissioner or by his authority, a sum as aforesaid calculated on the increase for that year over the year preceding in all said reserves notwithstanding that said reserves or any part thereof shall have been computed on the basis of a rate of interest of three per centum (3%) per annum or less.

No part of the sums so set aside shall be used by the company for any purpose except upon resolution by its board of directors and upon the approval in writing of the commissioner. Approval shall be given by the commissioner upon proof made to him of the happening of either or both of the contingencies hereinafter set forth in paragraphs "a" and "b" of this section and upon the terms therein respectively stated, as follows:

a. In the event that the gross incurred mortality losses of the company during any calendar year have been at a rate in excess of one hundred five per centum (105%) of its average rate during the preceding five years, the sums set aside as above provided may be reduced as of the end of the calendar year by an amount equal to the excess of the actual mortality losses for the calendar year over the amount of the losses had they occurred at the rate of one hundred five per centum (105%) of the average rate for the preceding five years.

b. In the event that the aggregate of depreciation of assets owned by the company and of losses upon realization thereof during any calendar year has been in excess of ten per centum (10%) of the surplus of the company as of the end of the year preceding, the sums set aside as above provided may be reduced as of the end of the calendar year by an amount equal to the excess of the deprecia-

tion and losses over the ten per centum (10%) of the surplus of the company at the end of the preceding year.

2. This act shall take effect immediately.

Approved October 27, 1948.

CHAPTER 456

AN ACT to provide for the payment of certain unclaimed cash or other moneys now or hereafter in the custody of, or deposited with, certain county officers to the county treasurer of the county for the use of the county and for the repayment thereof by the county treasurer, to claimants, in certain cases and regulating the practice and procedure in relation to the same.

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

C. 40:26A-1. Unclaimed money defined.

1. "Unclaimed moneys" as used in this act shall mean any cash or other moneys, now or hereafter in the custody of, or deposited with, the county clerk or the surrogate, acting as such or as the clerk of any court, the sheriff, the prosecutor of the pleas, any probation officer, the clerk of any juvenile and domestic relations court, the clerk of any criminal judicial district court, and any other officer, except the county treasurer, of any county (hereinafter designated as "county officers") for the account or claim of any person or cause, which have, or shall have, remained uncalled for or unclaimed, for a period of ten years.

Unclaimed money not to include.

Such "unclaimed moneys" shall not include

(a) Any sum to the credit of any cause or account which has been reduced by withdrawal or increased by deposit, exclusive of interest credit, within a period of ten years.

(b) Any sum to the credit of any cause or account with respect to which any proper paper or pleading has been filed with and docketed in such cause within a period of ten years.

C. 40:26A-2. Deemed abandoned after ten years, payment.

2. Upon the termination of any such period of ten years, any such unclaimed moneys shall be deemed to be abandoned and shall be payable to the county treasurer of the county for the general use of the county, free of all limitations or conditions imposed at the time of the receipt or deposit thereof or at any other time prior to such abandonment, subject to the provisions of this act, whenever proceedings to that end are taken by the board of chosen freeholders of the county under this act.

C. 40:26A-3. Resolution to implement provisions.

3. The board of chosen freeholders of any county may, at any time or from time to time, by resolution duly adopted, elect to take advantage of, and to proceed under, the provisions of this act.

C. 40:26A-4. Lists of unclaimed money prepared, contents.

4. Not later than sixty days after notice of the adoption by the board of chosen freeholders of any county of a resolution authorizing the taking of proceedings under this act, each county officer of the county having the custody or control of any unclaimed moneys shall prepare and present to the board of chosen freeholders of the county a list, certified by him, of such unclaimed moneys, computed as of the thirty-first day of December of the preceding year, reciting the title of the cause or account and the purpose and date of the original payment or deposit and the existing balance of each item of such unclaimed moneys and shall also mail a notice of the intention of the board of chosen freeholders to cause such unclaimed moneys to be paid to the county treasurer, pursuant to the provisions of this act, addressed to any person having an interest in each such item of unclaimed moneys, at his last address, if known, with proper postage prepaid.

C. 40:26A-5. County counsel to institute proceedings.

5. Thereafter and when so directed by the board of chosen freeholders, the county counsel of the county shall institute a proceeding, in the Court of Chancery or in such court as shall succeed to

the general equity jurisdiction of the Court of Chancery, by filing a petition containing the information contained in such lists and praying that the several county officers of the county having custody or control of such unclaimed moneys be ordered to pay the amounts thereof to the treasurer of the county for the use of the county in accordance with the provisions of this act.

C. 40:26A-6. Order to show cause.

6. Upon the filing of said petition the court shall make an order, requiring all persons having any interest in such unclaimed moneys, to show cause why they should not be paid to the treasurer of the county for the use of the county in accordance with the provisions of this act, by making proof of a valid claim to any of them, at such time and place as said court shall, by said order, direct.

C. 40:26A-7. Service of order and petition.

7. Such order to show cause shall be served by posting a copy thereof, together with a copy of said petition, certified to be true copies by such county counsel, at least thirty days before the day fixed for the hearing of such order, in each of the following places; the office of the clerk of the court in which the proceedings are instituted, the offices of the county clerk, the sheriff and the surrogate of the county, and the office of each other county officer having custody or control of any item of such unclaimed moneys.

Such posting shall be deemed to be notice to all interested persons and proof of such posting shall be made by affidavit of the person posting the same and shall be filed in the office of the clerk of the court.

C. 40:26A-8. Hearing, order for payment.

8. On the return day of such order to show cause or upon any day to which the same may be adjourned, the court shall hear all persons making claim to any of said unclaimed moneys and determine the validity of said claims and if it shall be determined that any such claimant is entitled to any such unclaimed moneys the court shall order payment thereof to be made to the claimant and the court, upon being satisfied that any of the unclaimed moneys described in the petition have

remained uncalled for or unclaimed for a period of ten years, shall order such unclaimed moneys paid to the county treasurer of the county for the use of the county, in accordance with the provisions of this act and thereupon it shall be the duty of such county officers to make payment thereof to the county treasurer as provided in such order.

C. 40:26A-9. Claimant may petition court of chancery.

9. At any time after any unclaimed moneys shall have been paid to any county treasurer, any person claiming an interest in and a right to any such unclaimed moneys or any part thereof, may petition the Court of Chancery or its successor as aforesaid for an order directing the county treasurer to pay to the petitioner such amount as the court shall determine the petitioner is entitled to, which in no case shall include interest on such deposit from the date of payment to the county treasurer. Not less than fifteen days' notice of the said application together with a copy of the petition, shall be served upon the county treasurer and the county counsel of the county, and such service shall be deemed to be service upon the county. The court shall hear and determine the matter, and may make an order directing the county treasurer to pay to the petitioner such amount as he determines the petitioner is entitled to. The county treasurer, upon receipt of a certified copy of the said order, shall be authorized, empowered and required to pay such sum as the said order shall direct from any available funds in his hands and if there are no available funds he shall report the fact to the board of chosen freeholders of the county and an appropriate item for the payment thereof shall be included in the next annual county budget.

Notice.

C. 40:26A-10. Appeals.

10. Any person aggrieved by any order of the court made upon a petition for an order directing the county treasurer to pay any unclaimed moneys, may appeal to the Court of Errors and Appeals, or the Appellate Division of the Superior Court, as the case may be, provided such appeal be taken

within forty days after the making of the said order.

C. 40:26A-11. Liability to cease upon payment.

11. Upon any payment to any county treasurer of any unclaimed moneys pursuant to the provisions of this act, any and all liability of the county officer having custody and control thereof to any person whomsoever in respect to such deposit, shall cease and be at an end and the person by whom or for whose benefit such payment or deposit was made, shall have the same benefit thereof as is the same remained in the custody or control of the officer to, or with, whom the same was paid or deposited, except the right to be paid or recover the same, notwithstanding that the same are used and disposed of as authorized by this act.

12. This act shall take effect immediately.

Approved October 27, 1948.

CHAPTER 457

AN ACT to amend "An act concerning the rights, benefits and privileges of certain persons holding office, position or employment under the government of the State of New Jersey or of any county, municipality, school district or other political subdivision of the State, or under any board, body, agency or commission of the State or of any county, municipality or school district, who heretofore and subsequent to July first, one thousand nine hundred and forty, entered or hereafter, in time of war, shall enter the active military or naval service of the United States or the active service of the United States Merchant Marine or the active service of the Women's Army Auxiliary Corps, the Women's Reserve of the Naval Reserve or any similar organization authorized by the United States to serve with the Army or Navy," passed June sixteenth, one thousand nine hundred and forty-two (P. L. 1942, c. 252), as said title was amended by chapter three hundred and twenty-six of the laws of fone thousand nine hundred and forty-two (P. L. 1942, c. 326).

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

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

1. No person holding any office, position or employment under the government of the State of New Jersey or of any county, municipality, school district or other political subdivision of the State, or under any board, body, agency or commission of the State or of any county, municipality or C. 38:23-5. Military service not to impair pension rights.

school district, who, heretofore and subsequent to July first, one thousand nine hundred and forty, entered or hereafter, in time of war, shall enter the active military or naval service of the United States or the active service of the Women's Army Auxiliary Corps, the Women's Reserve of the Naval Reserve or any similar organization authorized by the United States to serve with the Army or Navy and who, at the time of such entry was or is a member in good standing of any pension, retirement, or annuity fund, shall suffer the loss or impairment of any of the rights, benefits or privileges accorded by the laws governing such pension, retirement or annuity funds; and the time spent in such service by any such person shall be considered as time spent in the office, position or employment held by him at the time of his entry into such service, in all calculations of the amount of pension to which he is entitled and of the years of service required to entitle him to retire; *provided, however,* that in the event of the death or disability of such person while in such service the pension to be paid such person or his dependents shall be the amount, if any, remaining after calculating the amount of pension that would be paid if such person had continued to hold such office, position or employment until the time of his death or disability and had continued to receive the same compensation as he received at the time of his entry into such service.

Proviso.

2. This act shall take effect immediately.

Approved October 27, 1948.

CHAPTER 458

AN ACT relating to the reorganization of the executive and administrative offices, departments, and instrumentalities of the State Government, transferring certain functions, powers and duties, funds and personnel from the New Jersey Agricultural Experiment Station to the Department of Agriculture.

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

C. 4:12-41.25. Functions, powers and duties transferred.

1. The functions, powers and duties charged to the director of the New Jersey Agricultural Experiment Station by "An act concerning the purchasing, buying or receiving of milk or cream on the basis of the butter fat content thereof; regulating the testing, sampling and weighing of the same; requiring permits and licenses and the keeping of records in connection therewith, defining the powers and duties of the director of the New Jersey Agricultural Experiment Station; providing penalties for violation of the provisions thereof, supplementing Title 4 of the Revised Statutes, and repealing article two of chapter twelve of Title 4 of the Revised Statutes," approved April seventh, one thousand nine hundred and forty-three (P. L. 1943, c. 100), all appropriations made or to be made available to him and the personnel employed by him in the performance of such functions, powers and duties are transferred to the Department of Agriculture and shall be exercised by the Secretary of Agriculture.

C. 4:12-41.26. Act effective

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

Approved October 27, 1948.

CHAPTER 459

AN ACT to amend "An act to provide for the imposition of a franchise tax upon certain corporations and for the distribution of the proceeds thereof, repealing sections 54:13–1 through 54:13–8 and chapter thirty-two-A of Title 54, of the Revised Statutes, and making an appropriation for the administration of such tax," approved April thirteenth, one thousand nine hundred and forty-five (P. L. 1945, c. 162).

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

Section amended.

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

C. 54:10A-4. Terms defined.

4. For the purposes of this act, unless the context requires a different meaning:

(a) "Commissioner" shall mean the director of the division of taxation of the State Department of Taxation and Finance.

(b) "Allocation factor" shall mean the proportionate part of a taxpayer's net worth used to determine a measure of its tax under this act.

(c) "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument.

(d) "Net worth" shall mean the aggregate of the values disclosed by the books of the corporation for (1) issued and outstanding capital stock, (2) paid-in or capital surplus, (3) earned surplus and undivided profits, (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion, and (5)

the amount of all indebtedness owing directly or indirectly to holders of ten per centum (10%) or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes, as of the close of a calendar or fiscal year. However, if in the opinion of the commissioner, the corporation's books do not disclose fair valuations the commissioner may make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

(e) "Indebtedness owing directly or indirectly" shall include, without limitation thereto, all indebtedness owing to any stockholder or shareholder and to members of his immediate family where a stockholder and members of his immediate family together or in the aggregate own ten per centum (10%) or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes.

(f) "Investment company" shall mean any corporation whose business during the period covered by its report consisted, to the extent of at least ninety per centum (90%) thereof of holding, investing and reinvesting in stocks, bonds, notes, mortgages, debentures, patents, patent rights and other securities for its own account, but this shall not include any corporation which: (1) is a merchant or a dealer of stocks, bonds and other securities, regularly engaged in buying the same and selling the same to customers; or (2) had less than ninety per centum (90%) of its average gross assets in New Jersey, at cost, invested in stocks, bonds, debentures, mortgages, notes, patents, patent rights or other securities or consisting of cash on deposit during the period covered by its report; or (3) owned more than ten per centum (10%) of either the aggregate outstanding shares of capital stock of all classes entitled to vote, or of the aggregate outstanding shares of non-voting capital

stock, of any other corporation, during the period covered by its report.

(g) "Regulated investment company" shall mean any corporation which for a period covered by its report, is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended.

(h) "Taxpayer" shall mean any corporation required to report or to pay taxes, interest or penalties under this act.

(i) "Fiscal year" shall mean an accounting period ending on any day other than the last day of December.

(j) "Privilege year" shall mean the calendar year in and for which a tax is payable under this act.

Section amended.

2. Section five of the act of which this act is amendatory is amended to read as follows:

C. 54:10A-5. Computation of franchise tax.

5. The franchise tax to be annually assessed to and paid by each taxpayer shall be measured by the greater of:

(a) that portion of its entire net worth as may be allocable to this State as provided in section six; or

(b) that proportion of its entire net worth as the average value of its total assets in this State during the period covered by its report is to the average value of its assets everywhere during such period (for the purpose of which there shall be included as within this State all intangible personal property of domestic corporations not having a business situs outside this State, one-half of the value of such property having a business situs outside this State, and the entire amount of the intangible personal property of foreign corporations as would have a business situs within this State for the purpose of a property tax); at the rate of 8/10 of a mill per dollar on the first one hundred million dollars ($100,000,000.00) of allocated net worth; 4/10 of a mill per dollar on the second hundred million dollars ($100,000,000.00); 3/10 of a mill per dollar on the third one hundred million dollars

($100,000,000.00); and 2/10 of a mill per dollar on all amounts of allocated net worth in excess of three hundred million dollars ($300,000,000.00).

(c) *Provided, however,* that the franchise tax to be annually assessed to and paid by any investment company, other than a regulated investment company, shall be measured by twenty-five per centum (25%), and in the case of a regulated investment company by fifteen per centum (15%), of its entire net worth, at the rates hereinabove set forth but in no case less than one hundred dollars ($100.00), unless the taxpayer shall elect to remain taxable pursuant to any other subsection of this section. Proviso.

(d) The tax assessed to any taxpayer pursuant to this act, notwithstanding the provisions of the preceding subsections of this section, shall not be less than the greater of 2/10 of a mill per dollar of total assets allocated to this State in accordance with subsection (b) hereof, and twenty-five dollars ($25.00) in the case of a domestic corporation, or fifty dollars ($50.00) in the case of a foreign corporation.

(e) In lieu of the tax imposed by subsections (a), (b), (c) and (d) of this section, any taxpayer, the value of whose total assets everywhere, less reasonable reserves for depreciation, as of the close of the period covered by its report, amounts to less than one hundred thousand dollars ($100,000.00), may elect to pay the tax shown in the following table:

If total assets are at least	*But less than*	*The tax shall be For Domestic Corporations*	*For Foreign Corporations*
$0	$45,000	$25.00	$50.00
45,000	50,000	28.00	50.00
50,000	55,000	32.00	50.00
55,000	60,000	35.00	50.00
60,000	65,000	38.00	50.00
65,000	70,000	41.00	50.00
70,000	75,000	45.00	50.00
75,000	80,000	48.00	50.00
80,000	85,000	51.00	51.00
85,000	90,000	54.00	54.00
90,000	95,000	58.00	58.00
95,000	100,000	61.00	61.00

3. This act shall take effect immediately.
Approved October 27, 1948.

CHAPTER 460

AN ACT to amend "An act concerning State aid to municipalities for the construction, reconstruction, grading, drainage, maintenance, lighting and repair of municipal roads; amending section 27:15–1 of the Revised Statutes; repealing sections 27:15–2 to 27:15–6, inclusive, 27:15–9 to 27:15–15, inclusive, and 27:15–18 of the Revised Statutes; repealing 'An act concerning highways, and supplementing chapter fifteen of Title 27 of the Revised Statutes,' passed June twenty-second, one thousand nine hundred and forty-two (P. L. 1942, c. 261), and 'An act concerning State aid for the construction, reconstruction, grading, drainage, maintenance and repair of certain city, town, township, village and borough roads, and amending section 27:15–1 of the Revised Statutes,' approved April thirtieth, one thousand nine hundred and forty-six (P. L. 1946, c. 196); and supplementing chapter fifteen of Title twenty-seven of the Revised Statutes," approved April seventeenth, one thousand nine hundred and forty-seven (P. L. 1947, c. 62).

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

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

15. A. Exclusive of the sum set aside in accordance with the provisions of section 27:15–1 of the Revised Statutes, there shall be set aside annually on October first, as soon thereafter as available from the net receipts of the motor vehicle revenues in the General State Fund the sum of two million one hundred thousand dollars ($2,100,000.00), C. 27:15-1.14. State's annual share.

which shall be used to meet the State's share of the cost of the work hereinafter in this section prescribed during the calendar year next ensuing the setting aside of such sum. Payments from these amounts shall be made in the same way as other payments from the motor vehicle revenues.

Amount reserved for municipal roads.

B. The State Highway Commissioner shall reserve from the sum set aside in accordance with the provisions of subsection A of this section the sum of one hundred thousand dollars ($100,000.00) to meet the State's share in each county during such ensuing calendar year. The sum so reserved shall be made available by the State Highway Commissioner to the several municipalities in such county in the manner prescribed in this section, for the construction or reconstruction of municipal roads.

Municipality may apply for aid

C. Any municipality may on its own motion apply to the State Highway Commissioner for aid in construction or reconstruction under this section. The application shall be on such form as the commissioner shall prescribe and may be passed by resolution of the governing body of the municipality at any meeting. It shall set forth the road or roads on which it is proposed that the work shall be done and the beginning and ending points of such work, and the amount of money the governing body may be authorized to spend on such work, including contributions thereto. The State Highway Commissioner shall decide which of such applications in any county will best serve the interests of the municipality, county and State. He shall, upon approval of any such application, notify the governing body of the municipality of the same and shall thereupon enter into a written agreement with such municipality for the necessary planning and surveying and for the actual work and the inspection thereof.

Limits amount available.

D. The total of all sums made available to all municipalities in any county under the provisions of this section shall in no calendar year, except as otherwise provided in subsection G of this section,

exceed the said sum of one hundred thousand dollars ($100,000.00) reserved to meet the State's share in such county during such year.

To comply with State's standards.

E. All work undertaken by any municipality in which all or any part of the State aid provided for in this section is used shall be performed in accordance with such standards as the State Highway Commissioner shall prescribe.

State's share not exceed 90%.

F. The State's share of the cost of any work undertaken pursuant to the provisions of this section shall not exceed ninety per centum (90%) of the total cost of such work.

Application of unused reserves.

G. If in any calendar year any part of the said one hundred thousand dollars ($100,000.00) reserved to meet the State's share in any county during such year remains uncommitted, the sum so remaining at the expiration of such calendar year shall be reserved by the commissioner for application by the municipalities within such county, in accordance with the provisions of this section, during any of the three calendar years next ensuing; and the sum so reserved shall, unless distributed to the municipalities in such county in accordance with the provisions of this section within such three calendar years, lapse and become part of the motor vehicle revenues in the General State Fund.

Reserve to lapse.

To pay State's proportionate share.

H. When an application and agreement for State aid under the provisions of this section have been submitted to the commissioner, and work or services contemplated under the provisions of this section have been authorized by the governing body of the municipality, and part of the work has been done or services have been rendered and estimates or bills covering the cost thereof have been submitted to said governing body and to the commissioner and approved by the commissioner, the commissioner shall, within the limits prescribed in this section, pay the proportionate share of the cost of the estimate or bill as set forth in the application and agreement; *provided,* the application and agreement for State aid to the municipality

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have been approved by the commissioner and funds have been allotted to the proposed work. No estimate or bill shall be paid until the work or services are first approved by the commissioner.

Agreement with municipality, contents.

I. Upon notification by the State Highway Commissioner of approval of its application for State aid under the provisions of this section, as provided for in subsection C hereof, the municipality may request the board of chosen freeholders of the county wherein such municipality is situated to perform any or all of the work proposed to be performed on the part of such municipality with the allotment of State aid to be available to such municipality pursuant to such approved application, whereupon such board of chosen freeholders shall, if it agrees to so perform such work, enter into a written agreement with such municipality. Such agreement shall set forth the work to be performed by such board and the amounts, exclusive of State aid available to such municipality for such work pursuant to such approved application, to be borne by the board and municipality respectively. The amount required to be so borne by the municipality shall be paid by it to the board prior to the commencement of such work. Upon receipt by such municipality of any amounts of State aid disbursed by the State Highway Commissioner for such work, pursuant to the provisions of this section, such municipality shall thereupon pay the same forthwith to said board of chosen freeholders. Any such agreement entered into between said board and municipality pursuant to the provisions of this subsection, shall become effective only upon approval thereof by the State Highway Commissioner, whereupon the work of said board required pursuant to such agreement shall be performed by it in accordance with such regulations as the State Highway Commissioner shall prescribe.

Approval by commissioner of agreement.

2. This act shall take effect immediately.

Approved October 28, 1948.

CHAPTER 461

AN ACT to amend the title "An act providing for the establishment, construction and maintenance of freeways and parkways and for the acquisition of rights-of-way, property or any rights or interests therein needed for the construction of freeways and parkways, for the establishment and maintenance of parking areas and recreational and other necessary noncommercial facilities, for the treatment of borders and landscape areas, in connection with freeways and parkways, and for the control or exclusion of private access or direct access of abutters therefrom and the control of public access thereto in certain cases, and supplementing Title 27 of the Revised Statutes," approved April third, one thousand nine hundred and forty-five (P. L. 1945, c. 83), so that the same shall read "An act providing for the establishment, construction and maintenance of freeways and parkways," and to amend the body of said act.

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

Title amended.

1. The title of an act entitled "An act providing for the establishment, construction and maintenance of freeways and parkways and for the acquisition of rights-of-way, property or any rights or interests therein needed for the construction of freeways and parkways, for the establishment and maintenance of parking areas and recreational and other necessary noncommercial facilities, for the treatment of borders and landscape areas, in connection with freeways and parkways, and for the control or exclusion of private access or direct access of abutters therefrom and the control of

public access thereto in certain cases, and supplementing Title 27 of the Revised Statutes," approved April third, one thousand nine hundred and forty-five, is amended to read "An act providing for the establishment, construction and maintenance of freeways and parkways."

New title

Section amended.

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

C. 27:7A-1. Freeway defined.

1. As used in this act, "freeway" shall mean a State highway especially designed for through mixed traffic over which abutters have no easement or right of light, air or direct access, by reason of the fact that their property abuts upon such way, with infrequent public entrances and exits and with or without service roads.

Parkway defined.

"Parkway" shall mean a State highway especially designed for through passenger traffic over which abutters have no easement or right of light, air or direct access, by reason of the fact that their property abuts upon such way, with special treatment in landscaping and planting between roadways and along its borders, which borders may also include service roads open to mixed traffic, recreational facilities such as pedestrian, bicycle and bridle paths, overlooks and picnic areas, and other necessary noncommercial facilities.

Section amended.

3. Section three of the act of which this act is amendatory is amended to read as follows:

C. 27:7A-3. Property needed for freeways, access roads.

3. Property needed for any freeway is declared to be all those lands or interests therein required for the traveled way together with those lands or interests therein necessary or desirable for service, maintenance and protection of the present and future use of the highway, not to exceed a total average width of right-of-way of three hundred feet, except where greater width is needed in connection with grade separations, connecting roadways at an intersection with another main highway, and railroad crossing eliminations or relocations, and for those areas referred to in section eight of this act. The State Highway Commissioner shall have the authority to control the number of access roads and their location and design.

4. Section four of the act of which this act is amendatory is amended to read as follows:

Section amended.

4. Property needed for any parkway is declared to be all those lands or interests therein required for the traveled way, together with those lands or interests therein necessary or desirable to provide land between roadways, occasional parking areas, treatment of borders and landscape areas, recreational facilities, and for those areas referred to in section eight of this act.

C. 27:7A-4. Property needed for parkways.

5. Section eight of the act of which this act is amendatory is amended to read as follows:

Section amended.

8. No commercial enterprises or activities shall be conducted by the State Highway Commissioner or any other agency of the State within or on the property acquired for or in connection with a freeway or parkway, as defined in this act, nor shall such commercial enterprises or activities be authorized except as hereinafter provided but nothing herein shall prevent the operation, in the manner provided by law, of autobusses within or on the property used for or designated as a freeway as defined in this act, or the operation, in the manner provided by law, of autobusses within or on the property used for or designated as a parkway as defined in this act to the extent provided for in section six of this act.

C. 27:7A-8. Not to conduct commercial activities, exceptions.

The State Highway Commissioner, in order to permit the establishment of adequate fuel or other service facilities by private owners or their lessees, for the users of a freeway or parkway, may acquire suitable areas for such facilities even though such areas are not needed for the right-of-way proper and, in the manner hereinafter provided, shall sell such portions thereof as in his judgment the public interest shall then require. Such sales shall be made under the following terms and conditions:

Provides for fuel and other service facilities, regulation.

a. Each purchaser shall be a person who has been continuously a resident of this State for a period of at least two years immediately preceding such sale.

b. Subject to the conditions and restrictions imposed by this act, the premises shall be sold at public sale to the highest responsible bidder.

c. The commissioner shall have the right to incorporate in any deed conveying premises so sold covenants running with the land requiring the purchasers, their grantees, and successors (1) to erect and maintain any buildings thereon in conformity with specified exterior design, (2) to provide services reasonably required by the users of the freeway or parkway subject to usual sanitary and health standards, and (3) to conduct no business other than that for which the property was originally sold, without the written consent of the commissioner.

d. Such premises shall not be sold to a person who owns, directly or indirectly, or holds under lease any premises in the same service area on the same side of a freeway or parkway purchased for a similar purpose.

e. In acquiring areas for the purposes aforesaid and in subdividing such areas into smaller premises for sale to the purchasers thereof, the commissioner shall provide a sufficient number of separate premises to encourage free and open competition among all suppliers of each service involved who desire to purchase premises for the furnishing of such services along each freeway and parkway, subject to any restrictions hereinabove stated.

f. The commissioner shall provide access roads from the freeway or parkway to the service areas, the location of which shall be indicated to users of the freeway or parkway by appropriate signs, the style, size, and specifications of which shall be determined by the State Highway Commissioner.

g. Each purchaser of such premises may arrange to have the services for which such premises were sold performed through lessees or other third persons provided that such purchasers shall remain liable for failure to comply with the covenants contained in the deed affecting such premises.

Person defined.

For the purpose of this section, "person" shall include any individual and those related to him by blood, marriage or adoption, and partnerships and corporations and all individuals affiliated there-

with through ownership or control, directly or indirectly, of more than fifty per centum (50%) of any outstanding corporate stock.

6. This act shall take effect immediately.

Approved October 28, 1948.

CHAPTER 462

AN ACT to amend and supplement "An act relating to the licensing, regulation and supervision of insurance agents, insurance brokers and insurance solicitors, supplementing chapters twenty-two, thirty-two and thirty-six of Title 17 of the Revised Statutes, and repealing sections 17:22–1, 17:22–2, 17:22–3, 17:22–4, 17:22–5, 17:23–3, 17:32–6 and 17:32–11 of the Revised Statutes and section one of 'An act concerning the licensing of agents for insurance companies in certain cases, supplementing chapter twenty-two of Title 17, and amending section 17:33–1 of the Revised Statutes,' approved May sixteenth, one thousand nine thousand nine hundred and forty-one (P. L. 1941, c. 118)," approved April twentieth, one thousand nine hundred and forty-four (P. L. 1944, c. 175), and to repeal section 17:36–1 of the Revised Statutes.

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

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

21. It shall be unlawful for any person directly or indirectly to collect any insurance premium, or to solicit, negotiate, effect, procure, receive, or forward any contract of insurance or renewal thereof, in relation to any property or insurable interest in C. 17:22-6.21. Unlawful to operate without surplus line license.

this State, for any insurance company not lawfully authorized to transact business in this State, or in any manner to aid or assist in any such transactions, unless specifically authorized so to do, under a surplus line license, issued by the commissioner as provided by this act.

C. 17:22-6.29. Commissioner may issue license.

2. The commissioner may issue to any citizen of the State who is a licensed insurance broker therein a license permitting him as agent to procure any kind of insurance permitted by the laws of this State, other than life and annuity contracts, from insurers not authorized to do business in this State, subject to the provisions of this act.

C. 17:22-6.30. Affidavit by licensee, contents.

3. Before the licensee shall procure any such insurance, he shall make and file with the commissioner an affidavit that after diligent effort he is unable to procure, from insurers admitted to do business in this State, the amount of insurance required and he shall only procure insurance under the license after he has procured insurance from insurers authorized to do business in this State to the full amount which such insurers are willing to write on the property or after he has been unable to procure any of the required insurance whatsoever from such authorized insurers. Such affidavit shall be accompanied by a statement by the insured that the insurance proposed to be procured for him in the named unauthorized insurer is acceptable to him.

C. 17:22-6.31. Requirements for insurer, separate accounts.

4. The licensee shall not procure any portion of the insurance from an unauthorized insurer which is not possessed of net cash assets amounting to at least one hundred thousand dollars ($100,000.00), or one which has, within the preceding twelve months, been in an impaired condition. Each licensee shall keep a separate account of the business done under the license, which shall be at all times open to the inspection of the commissioner, his deputy or any person employed by him to inspect the same.

C. 17:22-6.32. Certified copy of account filed, contents.

5. The licensee shall forthwith file with the commissioner a certified copy of the account, showing the exact amount of the insurance placed for any person, the gross premium charged thereon, the insurers in which the same is placed, the date of the policies and the terms thereof, and before receiving the license shall execute and deliver to the commissioner a surety bond to this State in the penal sum of three thousand dollars ($3,000.00), of a qualified insurance company conditioned that the licensee will comply with all the requirements of subtitle three of Title 17 of the Revised Statutes, and will pay to the State Tax Commissioner, semiannually within fifteen days after receipt of notice from the commissioner, or where the policies cover fire insurance on property in any municipality or portion of a township, or fire district in this State, which now has or may hereafter have, a duly incorporated firemen's relief association, to the treasurer of the association, in January and July of each year, the sum of three dollars ($3.00) for each one hundred dollars ($100.00) and at the rate upon the whole amount of gross premium charged for insurance procured or placed under the license during the preceding six-months' periods ending December and June respectively. The amount of taxes paid to the State Tax Commissioner under the provisions of this act on premiums for fire insurance shall be distributed by him in the manner now or hereafter provided by law as to taxes collected by him from fire insurance companies of other States and foreign countries. The commissioner shall ascertain and report to the State Tax Commissioner all facts necessary to enable the State Tax Commissioner to ascertain, fix and collect the amount of the tax to be paid by each licensee subject thereto under this act.

C. 17:22-6.33. Annual fee.

6. The annual fee to be paid to the commissioner for a license under this act shall be twent-five dollars ($25.00). All licenses so issued shall expire annually on December thirty-first, unless sooner revoked by the commissioner for cause shown, and may be renewed upon payment of the annual fee.

C. 17:22-6.34. Expirations and renewals.

7. All licenses issued under section 17:36–1 of the Revised Statutes or under section twenty-one of chapter one hundred seventy-five of the laws of one thousand nine hundred and forty-four shall expire on December thirty-first, one thousand nine hundred and forty-eight, and may be renewed under the provisions of this act upon payment of the twenty-five dollars ($25.00) license fee.

C. 17:22-6.35. Repealer.

8. Section 17:36–1 of the Revised Statutes is repealed.

C. 17:22-6.36. Act effective.

9. This act shall take effect July first, one thousand nine hundred and forty-eight.

Approved October 28, 1948.

CHAPTER 463

AN ACT concerning State aid to the several counties in the cost of repairing damage to and replacing certain improved county roads or improved county bridges by reason of unusual and abnormal conditions.

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

Appropriation for State aid to counties.

1. There is hereby appropriated to the State Highway Department the sum of one million dollars ($1,000,000.00) for the purposes of providing State aid to the several counties in the cost of repairing damage to and replacing of improved county roads or improved county bridges by reason or unusual and abnormal conditions, to be allocated to the said counties by the State Highway Commissioner and expended by him as provided in this act.

Use of moneys.

2. The said money, so appropriated, shall be used to defray or reimburse to the said counties for all or any part of the cost of repairing damage

to or replacing improved county public roads or improved county bridges by reason of the unusual and abnormal snow and ice conditions during the winter season of 1947-48.

Method of allocation.

3. The State Highway Commissioner shall allocate and pay to or for the said several counties such amount as shall result from the application of the average of the following three percentages, namely:

(1) The percentage of population in such county to the total population of the State based upon the latest official Federal census; and

(2) the percentage of county road mileage in such county to the total county road mileage in the State;

(3) the percentage of the area in such county to the total area of the State;

of the sum of one million dollars ($1,000,000.00) appropriated by this act.

Application for State assistance.

4. The board of chosen freeholders of any county, in which any such damage was caused to the public roads or public bridges of the county, may file an application for such State assistance with the State Highway Commissioner.

Contents of application.

5. Such application shall contain a brief description of such damage to the public roads or public bridges and shall be accompanied by plans and specifications for the repair of the damage, or the replacement of such roads or bridges, or in accordance with which such damage was repaired or the same replaced, which said plans and specifications shall have been approved by the county engineer of the county affected.

Commissioner to act within.

6. The State Highway Commissioner, within thirty days from the date of the filing of any such application by any county so affected, shall either approve the same or disapprove and return the same with reasons for disapproval after which the application may be resubmitted by the county to

which it has been returned and may be acted upon in the same manner as if originally filed in the amended or corrected form.

Time for filing applications.

7. The State Highway Commissioner shall fix a time within which such applications may be filed with him and within thirty days from the last date for the filing of applications, the State Highway Commissioner shall make and certify his allocation to the said counties.

Payment.

8. The State Highway Commissioner shall thereafter pay to or for the said counties the amounts respectively allocated thereto.

Rules and regulations.

9. The State Highway Commissioner is authorized to promulgate such rules and regulations as he may deem proper for the administration of this act.

10. This act shall take effect immediately.

Approved October 28, 1948.

CHAPTER 464

AN ACT concerning planning, and amending sections 40:55–1, 40:55–7, 40:55–12, 40:55–13, 40:55–14, 40:55–15, and 40:55–19 of the Revised Statutes.

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

Section amended

1. Section 40:55–1 of the Revised Statutes is amended to read as follows:

Terms defined.

40:55–1. Whenever used in this article the following words shall have the meanings hereinafter prescribed:

"Mayor" means the chief executive of the municipality, whatever his official designation may be except that in the case of municipalities governed by municipal council and municipal manager the

term "mayor" shall not mean the "municipal manager" but shall mean the mayor of such municipality.

"Governing body" means the chief legislative body of the municipality. In cities having a board of public works such board shall be considered the "governing body" for the purposes of this article.

"Streets" include streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways.

"Subdivision" means the division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It also includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the lands or territory subdivided.

Section amended.

2. Section 40:55–7 of the Revised Statutes is amended to read as follows:

Improvement, approval of board.

40:55–7. Whenever the planning board shall have adopted the master plan, or any part thereof, no street, square, park or public way, ground or open space, or public building or structure, or major public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality, or in the part thereof shown in the master plan as adopted, until the location, character and extent thereof has been submitted to the planning board for approval. The planning board shall, as soon as conveniently possible, report in writing to the governing body its action thereon, and in the case of disapproval its reasons therefor. The governing body may overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. The failure of the planning board to act on matters referred to it pursuant to this section, within forty-five days from and after the date of official submission of the matter to it, shall be deemed approval.

Same procedure for school boards.

The same procedure and limitations shall apply as prescribed above, when such public improvement is to be constructed or authorized by a school board. The governing body of any such school

board, municipal housing authority, municipal redevelopment agency or similar agency or authority may overrule a disapproval of the planning board by a recorded vote of not less than two-thirds of its entire membership.

Section amended.

3. Section 40:55–12 of the Revised Statutes is amended to read as follows:

Approval of plats.

40:55–12. The governing body may by ordinance authorize and empower the planning board to adopt regulations governing the subdivision of land within its jurisdiction and to approve plats and to determine and fix the minimum sizes of lots and to establish building lines consistent with or in excess of lot sizes and building lines already established by a zoning ordinance. Before action is taken, a hearing after notice shall be given by the planning board to all parties in interest. The planning board may thereupon approve, modify and approve, or disapprove such plat, taking due regard to its conformity with the master plan and with the official map.

Action by board.

The planning board shall take the action required by this section and report its action to the governing body within forty-five days after the submission of the plat to it for approval, or within such further time as may by resolution of the governing body be granted; otherwise such plat shall be deemed to have been approved, and the certificate of the municipal clerk as to the date of the submission of the plat for approval to the planning board and of the failure of the board to report action thereon within forty-five days or such further time as allowed by the governing body, shall be issued on demand of the owner or his agent and shall be sufficient, in lieu of the written indorsement or other evidence of approval herein required. The grounds of disapproval of any plat submitted to the planning board shall be stated upon the records of the board.

Time for filing plat.

The approval by the planning board of a plat showing one or more new streets or roads, or the certificate of the municipal clerk as to the date of

the submission of such plat and the failure of the planning board to take action thereon within the stated time limit for such action, shall expire within ninety days from the date of such approval or such certificate, unless within the ninety-day period such plat shall have been duly filed or recorded by the owner or his agent in the office of the county clerk or register of deeds. In appropriate cases the planning board may extend the time for plat filing over an additional period not to exceed ninety days or may waive in writing the necessity of filing such plat if the same shows no new street or streets. If the owner of any land whereof a plat is submitted to the planning board for approval of a subdivision, or the owner of any land affected by such subdivision, shall be aggrieved by the action of the planning board in either disapproving or approving such plat, such land owner may, within ten days after the decision of the planning board, appeal in writing to the governing body for a review of such decision, and the governing body shall hold a hearing after notice shall be given by it to all parties in interest. At the hearing all interested parties shall be afforded an opportunity to present their views upon the matter. After such hearing the governing body may overrule the decision of the planning board by a recorded vote of not less than two-thirds of its entire membership.

Appeals.

4. Section 40:55–13 of the Revised Statutes is amended to read as follows:

Section amended.

40:55–13. In approving plats, the planning board shall require, among other conditions in the public interest, that the streets and roads shall be of sufficient width and suitable grade and suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access for fire-fighting equipment to buildings and to be co-ordinated so as to compose a convenient system conforming to the official map and properly related to the proposals shown on the master plan; that the land shown on such plats shall be of such character that it can be used

Conditions for approval of plats.

safely for building purposes without danger to health or peril from flood, fire and other menace; and that suitable monuments be placed at such block corners and other necessary points as may be required by the board and the locations thereof be shown on the map of such plat.

Before approving plat maps the planning board may further require, in appropriate cases, that needed parks or playgrounds or other public lands be shown thereon, and, if shown, that such parks or playgrounds be in locations and of sizes suitable to their intended recreational uses.

Section amended.

5. Section 40:55–14 of the Revised Statutes is amended to read as follows:

Improvements that may be required.

40:55–14. Before final approval of plats showing new streets or roads the planning board may require the installation, or satisfactory assurance of subsequent installation of any or all of the following improvements which the planning board may decide to be necessary or appropriate, in accordance with whatever standards may be fixed by the board with the approval of the governing body; street grading and paving, sidewalks, street lighting standards, curbs and gutters, shade trees, water mains, and storm and sanitary sewers. If a plat is approved by the planning board before installation of any or all of the improvements specified by the board to be made, the board may require that a performance bond be furnished by the owner sufficient in amount to cover the full cost of all improvements yet to be made, such cost to be as estimated by the planning board or by another municipal department or agency designated by the board. Such performance bond shall be issued by a bonding or surety company approved by the municipal governing body and shall also be approved by such governing body as to form, sufficiency and execution. Such performance bond shall run for a period to be fixed by the planning board, but in no case for a longer term than three years; *provided, however,* that the term of such performance bond may be extended by the planning board with the

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consent of the owner and surety for an additional period not to exceed three years. In the event that the required improvements have not been installed as provided in this section within the term of such performance bond, then the surety on such performance bond shall be liable thereon to the municipality for the reasonable cost of the improvements not so installed and upon the receipt of the proceeds thereof the municipality shall install such improvements as are covered by such performance bond.

To consider prospective character.

In making such determinations regarding streets, roads, parks and required improvements, the planning board shall take into consideration, among other things, the prospective character of the development, whether residential, business or industrial, and the prospective intensity thereof.

Approval of plat before filing.

No plat of a subdivision of land shall be accepted for filing by the county clerk or register of deeds until it has been approved by the planning board, if it has been empowered to approve such plats, or by the municipal governing body, and such approval be indorsed in writing on the plat in such manner as the planning board or governing body may designate.

Notice by planning board.

A planning board empowered to approve plats shall so notify the county clerk or register of deeds by registered mail and the above requirement upon such county officer shall not become effective until ten days after the date of mailing such notice. It shall be the duty of the county clerk or register of deeds to notify the planning board in writing within three days of the filing or recording of any plat approved by such planning board, identifying such plat by its title, date of filing or recording, and official file number. After such plat is approved and filed, the streets, roads, parks and other grounds for public use shown thereon shall be and become a part of the official map of the municipality. The owner of the land, or his agent who files the plat, may add as a part of the plat a notation, if he so desires, to the effect that no offer of dedica-

tion of streets, roads, parks or other common lands, or any of them, is made to the public.

Deemed a private street until offered for cession to public.

Every street or road shown on a plat that is hereafter filed or recorded in the office of the county clerk or register of deeds, as provided by this section, shall be deemed to be a private street or road until such time as it has been formally offered for cession to the public and formally accepted as a public street or road by resolution of the municipal governing body, or alternatively until it has been condemned by the municipality for use as a public thoroughfare.

Provisions not apply.

In so far as provisions of law other than those contained in this chapter require the approval of a plat, map or plan of land by any officer or body of a municipality as a prerequisite to its acceptance for filing by the county clerk or register of deeds, the provisions of such other laws shall not be in force in so far as they apply to plats, maps or plans of land within the limits of any municipality which has established an official map or master plan under this article.

Section amended.

6. Section 40:55–15 of the Revised Statutes is amended to read as follows:

Penalty for transferring lots in unapproved subdivisions.

40:55–15. Any owner or agent of any owner of any land who transfers or sells any land which forms a part of a subdivision as defiend in this Title, before a plat thereof has been approved by the approving agency, whether the planning board or governing body and duly recorded or filed in the office of the county clerk or register of deeds, shall forfeit and pay a penalty of not less than one hundred dollars ($100.00) for each lot or parcel so transferred or sold, and the description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

The municipality may enjoin the transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction and may recover

the penalty by a civil action in any court of competent jurisdiction; *provided, however,* that the provisions of this section shall not apply in any case in which the planning board shall have waived the filing of a map pursuant to this section. Proviso.

7. Section 40:55–19 of the Revised Statutes is amended to read as follows: Section amended.

40:55–19. Simultaneously with the approval of any plat controlled under sections 40:55–12 and 40:55–13 of this Title the planning board shall by resolution either confirm the zoning regulations of the land so platted as shown on the official zoning maps of the municipality or make recommendations for any reasonable change therein to the governing body. The owner of the land shown on the plat may submit with the plat a proposed building plan indicating lots where group houses for residence or apartment houses or local stores and shops are proposed to be built. The building plan shall indicate for each lot or proposed building unit the maximum density of population that may exist thereon or therein and the maximum height and the minimum yard and court requirements. The plan, if not conformable to the zoning regulations of the land shown on the plat shall not receive final approval of the planning board unless and until the governing body has acted favorably on the recommended zoning changes in the manner prescribed by law. Such building plan shall not be approved by the planning board unless in its judgment the appropriate use of adjoining land is reasonably safeguarded and such plan is consistent with the public welfare. Changes in zoning regulations.

Simultaneously with placing on the official map any proposed new street, or proposed change in an existing street, the planning board shall make recommendations to the governing body for any reasonable amendment to the zoning map or ordinance of the municipality, to provide for proper setback lines and for other restrictions and regulations of buildings and structures according to their construction and the nature and extent of their use

and the use of the land on property to be affected by the street.

8. This act shall take effect immediately.

Approved October 28, 1948.

CHAPTER 465

AN ACT concerning the retirement of certain employees of cities of the first class, and supplementing article two of chapter thirteen of Title 43 of the Revised Statutes.

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

C. 43:13-22.1. May become member of fund upon payment of averages.

1. Notwithstanding the provisions of section 43:1–1 of the Revised Statutes, any employee of a city of the first class as defined in the article to which this is a supplement who at the time of the adoption of this act is ineligible to membership in the pension fund established for employees of said city of the first class by chapter one hundred ninety of the laws of one thousand nine hundred and twenty-seven or article two of chapter thirteen of Title 43 of the Revised Statutes by reason of having accepted employment after reaching the age of forty years and who was at the time of accepting such employment under the age of fifty years, or any person now in the employ of a city of the first class, who was in the employ of said city on, or who has accepted employment by said city since March twenty-eighth, one thousand nine hundred and twenty-seven, who has remained continuously in the employ of said city and who was at the time of accepting such employment eligible to membership in the pension fund established for employees

of said city of the first class by chapter one hundred ninety of the laws of one thousand nine hundred and twenty-seven or article two of chapter thirteen of Title 43 of the Revised Statutes but who declined to join said pension fund, may within two months after this act becomes effective become a member of such pension fund by payment into the fund, in such manner as shall be determined by the pension commission, of all arrears, with interest, as the pension commission shall determine to be due in order to give such employee the same standing as a member of said fund, in the case of employees employed on March twenty-eighth, one thousand nine hundred and twenty-seven, as all other members who joined said pension fund when the law providing for such fund became effective, and in the case of employees accepting employment since that date, as if such employees had joined said fund upon accepting such employment, in which case the maximum rate of interest shall not exceed the average rate of earnings of the investments of said fund and the maximum length of time for the payment of arrears shall be five years from the date of the application to join the fund.

2. This act shall take effect immediately.

Approved October 28, 1948.

CHAPTER 466

AN ACT concerning employees of municipalities employed by local assistance boards, and supplementing subtitle three of Title 11 of the Revised Statutes.

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

C. 11:22-44-4. Employees of local assistance boards, civil service status.

1. The governing body of any municipality which has adopted Title 11 of the Revised Statutes and has established a local assistance board in accordance with "An act to provide for the protection, welfare of and financial assistance to certain needy persons in the State of New Jersey, providing for the administration thereof, and prescribing penalties for the violation thereof," approved June eighteenth, one thousand nine hundred and forty, is hereby authorized to certify to the Civil Service Commission the names of all those employees now employed by said municipality in the performance of duties required to be performed by the provisions of the "General Public Assistance Law," approved May thirteenth, one thousand nine hundred and forty-seven, and who have been employed by said municipality for five years next preceding the effective date of this act and who have been performing similar duties for said municipality under prior statutes.

C. 11:22-44.5. Employees to be classified.

2. When the governing body of any such municipality has certified the names of the aforesaid employees, the Civil Service Commission shall classify the employees so certified in the competitive class of Civil Service without examination, and such employees shall thereafter be subject to all the provisions of Title 11 of the Revised Statutes with respect to tenure, classification and compensation.

3. This act shall take effect immediately.

Approved October 28, 1948.

CHAPTER 467

A SUPPLEMENT to "An act concerning mutual benefit associations, and supplementing chapter forty-five of Title 17 of the Revised Statutes," approved April first, one thousand nine hundred and thirty-eight (P. L. 1938, c. 60).

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

C. 17:45-22. May pay death benefits, amount.

1. Any mutual benefit association incorporated under the laws of this State and to which the provisions of chapter forty-five of Title 17 of the Revised Statutes do not, or shall not, apply pursuant to the provisions of the act to which this act is a supplement, may provide for, and pay, death benefits to five hundred dollars ($500.00) notwithstanding the provisions of the act to which this act is a supplement, or of any other law applicable to any such mutual benefit association.

C. 17:45-23. Requirement as to assets.

2. Every such mutual benefit association shall have, and maintain, assets of a market value, in the opinion of the Commissioner of Banking and Insurance of this State, of not less than three hundred thousand dollars ($300,000.00).

3. This act shall take effect immediately.

Approved October 29, 1948.

CHAPTER 468

AN ACT concerning workmen's compensation, amending sections 34:15–33 and 34:15–34, and supplementing chapter fifteen of Title 34 of the Revised Statutes.

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

Section amended.

1. Section 34:15–33 of the Revised Statutes is amended to read as follows:

Notice to employer of occupational disease.

34:15–33. Unless the employer during the continuance of the employment shall have actual knowledge that the employee has contracted a compensable occupational disease, or unless the employee or someone on his behalf, or some of his dependents, or someone on their behalf, shall give the employer written notice or claim that the employee has contracted a compensable occupational disease, which notice to be effective must be given within a period of five months after the date when the employee shall have ceased to be subject to exposure to the occupational disease, or within ninety days after the employee knew or ought to have known the nature of his disability and its relation to his employment, whichever period is later in duration, no compensation shall be payable on account of the death or disability by occupational disease of the employee.

Deemed notice to insurance carrier.

Under this section, notice to or knowledge on the part of the employer shall be deemed notice to or knowledge, as the case may be, on the part of the insurance carrier; and notice to or knowledge on the part of the insurance carrier shall be deemed notice to or knowledge, as the case may be, on the part of the employer.

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

34:15–34. All claims for compensation for compensable occupational disease shall be barred unless a petition is filed in duplicate with the secretary of the workmen's compensation bureau, at the State House in Trenton, within two years after the date on which the employee ceased to be exposed in the course of employment with the employer to such occupational disease as hereinabove defined, or within one year after the employee knew or ought to have known the nature of his disability and its relation to his employment, whichever period is later in duration. In case an agreement of compensation for compensable occupational disease has been made between such employer and such claimant, then an employee's claim for compensation shall be barred unless a petition for compensation is duly filed with such secretary within two years after the failure of the employer to make payment pursuant to the terms of such agreement; or in case a part of the compensation has been paid by such employer, then within two years after the last payment of compensation. Time for claiming compensation.

Notwithstanding any provision of this section hereinabove set forth, all claims for compensation for compensable occupational disease hereunder shall be forever barred unless a petition is filed in duplicate with the secretary of the workmen's compensation bureau in Trenton, within five years after the date on which the employee ceased to be exposed in the course of employment with the employer to such occupational disease; *provided, however,* that in the event of death of an employee who has been paid compensation on account of a compensable occupational disease, a petition on behalf of dependents, as defined in section 34:15–13g of the Revised Statutes, shall be timely if filed within two years after the date of last payment to the employee notwithstanding such period of two years or any part thereof extends beyond the five-year period hereinabove set forth. Claims barred. Proviso

Deemed as payment.

A payment or agreement to pay by the insurance carrier shall, for the purpose of this section, be deemed a payment or agreement by the employer.

C. 34:15-33.1. Application of act.

3. Nothing in this act shall apply with respect to cases of total disability or death as the result of silicosis or asbestosis, the same being provided for in "An act establishing an elective system of compensation for the occupational diseases known as silicosis and asbestosis, and regulating procedure for the determination of liability and compensation thereunder, and supplementing chapter fifteen of Title 34 of the Revised Statutes," approved April tenth, one thousand nine hundred and forty-four (P. L. 1944, c. 88).

C. 34:15-33.2. Act effective.

4. This act shall take effect on January first, one thousand nine hundred and forty-nine.

Approved October 29, 1948.

CHAPTER 469

AN ACT to supplement "Temporary Disability Benefits Law" approved June first, one thousand nine hundred and forty-eight (P. L. 1948, c. 110).

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

C. 43:21-29.1. Benefits not to be denied.

1. Notwithstanding any other provision of the act of which this act is a supplement, benefits shall not be denied to an otherwise eligible individual, for any period during which such person is under the care of a legally licensed dentist, who, when requested by the commission, shall certify within the scope of his practice, the disability of the claimant, the probable duration thereof, and the medical facts within his knowledge.

2. This act shall take effect immediately.

Approved October 29, 1948.

CHAPTER 470

AN ACT to amend the title of "An act concerning education, providing tenure of service for superintendents of schools in all school districts in counties of the first class, and supplementing section 18:13–16 of the Revised Statutes," approved May thirty-first, one thousand nine hundred and thirty-eight (P. L. 1938, c. 288), so that the same shall read "An act concerning education, providing tenure of service for superintendents and assistant superintendents of schools in all school districts, and supplementing chapter thirteen of Title 18 of the Revised Statutes," and to amend the body of said act.

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

1. The title of "An act concerning education, providing tenure of service for superintendents of schools in all school districts in counties of the first class, and supplementing section 18:13–16 of the Revised Statutes," approved May thirty-first, one thousand nine hundred and thirty-eight, is amended to read "An act concerning education, providing tenure of service for superintendents and assistant superintendents of schools in all school districts, and supplementing chapter thirteen of Title 18 of the Revised Statutes." Title amended. New title.

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

1. In all school districts superintendents and assistant superintendents of public schools shall during good behavior and efficiency, after the expiration of a period of employment of three calendar years, or after employment for three consecutive academic years together with employment at the beginning of the next succeeding academic year, have C. 18:13-16.1. To have tenure of service.

and enjoy tenure of service and shall not be removed therefrom except for cause, after hearing, and upon due notice. The time any superintendent or assistant superintendent has served in the district in which he or she is employed at the time this act becomes effective shall be counted in determining such period of employment.

Determining time served.

3. This act shall take effect immediately.

Approved October 29, 1948.

CHAPTER 471

AN ACT to amend "An act providing for the retirement on pension of certain township clerks," approved June eighteenth, one thousand nine hundred and forty-seven (P. L. 1947, c. 285).

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

Section amended.

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

C. 43:12-57.5. Pension authorized.

1. The governing body of any township may retire on pension any person who has served continuously as clerk of the township for twenty-five years, and has attained the age of seventy years, in such amount, not exceeding two thousand five hundred dollars ($2,500.00) per annum, as shall be determined by said governing body, and provide for the payment of such pension.

2. This act shall take effect immediately.

Approved October 29, 1948.

CHAPTER 472

AN ACT to amend "An act making uniform regulations on net fishing in certain waters within the jurisdiction of this State, and providing for the licensing of same, and repealing sections 23:9–59 to 23:9–93, inclusive, 23:9–99, 23:9–101 to 23:9–107, inclusive, and 23:9–113 of the Revised Statutes," approved June fourteenth, one thousand nine hundred and forty-one (P. L. 1941, c. 211), as said title was amended by chapter two hundred ninety-four of the laws of one thousand nine hundred and forty-two.

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

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

2. A person intending to take fish with a net in the waters aforesaid shall, except as hereinafter provided, apply to the Board of Fish and Game Commissioners for a license therefor, and the board upon receipt of the application and the fee hereinafter prescribed may in its discretion issue licenses for the taking of fish with nets as follows: C. 23:5-24.1. License for net fishing, fees.

(a) Haul seines, not less than three inches stretched mesh while being fished, and not to exceed seventy fathoms in length, whether singly or attached, for all species excepting striped bass, November first to April thirtieth. Fee fifteen dollars ($15.00). Haul seines.

(b) Fykes, with leaders, shall not exceed thirty fathoms in length, and no part of net or leaders to be less than two and one-half inches stretched mesh while being fished, for all species excepting striped bass. November first to April thirtieth. Fee five dollars ($5.00). Fykes.

Special fykes. (c) Special fyke for flounder only, the length of the net not to exceed thirty fathoms and the mesh of which shall not be less than four inches stretched mesh. October first to April thirtieth. Fee two dollars ($2.00).

Miniature fykes. (d) Miniature fykes or pots for the taking of catfish, suckers and eels, the same not to exceed sixteen inches in diameter. March fifteenth to December fifteenth. Fee twenty-five cents ($0.25).

Drifting gill nets. (e) Drifting gill nets, run around or stab nets, the smallest mesh of which shall be two and three-quarters inches while being fished, and the length of which net shall not exceed two hundred fathoms, for all species excepting striped bass. March fifteenth to December fifteenth. Fee ten dollars ($10.00). These nets shall be used in the Atlantic ocean only.

Gill nets. (f) Gill nets, staked at one or both ends, the smallest mesh of which shall be three inches stretched mesh and shall not exceed thirty fathoms in length. November first to April thirtieth, for all species excepting striped bass. Fee two dollars ($2.00).

Shad nets. (g) Shad nets, either staked or anchored, the smallest mesh of which shall be five inches while being fished, and shall not exceed fifty fathoms in length, for all species excepting striped bass. March first to June fifteenth. Fee two dollars ($2.00). These nets shall be used in the Atlantic ocean only.

Bait seines over 50 feet. (h) Bait seines, over fifty feet long and not exceeding one hundred fifty feet. Fee one dollar ($1.00).

Bait seines under 50 feet. (i) Bait seines, not more than fifty feet long, may be used without application for or granting of a license.

2. This act shall take effect immediately.

Approved October 29, 1948.

JOINT RESOLUTIONS

(1921)

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION creating a commission to study the forms of municipal government in New Jersey, prescribing its powers and duties and making an appropriation therefor.

WHEREAS, A major part of the tasks of government under the Constitution and laws of this State which most directly and intimately affect the lives of the people are performed by or with the co-operation of the municipalities; and Preamble.

WHEREAS, It is generally recognized that responsible and effective municipal governments are vital to the strength of our whole democratic system of self-government in State and nation; and Preamble.

WHEREAS, The new Constitution of New Jersey calls for a liberal construction and extension of the right of the people to local self-government; and Preamble.

WHEREAS, There is a widespread belief that the laws of the State do not permit our communities to avail themselves of the most efficient and economical forms of local government; and Preamble.

WHEREAS, The recent Constitutional Convention set an outstanding example of intelligent, high-minded and non-partisan effort to improve the structure of State Government, and in the same spirit it is desirable that the structure and form of municipal government be carefully studied, Preamble.

that a report be made thereon, and that considered recommendations for improvement be formulated; therefore

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

Commission created.

1. There is hereby created a commission of nine members to be appointed as follows:

Members.

Two members to be appointed by the President of the Senate;

Two members to be appointed by the Speaker of the House of Assembly; and

Five members to be appointed by the Governor, who shall also designate the chairman.

Appointments.

2. Within fifteen days after the effective date of this joint resolution the President of the Senate, the Speaker of the House of Assembly and the Governor shall make their respective appointments under this joint resolution. These appointments shall be made without regard to partisan affiliation and they shall be made as to constitute a commission composed of persons qualified to inquire into and to form sound, unbiased judgments concerning the effectiveness of existing forms of local government in this State and their possible improvement.

No compensation.

3. All members of the commission shall serve without compensation but they shall be entitled to be reimbursed for their necessary expenses incurred in the performance of their duties.

Duty.

4. The commission shall be charged with the duty of inquiring into the structure of local government in this State, of examining the laws governing the various forms and essential procedures of municipal government presently in operation or available and the terms and conditions on which each such form may be adopted by the people of any community, to investigate and evaluate the actual operation of each of the several forms now in use and to obtain information concerning approved forms and practices of local government in other States, all with the view to suggesting in what respects the laws of New Jersey might be changed

to provide the fullest opportunity for local self-government consistent with the interests of the State as a whole.

Hearings. 5. The commission is authorized to hold hearings in different parts of the State, call witnesses and obtain necessary legal, clerical and other assistance from such State and municipal departments as may be required. It shall also have authority to engage such competent and expert advisors, investigators and secretarial, clerical and stenographic assistants as it may deem necessary to the accomplishment of the purpose of this joint resolution; *provided,* that the compensation to be paid such assistance shall at all times be within the limits of the appropriation hereby made.

Proviso.

Reports. 6. The commission may publish tentative reports of recommendations and hold public hearings thereon.

Report and recommendations. 7. The commission is directed to have printed a report or reports containing its recommendations and the reasons therefor and to draft or to have drafted bills for introduction in the Legislature to carry out its recommendations. It shall report its findings and recommendations to the regular session of the Legislature in January, one thousand nine hundred and forty-nine, and to the Governor on or before January first, one thousand nine hundred and forty-nine.

Appropriation. 8. For the purpose of carrying into effect this joint resolution there is hereby appropriated the sum of twenty-five thousand dollars ($25,000.00) or so much thereof as may be necessary.

9. This joint resolution shall take effect immediately.

Approved February 18, 1948.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION to declare the month of April as "Cancer Control Month" and for a proclamation thereof by the Governor.

Preamble. WHEREAS, The American Cancer Society, in its fight against a disease that is taking one hundred eighty thousand lives annually, is carrying out a co-ordinated program of research, service and education in which great progress has been made during the last year; and

Preamble. WHEREAS, This program was made possible through the contributions of the people of the United States, responding willingly to the appeal for help to combat cancer; and

Preamble. WHEREAS, The American Cancer Society, its State divisions and county chapters, are telling millions of people the facts of cancer through a broad educational program; and

Preamble. WHEREAS, Lives are being saved through this education program which emphasizes that many cases of cancer can be saved if detected in time; and

Preamble. WHEREAS, The society and its divisions and chapters is conducting a comprehensive program of service to the cancer patients, providing facilities in hospital cancer clinics, bedside nursing care, transportation and surgical dressings for patients, as well as increased diagnostic facilities for the general public; and

Preamble. WHEREAS, The Society's research program, guided by the National Research Council, has co-ordinated nation-wide research seeking the causes and cure of cancer, providing grants and fellow-

ships totaling over three million dollars ($3,000,000.00); and

WHEREAS, A large percentage of the funds contributed in this State will be expended to improve services in the cancer diagnostic and treatment clinics of established general hospitals within this State, and for direct service to cancer patients and residents of this State; therefore Preamble.

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

1. The month of April is declared to be "Cancer Control Month" in the State of New Jersey, and the citizens thereof are urged to give their support to the American Cancer Society and its cancer control program. Cancer control month.

2. That the Governor by an appropriate proclamation so proclaim the said month of April as "Cancer Control Month" in this State.

3. This joint resolution shall take effect immediately.

Approved March 29, 1948.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION creating a commission for the purpose of surveying conditions existing in the several voluntary charitable hospitals in the State and to make recommendations to relieve overcrowding and to provide additional sources of revenue for operating costs.

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

1. There is hereby created a commission of five members to be appointed as follows: One member shall be the representative of the Department of Commission created, members.

Institutions and Agencies, one shall represent the Department of Economic Development, one shall represent the League of Municipalities, one shall represent the voluntary hospitals and the remaining member shall represent the Legislature. All of the members shall be appointed by the Governor and shall serve without compensation but shall be reimbursed for their actual traveling expenses.

Appointment.

To make survey of voluntary charitable hospitals.

2. The commission shall cause a survey to be made of all voluntary charitable hospitals throughout the State to determine what steps can be taken to relieve existing overcrowding and to furnish additional revenue for operating costs to relieve the burden now being carried by the voluntary charitable hospitals.

Chairman.

3. The Governor shall designate one member to act act as chairman who shall call such meetings from time to time as shall be necessary to accomplish the objectives of the survey.

Report.

4. After completion of the survey, the commission shall render a report in writing to the Governor and to the Legislature and shall embody therein such recommendations as the facts and circumstances of the survey warrant to relieve overcrowding and to provide sources of additional revenue for operating costs and such other recommendations as shall be indicated by the survey.

5. This resolution shall take effect immediately.

Approved April 5, 1948.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION creating a temporary Committee on Housing and prescribing its powers and duties.

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

Temporary commission, members.

1. There is hereby created a temporary Committee on Housing which shall consist of twelve members: two representative of labor in the home construction field; two representative of industry in the home construction field; two with experience in the management and sale of real estate; two with experience in the field of finance; two with executive experience in government; and two from among the public at large.

Appointment, duties.

The members of the committee shall be appointed by the Governor, and shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties. The Governor shall designate one of the members of the committee to be chairman thereof. Any vacancy occurring in the membership of the committee shall be filled by the Governor in the same manner as the original appointment.

Services and assistants.

2. The committee is authorized to avail itself of the staff services of the public housing and development authority and Division of Planning and Engineering in the State Department of Economic Development. It may requisition any necessary legal, clerical and other assistance from such State departments and agencies as may be required.

To investigate housing.

3. The committee is charged with the duty of investigating current methods and practices affecting the home building industry in this State, with a view toward developing a program whereby such methods and practices as retard full housing production may be speedily eliminated. To this end,

the committee shall confer with, and seek the advice of, representatives of business, labor and government, Federal, State and local.

To review building codes.

4. The committee shall review the several municipal building codes with a view to recommending a program, and such legislative action as may be necessary, to remove unnecessary and archaic restraints upon home building. It shall also recommend a program for municipal action designed to further this end.

To review State legislation.

5. The committee shall review existing State legislation designed to provide government encouragement of private enterprise to engage in the clearance, replanning, development or redevelopment of blighted areas in the State, in the light of the provisions of paragraph one, of Section III of Article VIII of the new State Constitution; and shall recommend such additional legislation as may be necessary to strengthen such existing laws.

Hearings.

6. The committee is authorized to hold hearings, call witnesses, and make such a record of the proceedings as it shall deem appropriate.

Report.

7. The committee shall complete its work as soon as practicable and shall embody its findings and recommendations, with such proposed legislation as it deems necessary, in a report to the Legislature and to the Governor.

8. This joint resolution shall take effect immediately.

Approved May 7, 1948.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION continuing the commission to study the methods, practices and procedures of the Legislature and investigate the advisability and practicability of the establishment of an agency of the Legislature to consider and report to the Legislature upon legislative problems and proposals arising or made during the sessions or recesses of the Legislature, created pursuant to Joint Resolution No. 10 of the one hundred seventy-first Legislature.

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

Commission continued.

1. The commission to study the methods, practices and procedures of the Legislature and investigate the advisability and practicability of the establishment of an agency of the Legislature to consider and report to the Legislature upon legislative problems and proposals arising or made during the sessions or recesses of the Legislature, created pursuant to Joint Resolution No. 10 of the one hundred seventy-first Legislature, together with its functions, powers and duties, except as otherwise herein expressly provided in section three hereof, is hereby continued.

Members.

2. The commission shall consist of six members, three to be appointed from the membership of the Senate by the President thereof and three to be appointed from the membership of the General Assembly by the Speaker thereof, who shall serve without compensation. Any vacancy arising in the membership of the commission from any cause shall be filled in the same manner as the original appointment.

Report

3. The commission shall meet and consider such proposals in connection with its studies as it deems advisable and shall confer with the Governor

thereon, during the present legislative year, and shall, as soon as practicable, submit its report to the Legislature, which report shall include its findings and such recommendations for legislation as it deems necessary or advisable.

4. This joint resolution shall take effect immediately.

Approved May 7, 1948.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION to create a commission to study codification of the common law and statute law of crimes, in accordance with a memorial adopted by the Constitutional Convention of 1947.

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

Commission established.

1. A Commission on Codification of the Criminal Law is hereby established. The commission shall consist of seven members to be appointed as follows: one member of the Senate to be appointed by the President thereof; one member of the Assembly to be appointed by the Speaker thereof; and five persons to be appointed by the Governor, one of whom he shall designate as chairman. In his appointments, the Governor shall so far as possible appoint persons qualified by training and experience for the work of the commission.

No salary.

2. All members of the commission shall serve without compensation, for an indefinite term, until the commission has completed its study and made its report as hereinafter provided. Vacancies in the membership of the commission shall be filled in the same manner as original appointment.

Vacancies.

Duties.

3. The commission shall, in accordance with a memorial adopted by the Constitutional Convention of 1947, on August twenty-eighth, one thousand nine hundred and forty-seven, consider the

common law and statute law of crimes of this State, consider the desirability or necessity of codifying such law, and report the results of its study and recommendations to the present or a succeeding session of the Legislature and to the Governor.

4. The commission may hold public hearings at such times and places as it shall designate, may call upon any department or officer of the State Government for such assistance and advice as it may require, and such departments and officers are authorized and directed to render such assistance and advice within the limits of available facilities. Hearings.

5. This joint resolution shall take effect immediately.

Approved May 7, 1948.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION memorializing the Congress of the United States to adopt legislation which will retain unto the States control over service, operations and rates of any railroad which has been reorganized under the Bankruptcy Act.

WHEREAS, The Central Railroad Company of New Jersey is in bankruptcy; and Preamble.

WHEREAS, Certain bondholder groups of said railroad have filed a plan of reorganization included in which is Article III which provides that the charter of the New Jersey Company shall be amended or deemed to be amended and its franchises and statutory obligations shall be amended or superseded so that under certain conditions the said railroad would be under no obligation to operate suburban passenger service; and Preamble.

WHEREAS, The curtailment or discontinuance of suburban passenger service on said railroad would work a severe handicap upon the munici- Preamble.

palities thereby affected and such curtailment or discontinuance would be adverse to the public interest and would further be a breach of the intended obligations of said railroad when it received its charter from the State of New Jersey; therefore

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

Congress urged to amend bankruptcy act.

1. The Congress of the United States is urged to adopt legislation amending the Bankruptcy Act to the extent that upon the approval of a plan of reorganization of any railroad under said Bankruptcy Act such approval shall not effect the existing authority of any State or State regulatory agency relating to service, operations or rates.

Notifications.

2. The Secretary of State is directed to transmit, immediately following the passage of this resolution, a copy thereof properly authenticated to the Secretary of the Senate of the United States, the Clerk of the House of Representatives and to each member of the Senate and House of Representatives from the State of New Jersey.

3. This joint resolution shall take effect immediately.

Approved May 7, 1948.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION constituting a legislative committee to study and report on the subject of lobbying in accordance with a memorial adopted by the Constitutional Convention of one thousand nine hundred and forty-seven.

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

Joint committee on lobbying.

1. A joint committee on lobbying is hereby established. The committee shall consist of three mem-

bers of each House of the Legislature to be appointed by the respective presiding officers.

2. It shall be the duty of the committee to study the subject of lobbying and report to the next session of the Legislature on the nature and extent of lobbying as an influence on the legislative process, and also on such measures to regulate and control lobbying, if necessary, as it may deem advisable. The committee shall in particular conduct its studies and make its report with reference to the memorial on lobbying directed to this Legislature by the Constitutional Convention of one thousand nine hundred and forty-seven. Duty.

3. The committee shall conduct hearings, review the experience, methods and processes with respect to lobbying in other States and in the Federal Government, and recommend such legislation or rules for adoption by the Legislature as it may deem necessary and desirable. It shall have power to call upon any department, office or agency of the State Government for such assistance as it may require. It shall co-operate with the commission to study methods, practices and procedure of the Legislature, as constituted by Joint Resolution No. 10 of the laws of one thousand nine hundred and forty-seven, and continued under Senate Joint Resolution No. 3 of this Legislature. Hearings.

4. This joint resolution shall take effect immediately.

Approved June 12, 1948.

JOINT RESOLUTION No. 9

A JOINT RESOLUTION creating a commission to investigate and study the subject of the protection and preservation of the beaches and shore front of the State from erosion and other damage from the elements.

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

Commission created.

1. There is hereby created a commission to investigate and study the subject of the protection and preservation of the beaches and shore front of the State from erosion and other damage from the elements.

To consider ways and means of protecting beaches.

2. In connection with such study the commission shall consider ways and means to protect and preserve the beaches and shore front of the State by the erection and construction of sea walls, bulkheads, jetties, basins and other devices, and the question of dredging and other methods to be employed for said purposes.

The said commission shall also take into consideration the advisability of repairing existing sea walls, bulkheads, jetties and other similar devices.

Members, appointment.

3. The said commission shall consist of nine members, three of whom shall be members of the Senate, to be appointed by the President of the Senate; three of whom shall be members of the General Assembly, to be appointed by the Speaker thereof; and three of whom shall be members at large to be appointed by the Governor.

Organization.

4. The members of the commission shall choose one of their number to be chairman, and the several State departments and agencies shall render assistance to the commission in making its study when called upon to do so by the commission.

Hearings and recommendations.

5. The commission may hold hearings in any part of the State and upon the completion of its study shall embody its findings and recommenda-

tions, including planning and other proposals, in a report to the Legislature and to the Governor.

6. This joint resolution shall take effect immediately.

Approved July 16, 1948.

JOINT RESOLUTION No. 10

A JOINT RESOLUTION memorializing the Congress of the United States to proceed with all possible dispatch to the preparation and adoption of necessary legislation designed to encourage and make adequately effectual a comprehensive program of merchant-shipbuilding in this country's shipyards and of expanding our merchant marine.

WHEREAS, Through the sale of our tankers and cargo carriers abroad, the export of our steel, and the failure to grant authority for the construction of needed merchant tonnage at home, our merchant marine and our shipbuilding activities have suffered drastic decline; and Preamble.

WHEREAS, While our position in world shipping has thus deteriorated, other nations have achieved new highs in ship construction; and Preamble.

WHEREAS, We have learned that we must depend upon our own resources of ships and shipbuilding for our national defense and security; and Preamble.

WHEREAS, The present world situation requires that the United States stand fully prepared against any emergency; therefore, Preamble.

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

Congress urged to expand merchant marine.

1. That the Congress of the United States be and is hereby urged to proceed with all possible dispatch to the preparation and adoption of necessary legislation designed to encourage and make adequately effectual a comprehensive program of merchant-shipbuilding in this country's shipyards and of expanding our merchant marine.

Secretary of State to notify.

2. That the Secretary of State be and is hereby directed to transmit immediately following the passage of this joint resolution a copy thereof, properly authenticated, to the President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Representatives of the State of New Jersey in the Congress, and the Maritime Commission.

3. This joint resolution shall take effect immediately.

Approved July 16, 1948.

JOINT RESOLUTION No. 11

A JOINT RESOLUTION reconstituting and continuing the commission created by Joint Resolution No. 7 of the year one thousand nine hundred and forty-six to study the matter of providing a cash bonus or other appropriated means of further recognition of the services of the residents of the State who served as soldiers, sailors and marines during World War II.

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

1. The commission created by Joint Resolution No. 7 of the year one thousand nine hundred and

forty-six to study the matter of providing a cash bonus or other appropriate means of further recognition of the services of the residents of the State who served as soldiers, sailors and marines during World War II is hereby reconstituted and continued for said purposes.

2. The said commission shall report the result of its study with its recommendations to the Legislature as soon as its study is completed and its recommendations are formulated.

3. There is hereby appropriated the sum of six thousand dollars ($6,000.00), or so much thereof as may be necessary to provide for the expenses of the commission, including the compensation of its employees, which may be incurred in carrying out the provisions of this resolution.

4. This joint resolution shall take effect immediately.

Approved August 9, 1948.

JOINT RESOLUTION No. 12

A JOINT RESOLUTION creating a commission consisting of nine members for the purpose of studying the cost of maintaining the State Government and the possibility of reducing such cost and eliminating nonessential services in order to bring about a balanced budget without increasing the tax burden, and formulating a report of such study.

WHEREAS, It is essential to our system of State Government that the cost thereof be kept within its revenues without the necessity of continually creating and imposing new and additional taxes; and

WHEREAS, There is a possibility of reducing the cost of State Government by effecting economies and eliminating nonessential services; and

WHEREAS, From time to time certain complaints have been made to the Legislature and its members in respect to the continuance of alleged governmental extravagances and nonessential services, and it has become advisable to afford the persons so complaining an opportunity to present and be more specific as to such complaints and to make constructive suggestions; and

WHEREAS, It appears that accurate information in respect to the said possibility of effecting economies and eliminating nonessential services is not readily available in any State department or agency; therefore,

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

1. There is hereby created a commission which shall consist of nine members to be appointed as follows:

Three members of the Senate to be appointed by the President thereof;

Three members of the Assembly to be appointed by the Speaker thereof, and

Three members to be appointed by the Governor. The members shall serve without compensation.

2. The commission shall organize as soon as may be after the members' appointment upon call of the Governor and shall elect a chairman, vice-chairman and secretary from among its members.

3. The commission shall be charged with the duty of studying the cost of maintaining the State Government and the possibility of reducing such cost by effecting economies and eliminating nonessential services in order to bring about a balanced budget without increasing the tax burden.

4. The said commission is authorized to hold hearings, call witnesses and to draft necessary legal and clerical assistance from the offices of the Law Department and other State departments as may be required.

5. The commission is directed to formulate a report which shall include such recommendations, if any, as the commission shall make with respect to any proposed legislation relative to the subject-matter of its study and investigation. The report of the commission shall be made to any regular or special session of the present Legislature in the year one thousand nine hundred and forty-eight or the year one thousand nine hundred and forty-nine. The commission shall submit a copy of its report to the Governor.

6. This resolution shall take effect immediately.

Approved August 12, 1948.

JOINT RESOLUTION No. 13

A JOINT RESOLUTION establishing a Blue Star Memorial Highway Council and prescribing its functions and duties.

Preamble. WHEREAS, The New Jersey Legislature by joint resolution provided for the designation of certain sections of State Highway Routes twenty-eight and twenty-nine as the Blue Star Memorial Highway; and

Preamble. WHEREAS, The State Highway Department, in co-operation with the Garden Club of New Jersey, has landscaped and planted and is maintaining upwards of eight thousand flowering dogwood and evergreen trees as a part of such Living Memorial; and

Preamble.

WHEREAS, A living memorial was thereupon established as a tribute to the men and women of New Jersey who served in the armed forces of World War II; now, therefore,

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

Blue State memorial council, members.

1. There is hereby established in the State Highway Department a Blue Star Memorial Highway Council which shall consist of seven members, each of whom shall be appointed by the Governor. One of such members shall be designated by the Governor from the officers and employees of the State Highway Department, one from among the officers and employees of the Department of Conservation and Economic Development; and one from among the officers and employees of the State Department of Health; each to serve at the pleasure of the Governor. The remaining four members of the council shall be persons recommended to the Governor for appointment to the council by the Garden Club of New Jersey, each of whom shall serve for a period of four years, and until his or her successor is appointed and has qualified, and each of whom shall be eligible for reappointment to membership in the council.

To plan ornamental and incidental facilities.

2. The Blue Star Memorial Highway Council shall plan for and advise concerning the development of the landscaping, arborial ornamentation, and incidental facilities of the Blue Star Memorial Highway.

3. This joint resolution shall take effect immediately.

Approved October 6, 1948.

PROCLAMATIONS

(1943)

Proclamations by the Governor

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Congress of the United States has designated September 17th as Constitution Day; and

WHEREAS, The principles of a federal union of sovereign states, dedicated to the security and freedom of all citizens, have made America a haven of democracy; and

WHEREAS, The people of the State of New Jersey are at this moment engaged in a task of Constitution-making through their representatives in convention assembled, and are therefore especially aware of the timeless truths and enduring foundations of our Federal Constitution; and

WHEREAS, The strength, vitality, and very survival of our frame of government are dependent upon an alert, purposeful and informed citizenry;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

SEPTEMBER 17, 1947,

as

CONSTITUTION DAY,

and I request all citizens, schools, public agencies, churches, and community organizations to join in

the appropriate observance of this Day. I further urge every citizen personally to cultivate in his home the spirit of our forefathers, love of country, pride in our institutions of political and economic freedom and personal security. Let us pass on to the citizens of the future a determination to protect and develop the ideals of democracy which they enjoy only as a result of the sacrifices of Americans who have fought and died in the past.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-eighth day of August, in the year of Our Lord one thousand nine hundred and forty-seven, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, It has long been an ideal of American States to organize, recruit and develop an armed and trained citizenry for service in the event of domestic disturbance or national emergency; and

WHEREAS, The National Guard, a component of the armed forces of the United States, has always been a bulwark of security to our State and Nation, in times of war and disaster; and

WHEREAS, The National Guard has undertaken a recruitment campaign for 3,000 enlistments, for which the President of the United States has requested the co-operation of citizens and agencies of government; and

WHEREAS, September 16, 1947 marks the Seventh Anniversary of the entrance of the National Guard of this State into the Nation's service during the emergency preceding World War II;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, hereby proclaim

SEPTEMBER 16, 1947,

as

NATIONAL GUARD DAY,

in honor of the services and sacrifices of guardsmen of this State. I call upon all citizens to aid and support the National Guard, particularly on that Day, to achieve its quota in the current enlistment campaign. I further direct the heads of State departments and of local governments to order the National Colors displayed on all public buildings on that Day.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this eleventh day of September, in the year of Our Lord one thousand nine hundred and forty-seven, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The United Nations can develop into a vital instrument of world peace and security only if it is understood and supported by the people at large; and

WHEREAS, Adequate support for the United Nations requires a fully informed citizenry aware of the organization's accomplishments, problems and procedures in resolving fundamental issues among nations; and

WHEREAS, It is appropriate and necessary that the governments of the respective States of this nation give every possible support and encouragement to the National Government in its efforts to meet our international commitments and to assure our national security;

NOW, THEREFORE, I. ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim the week of

SEPTEMBER 14th through SEPTEMBER 20th,

as

UNITED NATIONS WEEK,

and urge the people of this State to devote this week in particular to a better understanding of the United Nations and to the acceptance of their individual responsibilities of citizenship in the world order.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this fifteenth day of September, in the year of Our Lord one thousand nine hundred

and forty-seven, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Public Law 383 signed by the President May 16, 1946, provides for the return to their homeland of World War II dead when requested by their next of kin; and

WHEREAS, The Secretary of the Army has announced that the first arrival of World War II dead will be at San Francisco, California, from the Pacific Theatre on October 10, 1947, and at New York City, from the European Theatre on October 26, 1947; and

WHEREAS, Appropriate military ceremony will be held in these two cities and at military installations throughout the Nation in connection with their arrival,

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, hereby proclaim October 10, 1947, and October 26, 1947, as days of solemn observance of the return of our hallowed dead from the battlefields of World War II, in grateful remembrance of their supreme sacrifice in the defense of the liberties of this nation. I do

further direct that the National Flag be displayed at half-staff on those days at the State Capitol and on all public buildings throughout the State.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this ninth day of October, in the year of Our Lord one thousand nine hundred and forty-seven, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Our Nation has assumed international commitments involving peace and security throughout the world; and

WHEREAS, Our efforts to achieve a world order in which justice and the rule of law shall prevail must be supported in every possible way; and

WHEREAS, A Nation which is known throughout the world to be alert, prepared and respected for the strength of its arms as well as for its humanity can most effectively exert its influence to maintain a just and lasting peace; and

WHEREAS, The United States Navy has always played a major role in the progress, security and

influence of our Nation and stands as a bulwark to safeguard the great principles and ideals of government which we cherish; and

WHEREAS, The Navy League of the United States, in co-operation with the Navy Council and other patriotic groups and associations, is sponsoring the annual observance of Navy Day, on the birthday of President Theodore Roosevelt, who devoted the powers of his office to the support of a sound naval program and the development of a powerful and modern Navy,

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

MONDAY, OCTOBER 27, 1947,

as

NAVY DAY,

and I call upon all our citizens to display the national flag, to participate wholeheartedly in the true spirit of patriotism, in the exercises and functions arranged for the proper observance of this day.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-fourth day of October, in the year of Our Lord one thousand nine hundred and forty-seven, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The United States Marine Corps on November 10th will mark its 172d Anniversary; and

WHEREAS, During its entire history the Marine Corps has been a stout bulwark in America's defense, both in peace and in war; and

WHEREAS, It has established a record of heroic achievements in the finest tradition of American Arms; and

WHEREAS, Now, in the troubled aftermath of World War II, it is essential, for the protection of our Country, that the United States Marine Corps be supported by a strong citizen Marine Corps Reserve;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

MONDAY, NOVEMBER 10, 1947,

as

UNITED STATES MARINE CORPS DAY.

I call upon all our citizens to accord the fullest measure of recognition to this day by saluting the accomplishments of our Marines, and I do further call upon them to display the flag of our country from all public and private buildings on that day.

In further commemoration of this Anniversary I request that all places of worship remember in prayer those Marines who down through the years have made the supreme sacrifice in their devotion to our country. And I ask all citizens on that day

to rededicate themselves to the patriotic ideals of the United States Marine Corps, as evidenced by the "Semper Fidelis" motto of the Marine Corps—"Always Faithful."

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this seventh day of November in the year of Our Lord one thousand nine hundred and forty-seven, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Tuesday, November 11 will be nationally observed as Armistice Day; and

WHEREAS, The recent return of the first of our war dead to a last resting place upon their native soil makes the observance of Armistice Day this year of particular significance; and

WHEREAS, In peace and in war, we dedicate ourselves to securing the blessings of faith, brotherhood and peace among men;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

TUESDAY, NOVEMBER 11TH,

as

ARMISTICE DAY

within this State. I urge the people of New Jersey to pause in their day's occupation on that day and to give prayer in memoriam for the legions of those who have fought and died in wars so that the foundations of government and the values which we cherish may be preserved. As our war dead continue to come to rest in their homeland, let us devote ourselves to the cause of protecting the liberties and human dignity for which they have died and of securing a just and lasting peace so that their sacrifices will not have been in vain. Let us take renewed faith in the willingness and ability of men to follow divine guidance in establishing peace on earth.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this tenth day of November, in the year of Our Lord one thousand nine hundred and forty-seven, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Thanksgiving Day, November 27, will this year occur during a period marked by suffering, starvation and tension in many areas throughout the world; and

WHEREAS, Our State and Nation have been blessed with a relative abundance of the necessities of life; and

WHEREAS, Temporary shortages, production difficulties and the high cost of living have not prevented our Nation from achieving the greatest employment at productive work in its history and the lowest number of unemployed in any peacetime year; and

WHEREAS, Fellow human beings in many lands are desperately in need of help with which to help themselves, of food and the necessities of life with which to attain the strength to build for themselves, of the moral courage and inspiration that comes with the knowledge of human friendship;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim the season of Thanksgiving Day through Christmas Day

NOVEMBER 27 through DECEMBER 25, 1947,

as

OVERSEAS GIVING MONTH,

and I urgently request each of the people of New Jersey to use that month personally to "give thanks by giving."

I would direct the attention of the people of this State to the special effort which is being made by organized Catholic, Protestant and Jewish Charities, by the Society of Friends, and by numerous other cultural, religious and charitable groups, to provide facilities for the distribution of food, clothing and other necessities speedily and efficiently among the starving peoples of Europe and Asia. I would appeal most urgently for the greatest possible support of these agencies and for the dedication of our traditional American spirit of generosity, especially during the Thanksgiving season, to the alleviation of human misery and suffering, to the building of new lives, to the reconstruction and rehabilitation of whole peoples, to the end that the spirit of Thanksgiving may ultimately prevail everywhere.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-fourth day of November, in the year of Our Lord one thousand nine hundred and forty-seven, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, On the tenth day of September, A. D. one thousand nine hundred and forty-seven, an original and two true copies of the new State Constitution, prepared and agreed upon by the delegates of the people of New Jersey, in convention, begun at Rutgers University, the State University of New Jersey, in New Brunswick, on the twelfth day of June, and continued until the twelfth day of September, in the year of Our Lord one thousand nine hundred and forty-seven, signed by the President and Secretary of said convention, were delivered to me by the President of said convention; and

WHEREAS, On the tenth day of September, A. D. one thousand nine hundred and forty-seven, the Secretary of State of the State of New Jersey certified to the said State Constitutional Convention that the said new State Constitution and the parts thereof comply with the instructions and restrictions as voted by the people pursuant to Chapter eight of the Laws of one thousand nine hundred and forty-seven, and that the convention has complied with its instructions and restrictions as so voted by the people, a copy of which certificate is annexed hereto and made a part hereof; and

WHEREAS, On the fourth day of November, A. D. one thousand nine hundred and forty-seven, pursuant to a Resolution adopted by said State Constitutional Convention on the tenth day of September, A. D. one thousand nine hundred and forty-seven, and the provisions of Chapter eight of the Laws of one thousand nine hundred and forty-seven, the public question "Shall the new State Constitution prepared and agreed upon by the Con-

stitutional Convention be adopted?'' was submitted to the legal voters of the State; and

WHEREAS, The Board of State Canvassers have, on the second day of December, A. D. one thousand nine hundred and forty-seven, filed in the office of the Secretary of State their certificate and determination as required by an act entitled "An act to provide for a State constitutional convention so instructed by the legal voters that it shall have no power to propose any change in the present basis of representation in the Legislature, providing for the nomination and election of delegates, at a special election, and for the submission of the proposals of the convention to the people for adoption or rejection, and making an appropriation therefor,'' approved February seventeenth, A. D. one thousand nine hundred and forty-seven (P. L. 1947, c. 8), and as required by Resolution adopted on the tenth day of September, A. D. one thousand nine hundred and forty-seven by the said State Constitutional Convention, and as required by the provisions of Title 19 of the Revised Statutes of this State, by which it appears that the new State Constitution, prepared and agreed upon by the delegates of the people of New Jersey, in convention, begun at Rutgers University, the State University of New Jersey, in New Brunswick, on the twelfth day of June, and continued to the twelfth day of September, in the year of Our Lord one thousand nine hundred and forty-seven, and submitted, pursuant to a Resolution adopted by said State Constitutional Convention on the eighth day of September, A. D. one thousand nine hundred and forty-seven and the provisions of Chapter eight of the Laws of one thousand nine hundred and forty-seven, to the people at the general election held on the fourth day of November, A. D. one thousand nine hundred and forty-seven, has received in its favor a majority of all the votes cast in the State at said election for and against the adoption of said new State Constitution, by the electors qualified to vote thereon; and

WHEREAS, The Secretary of State of the State of New Jersey has certified to me that a total of eight hundred thirty-seven thousand seven hundred twenty-eight (837,728) votes were cast for and against the adoption of said new State Constitution at the election held in this State on the fourth day of November, A. D. one thousand nine hundred and forty-seven, of which total six hundred fifty-three thousand ninety-six (653,096) votes were cast for the adoption of said new State Constitution, and one hundred eighty-four thousand six hundred thirty-two (184,632) votes were cast against the adoption of said new State Constitution and that a majority of all the votes cast at said election for and against the adoption of the new State Constitution were in favor of the adoption of the new State Constitution.

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, by virtue of the authority vested in me by Resolution adopted by the delegates of the people of New Jersey, in convention, at Rutgers University, the State University of New Jersey, in New Brunswick, on the tenth day of September, A. D. one thousand nine hundred and forty-seven, and by the provisions of Chapter eight of the Laws of one thousand nine hundred and forty-seven, DO HEREBY PROCLAIM that the said new State Constitution has been adopted by the people, at the general election held on the fourth day of November, A. D. one thousand nine hundred and forty-seven, by a majority of all votes cast for and against its adoption, to take effect according to its terms, a true copy of which, the same being one of the two true copies delivered to me as aforesaid on the tenth day of September, A. D. one thousand nine hundred and forty-seven, follows:

STATE OF NEW JERSEY

To: The Constitutional Convention of the State of New Jersey:

I, Lloyd B. Marsh, Secretary of State of the State of New Jersey, Do Hereby Certify, That I have reviewed the proposed new State Constitution, and the several parts thereof, framed and agreed upon by the State Constitutional Convention and filed in my office by Governor Alfred E. Driscoll, on the tenth day of September, A. D. one thousand nine hundred and forty-seven; That I Find and Determine that the said proposed new State Constitution and the parts thereof comply with the instructions and restrictions as voted by the people pursuant to Chapter 8 of the Laws of 1947; And That I Find and Determine that the Convention has complied with its instructions and restrictions as so voted by the people.

I Do Hereby Further Certify, That I have compared the attached copy of the proposed new State Constitution with the original thereof filed in my office as aforesaid, and that it is a true and accurate copy of said original proposed new State Constitution.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal this tenth day of September A. D. one thousand nine hundred and forty-seven.

[L. S.]

Lloyd B. Marsh,
Secretary of State.

CONSTITUTION OF NEW JERSEY
1947

A CONSTITUTION agreed upon by the delegates of the people of New Jersey, in convention, begun at Rutgers University, the State University of New Jersey, in New Brunswick, on the twelfth day of June, and continued to the tenth day of September, in the year of our Lord one thousand nine hundred and forty-seven.

WE, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution.

ARTICLE I

RIGHTS AND PRIVILEGES

1. All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshiping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretense whatever be compelled to attend any place of worship contrary to his faith and judg-

ment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another; no religious or racial test shall be required as a qualification for any office or public trust.

5. No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin.

6. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

7. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.

8. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases now prosecuted without indictment, or arising in the army or navy or in the militia, when in actual service in time of war or public danger.

9. The right of trial by jury shall remain inviolate; but the Legislature may authorize the trial of civil causes by a jury of six persons when the matter in dispute does not exceed fifty dollars. The Legislature may provide that in any civil cause a verdict may be rendered by not less than five-sixths of the jury. The Legislature may authorize the trial of the issue of mental incompetency without a jury.

10. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel in his defense.

11. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or presumption great.

12. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

13. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

14. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

15. The military shall be in strict subordination to the civil power.

16. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in a manner prescribed by law.

17. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing.

20. Private property shall not be taken for public use without just compensation. Individuals or private corporations shall not be authorized to take private property for public use without just compensation first made to the owners.

21. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

Article II

Elections and Suffrage

1. General elections shall be held anually on the first Tuesday after the first Monday in November; but the time of holding such elections may be altered by law. The Governor and members of the Legislature shall be chosen at general elections. Local elective officers shall be chosen at general elections or at such other times as shall be provided by law.

2. All questions submitted to the people of the entire State shall be voted upon at general elections.

3. Every citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people.

4. In time of war no elector in the military service of the State or in the armed forces of the United States shall be deprived of his vote by reason of absence from his election district. The Legislature may provide for absentee voting by members of the armed forces of the United States in time of peace. The Legislature may provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

5. No person in the military, naval or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.

6. No idiot or insane person shall enjoy the right of suffrage.

7. The Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right.

Article III

Distribution of the Powers of Government

1. The powers of the government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution.

ARTICLE IV

LEGISLATIVE

SECTION I

1. The legislative power shall be vested in a Senate and General Assembly.

2. No person shall be a member of the Senate who shall not have attained the age of thirty years, and have been a citizen and resident of the State for four years, and of the county for which he shall be elected one year, next before his election. No person shall be a member of the General Assembly who shall not have attained the age of twenty-one years, and have been a citizen and resident of the State for two years, and of the county for which he shall be elected one year, next before his election. No person shall be eligible for membership in the Legislature unless he be entitled to the right of suffrage.

3. The Senate and General Assembly shall meet and organize separately at noon on the second Tuesday in January of each year, at which time the legislative year shall commence.

4. Special sessions of the Legislature shall be called by the Governor upon petition of a majority of all the members of each house and may be called by the Governor whenever in his opinion the public interest shall require.

SECTION II

1. The Senate shall be composed of one Senator from each county, elected by the legally qualified voters of the county, for a term beginning at noon of the second Tuesday in January next following his election and ending at noon of the second Tuesday in January four years thereafter.

2. The members of the Senate shall be elected in two classes so that, as nearly as may be, one-half of all the members shall be elected biennially.

SECTION III

1. The General Assembly shall be composed of members elected biennially by the legally qualified voters of the counties, respectively, for terms beginning at noon of the second Tuesday in January next following their election and ending at noon of the second Tuesday in January two years thereafter. The members of the General Assembly shall be apportioned among the several counties as nearly as may be according to the number of their inhabitants, but each county shall at all times be entitled to one member and the whole number of members shall never exceed sixty. The present apportionment shall continue until the next census of the United States shall have been taken. Apportionment of the members of the General Assembly shall be made by the Legislature at the first session after the next and every subsequent census, and each apportionment when made shall remain unaltered until the following census shall have been taken.

SECTION IV

1. Any vacancy in the Legislature occasioned by death, resignation or otherwise shall be filled by election for the unexpired term only, as may be provided by law. Each house shall direct a writ of election to fill any vacancy in its membership; but if the vacancy shall occur during a recess of the Legislature, the writ may be issued by the Governor, as may be provided by law.

2. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of all its members shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceedings, and punish its

members for disorderly behavior. It may expel a member with the concurrence of two-thirds of all its members.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same. The yeas and nays of the members of either house on any question shall, on demand of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the Legislature, shall, without the consent of the other, adjourn for more than three days, or to any other place than that in which the two houses shall be sitting.

6. All bills and joint resolutions shall be read three times in each house before final passage. No bill or joint resolution shall be read a third time in either house until after the intervention of one full calendar day following the day of the second reading; but if either house shall resolve by vote of three-fourths of all its members, signified by yeas and nays entered on the journal, that a bill or joint resolution is an emergency measure, it may proceed forthwith from second to third reading. No bill or joint resolution shall pass, unless there shall be a majority of all the members of each body personally present and agreeing thereto, and the yeas and nays of the members voting on such final passage shall be entered on the journal.

7. Members of the Senate and General Assembly shall receive annually, during the term for which they shall have been elected and while they shall hold their office, such compensation as shall, from time to time, be fixed by law and no other allowance or emolument, directly or indirectly, for any purpose whatever. The President of the Senate and the Speaker of the General Assembly, each by virtue of his office, shall receive an additional allowance, equal to one-third of his compensation as a member.

8. The compensation of members of the Senate and General Assembly shall be fixed at the first session of the Legislature held after this Constitution takes effect, and may be increased or decreased

by law from time to time thereafter, but no increase or decrease shall be effective until the legislative year following the next general election for members of the General Assembly.

9. Members of the Senate and General Assembly shall, in all cases except treason and high misdemeanor, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same; and for any statement, speech or debate in either house or at any meeting of a legislative committee, they shall not be questioned in any other place.

SECTION V

1. No member of the Senate or General Assembly, during the term for which he shall have been elected, shall be nominated, elected or appointed to any State civil office or position, of profit, which shall have been created by law, or the emoluments whereof shall have been increased by law, during such term. The provisions of this paragraph shall not prohibit the election of any person as Governor or as a member of the Senate or General Assembly.

2. The Legislature may appoint any commission, committee or other body whose main purpose is to aid or assist it in performing its functions. Members of the Legislature may be appointed to serve on any such body.

3. If any member of the Legislature shall become a member of Congress or shall accept any Federal or State office or position, of profit, his seat shall thereupon become vacant.

4. No member of Congress, no person holding any Federal or State office or position, of profit, and no judge of any court shall be entitled to a seat in the Legislature.

5. Neither the Legislature nor either house thereof shall elect or appoint any executive, administrative or judicial officer except the State Auditor.

SECTION VI

1. All bills for raising revenue shall originate in the General Assembly; but the Senate may propose or concur with amendments, as on other bills.

2. The Legislature may enact general laws under which municipalities, other than counties, may adopt zoning ordinances limiting and restricting to specified districts and regulating therein, buildings and structures, according to their construction, and the nature and extent of their use, and the nature and extent of the uses of land, and the exercise of such authority shall be deemed to be within the police power of the State. Such laws shall be subject to repeal or alteration by the Legislature.

3. Any agency or political subdivision of the State or any agency of a political subdivision thereof, which may be empowered to take or otherwise acquire private property for any public highway, parkway, airport, place, improvement, or use, may be authorized by law to take or otherwise acquire a fee simple absolute or any lesser interest, and may be authorized by law to take or otherwise acquire a fee simple absolute in, easements upon, or the benefit of restrictions upon, abutting property to preserve and protect the public highway, parkway, airport, place, improvement, or use; but such taking shall be with just compensation.

SECTIOP VII

1. No divorce shall be granted by the Legislature.

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election.

3. The Legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title. This paragraph shall no invalidate any law adopting or enacting a compilation, consolidation, revision, or rearrangement of all or parts of the statutory law.

5. No law shall be revived or amended by reference to its title only, but the act revived, or the section or sections amended, shall be inserted at length. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of the act or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

6. The laws of this State shall begin in the following style: "Be it enacted by the Senate and General Assembly of the State of New Jersey".

7. No general law shall embrace any provision of a private, special or local character.

8. No private, special or local law shall be passed unless public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given. Such notice shall be given at such time and in such manner and shall be so evidenced and the evidence thereof shall be so preserved as may be provided by law.

9. The Legislature shall not pass any private, special or local laws:

(1) Authorizing the sale of any lands belonging in whole or in part to a minor or minors or other persons who may at the time be under any legal disability to act for themselves.

(2) Changing the law of descent.

(3) Providing for change of venue in civil or criminal causes.

(4) Selecting, drawing, summoning or empaneling grand or petit jurors.

(5) Creating, increasing or decreasing the emoluments, term or tenure rights of any public officers or employees.

(6) Relating to taxation or exemption therefrom.

(7) Providing for the management and control of free public schools.

(8) Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.

(9) Granting to any corporation, association or individual the right to lay down railroad tracks.

(10) Laying out, opening, altering, constructing, maintaining and repairing roads or highways.

(11) Vacating any road, town plot, street, alley or public grounds.

(12) Appointing local officers or commissions to regulate municipal affairs.

(13) Regulating the internal affairs of municipalities formed for local government and counties, except as otherwise in this Constitution provided.

The Legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other cases which, in its judgment, may be provided for by general laws. The Legislature shall pass no special act conferring corporate powers, but shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the Legislature.

10. Upon petition by the governing body of any municipal corporation formed for local government, or of any county, and by vote of two-thirds of all the members of each house, the Legislature may pass private, special or local laws regulating

the internal affairs of the municipality or county. The petition shall be authorized in a manner to be prescribed by general law and shall specify the general nature of the law sought to be passed. Such law shall become operative only if it is adopted by ordinance of the governing body of the municipality or county or by vote of the legally qualified voters thereof. The Legislature shall prescribe in such law or by general law the method of adopting such law, and the manner in which the ordinance of adoption may be enacted or the vote taken, as the case may be.

11. The provisions of this Constitution and of any law concerning municipal corporations formed for local government, or concerning counties, shall be liberally construed in their favor. The powers of counties and such municipal corporations shall include not only those granted in express terms but also those of necessary or fair implication, or incident to the powers expressly conferred, or essential thereto, and not inconsistent with or prohibited by this Constitution or by law.

SECTION VIII

1. Members of the Legislature shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will faithfully discharge the duties of Senator (or member of the General Assembly) according to the best of my ability". Members-elect of the Senate or General Assembly are empowered to administer said oath or affirmation to each other.

2. Every officer of the Legislature shall, before he enters upon his duties, take and subscribe the following oath or affirmation: "I do solemnly promise and swear (or affirm) that I will faithfully, impartially and justly perform all the duties of the office of ....., to the best of my ability and understanding; that I will carefully pre-

serve all records, papers, writings, or property entrusted to me for safe-keeping by virtue of my office, and make such disposition of the same as may be required by law''.

ARTICLE V

EXECUTIVE

SECTION 1

1. The executive power shall be vested in a Governor.

2. The Governor shall be not less than thirty years of age, and shall have been for at least twenty years a citizen of the United States, and a resident of this State seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this State.

3. No member of Congress or person holding any office or position, of profit, under this State or the United States shall be Governor. If the Governor or person administering the office of Governor shall accept any other office or position, of profit, under this State or the United States, his office of Governor shall thereby be vacated. No Governor shall be elected by the Legislature to any office during the term for which he shall have been elected Governor.

4. The Governor shall be elected by the legally qualified voters of this State. The person receiving the greatest number of votes shall be the Governor; but if two or more shall be equal and greatest in votes, one of them shall be elected Governor by the vote of a majority of all the members of both houses in joint meeting at the regular legislative session next following the election for Governor by the people. Contested elections for the office of Governor shall be determined in such manner as may be provided by law.

5. The term of office of the Governor shall be four years, beginning at noon of the third Tuesday in January next following his election, and ending

at noon of the third Tuesday in January four years thereafter. No person who has been elected Governor for two successive terms, including an unexpired term, shall again be eligible for that office until the third Tuesday in January of the fourth year following the expiration of his second successive term.

6. In the event of a vacancy in the office of Governor resulting from the death, resignation or removal of a Governor in office, or the death of a Governor-elect, or from any other cause, the functions, powers, duties and emoluments of the office shall devolve upon the President of the Senate, for the time being; and in the event of his death, resignation or removal, then upon the Speaker of the General Assembly, for the time being; and in the event of his death, resignation or removal, then upon such officers and in such order of succession as may be provided by law; until a new Governor shall be elected and qualify.

7. In the event of the failure of the Governor-elect to qualify, or of the absence from the State of a Governor in office, or his inability to discharge the duties of his office, or his impeachment, the functions, powers, duties and emoluments of the office shall devolve upon the President of the Senate, for the time being; and in the event of his death, resignation, removal, absence, inability or impeachment, then upon the Speaker of the General Assembly, for the time being; and in the event of his death, resignation, removal, absence, inability or impeachment, then upon such officers and in such order of succession as may be provided by law; until the Governor-elect shall qualify, or the Governor in office shall return to the State, or shall no longer be unable to discharge the duties of the office, or shall be acquitted, as the case may be, or until a new Governor shall be elected and qualify.

8. Whenever a Governor-elect shall have failed to qualify within six months after the beginning of his term of office, or whenever for a period of six months a Governor in office, or person adminis-

tering the office, shall have remained continuously absent from the State, or shall have been continuously unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. Such vacancy shall be determined by the Supreme Court upon presentment to it of a concurrent resolution declaring the ground of the vacancy, adopted by a vote of two-thirds of all the members of each house of the Legislature, and upon notice, hearing before the Court and proof of the existence of the vacancy.

9. In the event of a vacancy in the office of Governor, a Governor shall be elected to fill the unexpired term at the general election next succeeding the vacancy, unless the vacancy shall occur within sixty days immediately preceding a general election, in which case he shall be elected at the second succeeding general election; but no election to fill an unexpired term shall be held in any year in which a Governor is to be elected for a full term. A Governor elected for an unexpired term shall assume his office immediately upon his election.

10. The Governor shall receive for his services a salary, which shall be neither increased nor diminished during the period for which he shall have been elected.

11. The Governor shall take care that the laws be faithfully executed. To this end he shall have power, by appropriate action or proceeding in the courts brought in the name of the State, to enforce compliance with any constitutional or legislative mandate, or to restrain violation of any constitutional or legislative power or duty, by any officer, department or agency of the State; but this power shall not be construed to authorize any action or proceeding against the Legislature.

12. The Governor shall communicate to the Legislature, by message at the opening of each regular session and at such other times as he may deem necessary, the condition of the State, and shall in like manner recommend such measures as he may deem desirable. He may convene the Legislature, or the Senate alone, whenever in his opinion the

public interest shall require. He shall be the Commander-in-Chief of all the military and naval forces of the State. He shall grant commissions to all officers elected or appointed pursuant to this Constitution. He shall nominate and appoint, with the advice and consent of the Senate, all officers for whose election or appointment provision is not otherwise made by this Constitution or by law.

13. The Governor may fill any vacancy occurring in any office during a recess of the Legislature, appointment to which may be made by the Governor with the advice and consent of the Senate, or by the Legislature in joint meeting. An ad interim appointment so made shall expire at the end of the next regular session of the Senate, unless a successor shall be sooner appointed and qualify; and after the end of the session no ad interim appointment to the same office shall be made unless the Governor shall have submitted to the Senate a nomination to the office during the session and the Senate shall have adjourned without confirming or rejecting it. No person nominated for any office shall be eligible for an ad interim appointment to such office if the nomination shall have failed of confirmation by the Senate.

14. (a) Every bill which shall have passed both houses shall be presented to the Governor. If he approves he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If upon reconsideration, on or after the third day following the return of the bill, two-thirds of all the members of the house of origin shall agree to pass the bill, it shall be sent, together with the objections of the Governor, to the other house, by which it shall be reconsidered and if approved by two-thirds of all the members of that house, it shall become a law; and in all such cases the votes of each house shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If a bill shall not be re-

turned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall become a law on the tenth day, unless the house of origin shall on that day be in adjournment. If on the tenth day the house of origin shall be in temporary adjournment in the course of a regular or special session, the bill shall become a law on the day on which the house of origin shall reconvene, unless the Governor shall on that day return the bill to that house.

(b) If on the tenth day the Legislature is in adjournment sine die, the bill shall become a law if the Governor shall sign it within forty-five days, Sundays excepted, after such adjournment. On the said forty-fifth day the bill shall become a law, notwithstanding the failure of the Governor to sign it within the period last stated, unless at or before noon of that day he shall return it with his objections to the house of origin at a special session of the Legislature which shall convene on that day, without petition or call, for the sole purpose of acting pursuant to this paragraph upon bills returned by the Governor. At such special session a bill may be reconsidered beginning on the first day, in the manner provided in this paragraph for the reconsideration of bills, and if approved upon reconsideration by two-thirds of all the members of each house, it shall become a law. The Governor, in returning with his objections a bill for reconsideration at any general or special session of the Legislature, may recommend that an amendment or amendments specified by him be made in the bill, and in such case the Legislature may amend and re-enact the bill. If a bill be so amended and reenacted, it shall be presented again to the Governor, but shall become a law only if he shall sign it within ten days after presentation; and no bill shall be returned by the Governor a second time. A special session of the Legislature shall not be convened pursuant to this paragraph whenever the forty-fifth day, Sundays excepted, after adjournment sine die of a regular or special session shall fall on or after the last day of the legislative year

in which such adjournment shall have been taken; in which event any bill not signed by the Governor within such forty-five-day period shall not become a law.

15. If any bill presented to the Governor shall contain one or more items of appropriation of money, he may object in whole or in part to any such item or items while approving the other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of each item or part thereof to which he objects, and each item or part so objected to shall not take effect. A copy of such statement shall be transmitted by him to the house in which the bill originated, and each item or part thereof objected to shall be separately reconsidered. If upon reconsideration, on or after the third day following said transmittal, one or more of such items or parts thereof be approved by two-thirds of all the members of each house, the same shall become a part of the law, notwithstanding the objections of the Governor. All the provisions of the preceding paragraph in relation to bills not approved by the Governor shall apply to cases in which he shall withhold his approval from any item or items or parts thereof contained in a bill appropriating money.

SECTION II

1. The Governor may grant pardons and reprieves in all cases other than impeachment and treason, and may suspend and remit fines and forfeitures. A commision or other body may be established by law to aid and advise the Governor in the exercise of executive clemency.

2. A system for the granting of parole shall be provided by law.

SECTION III

1. Provision for organizing, inducting, training, arming, disciplining and regulating a militia shall be made by law, which shall conform to applicable

standards established for the armed forces of the United States.

2. The Governor shall nominate and appoint all general and flag officers of the militia, with the advice and consent of the Senate. All other commissioned officers of the militia shall be appointed and commissioned by the Governor according to law.

SECTION IV

1. All executive and administrative offices, departments, and instrumentalities of the State government, including the offices of Secretary of State and Attorney General, and their respective functions, powers and duties, shall be allocated by law among and within not more than twenty principal departments, in such manner as to group the same according to major purposes so far as practicable. Temporary commissions for special purposes may, however, be established by law and such commissions need not be allocated within a principal department.

2. Each principal department shall be under the supervision of the Governor. The head of each principal department shall be a single executive unless otherwise provided by law. Such single executives shall be nominated and appointed by the Governor, with the advice and consent of the Senate, to serve at the pleasure of the Governor during his term of office and until the appointment and qualification of their successors, except as herein otherwise provided with respect to the Secretary of State and the Attorney General.

3. The Secretary of State and the Attorney General shall be nominated and appointed by the Governor with the advice and consent of the Senate to serve during the term of office of the Governor.

4. Whenever a board, commission or other body shall be the head of a principal department, the members thereof shall be nominated and appointed by the Governor with the advice and consent of the Senate, and may be removed in the manner provided by law. Such a board, commission or other

body may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the Governor. Any principal executive officer so appointed shall be removable by the Governor, upon notice and an opportunity to be heard.

5. The Governor may cause an investigation to be made of the conduct in office of any officer or employee who receives his compensation from the State of New Jersey, except a member, officer or employee of the Legislature or an officer elected by the Senate and General Assembly in joint meeting, or a judicial officer. He may require such officers or employees to submit to him a written statement or statements, under oath, of such information as he may call for relating to the conduct of their respective offices or employments. After notice, the service of charges and an opportunity to be heard at public hearing the Governor may remove any such officer or employee for cause. Such officer or employee shall have the right of judicial review, on both the law and the facts, in such manner as shall be provided by law.

6. No rule or regulation made by any department, officer, agency or authority of this State, except such as relates to the organization or internal management of the State government or a part thereof, shall take effect until it is filed either with the Secretary of State or in such other manner as may be provided by law. The Legislature shall provide for the prompt publication of such rules and regulations.

Article VI

Judicial

SECTION 1

1. The judicial power shall be vested in a Supreme Court, a Superior Court, County Courts and inferior courts of limited jurisdiction. The inferior courts and their jurisdiction may from time to time be established, altered or abolished by law.

SECTION II

1. The Supreme Court shall consist of a Chief Justice and six Associate Justices. Five members of the court shall constitute a quorum. When necessary, the Chief Justice shall assign the Judge or Judges of the Superior Court, senior in service, as provided by rules of the Supreme Court, to serve temporarily in the Supreme Court. In case the Chief Justice is absent or unable to serve, a presiding Justice designated in accordance with rules of the Supreme Court shall serve temporarily in his stead.

2. The Supreme Court shall exercise appellate jurisdiction in the last resort in all causes provided in this Constitution.

3. The Supreme Court shall make rules governing the administration of all courts in the State and, subject to law, the practice and procedure in all such courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.

SECTION III

1. The Superior Court shall consist of such number of Judges as may be authorized by law, but not less than twenty-four, each of whom shall exercise the powers of the court subject to rules of the Supreme Court.

2. The Superior Court shall have original general jurisdiction throughout the State in all causes.

3. The Superior Court shall be divided into an Appellate Division, a Law Division, and a Chancery Division. Each division shall have such Parts, consist of such number of Judges, and hear such causes, as may be provided by rules of the Supreme Court.

4. Subject to rules of the Supreme Court, the Law Division and the Chancery Division shall each exercise the powers and functions of the other division when the ends of justice so require, and legal

and equitable relief shall be granted in any cause so that all matters in controversy between the parties may be completely determined.

SECTION IV

1. There shall be a County Court in each county, which shall have all the jurisdiction heretofore exercised by the Court of Common Pleas, Orphans' Court, Court of Oyer and Terminer, Court of Quarter Sessions, Court of Special Sessions and such other jurisdiction consistent with this Constitution as may be conferred by law.

2. There shall be a Judge of each County Court and such additional Judges as shall be provided by law, and they shall be appointed in the same manner as heretofore provided for Judges of the Court of Common Pleas.

3. Each Judge of the County Court may exercise the jurisdiction of the County Court.

4. The jurisdiction, powers and functions of the County Courts and of the Judges of the County Courts may be altered by law as the public good may require.

5. The County Courts, in civil causes including probate causes, within their jurisdiction, and subject to law, may grant legal and equitable relief so that all matters in controversy between the parties may be completely determined.

SECTION V

1. Appeals may be taken to the Supreme Court:

(a) In causes determined by the Appellate Division of the Superior Court involving a question arising under the Constitution of the United States or this State;

(b) In causes where there is a dissent in the Appellate Division of the Superior Court;

(c) In capital causes;

(d) On certification by the Supreme Court to the Superior Court and, where provided by

rules of the Supreme Court, to the County Courts and the inferior courts; and

(e) In such causes as may be provided by law.

2. Appeals may be taken to the Appellate Division of the Superior Court from the Law and Chancery Divisions of the Superior Court, the County Courts and in such other causes as may be provided by law.

3. The Supreme Court and the Appellate Division of the Superior Court may exercise such original jurisdiction as may be necessary to the complete determination of any cause on review.

4. Prerogative writs are superseded and, in lieu thereof, review, hearing and relief shall be afforded in the Superior Court, on terms and in the manner provided by rules of the Supreme Court, as of right, except in criminal causes where such review shall be discretionary.

SECTION VI

1. The Governor shall nominate and appoint, with the advice and consent of the Senate, the Chief Justice and Associate Justices of the Supreme Court, the Judges of the Superior Court, the Judges of the County Courts and the judges of the inferior courts with jurisdiction extending to more than one municipality. No nomination to such an office shall be sent to the Senate for confirmation until after seven days' public notice by the Governor.

2. The Justices of the Supreme Court, the Judges of the Superior Court and the Judges of the County Courts shall each prior to his appointment have been admitted to the practice of the law in this State for at least ten years.

3. The Justices of the Supreme Court and the Judges of the Superior Court shall hold their offices for initial terms of seven years and upon reappointment shall hold their offices during good behavior. Such Justices and Judges shall be re-

tired upon attaining the age of seventy years. Provisions for the pensioning of the Justices of the Supreme Court and the Judges of the Superior Court shall be made by law.

4. The Justices of the Supreme Court, the Judges of the Superior Court and the Judges of the County Courts shall be subject to impeachment, and any judicial officer impeached shall not exercise his office until acquitted. The Judges of the Superior Court and the Judges of the County Courts shall also be subject to removal from office by the Supreme Court for such causes and in such manner as shall be provided by law.

5. Whenever the Supreme Court shall certify to the Governor that it appears that any Justice of the Supreme Court, Judge of the Superior Court or Judge of the County Court is so incapacitated as substantially to prevent him from performing his judicial duties, the Governor shall appoint a commission of three persons to inquire into the circumstances; and, on their recommendation, the Governor may retire the Justice or Judge from office, on pension as may be provided by law.

6. The Justices of the Supreme Court and the Judges of the Superior Court shall receive for their services such salaries as may be provided by law, which shall not be diminished during the term of their appointment. They shall not, while in office, engage in the practice of law or other gainful pursuit.

7. The Justices of the Supreme Court, the Judges of the Superior Court and the Judges of the County Courts shall hold no other office or position, of profit, under this State or the United States. Any such Justice or Judge who shall become a candidate for an elective public office shall thereby forfeit his judicial office.

SECTION VII

1. The Chief Justice of the Supreme Court shall be the administrative head of all the courts in the State. He shall appoint an Administrative Director to serve at his pleasure.

2. The Chief Justice of the Supreme Court shall assign Judges of the Superior Court to the Divisions and Parts of the Superior Court, and may from time to time transfer Judges from one assignment to another, as need appears. Assignments to the Appellate Division shall be for terms fixed by rules of the Supreme Court.

3. The Clerk of the Supreme Court and the Clerk of the Superior Court shall be appointed by the Supreme Court for such terms and at such compensation as shall be provided by law.

Article VII

Public Officers and Employees

SECTION 1

1. Every State officer, before entering upon the duties of his office, shall take and subscribe an oath or affirmation to support the Constitution of this State and of the United States and to perform the duties of his office faithfully, impartially and justly to the best of his ability.

2. Appointments and promotions in the civil service of the State, and of such political subdivisions as may be provided by law, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive; except that preference in appointments by reason of active service in any branch of the military or naval forces of the United States in time of war may be provided by law.

3. Any compensation for services or any fees received by any person by virtue of an appointive State office or position, in addition to the annual salary provided for the office or position, shall immediately upon receipt be paid into the treasury of the State, unless the compensation or fees shall be allowed or appropriated to him by law.

4. Any person before or after entering upon the duties of any public office, position or employment in this State may be required to give bond as may be provided by law.

5. The term of office of all officers elected or appointed pursuant to the provisions of this Constitution, except as herein otherwise provided, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

6. The State Auditor shall be appointed by the Senate and General Assembly in joint meeting for a term of five years and until his successor shall be appointed and qualify. It shall be his duty to conduct post-audits of all transactions and accounts kept by or for all departments, offices and agencies of the State government, to report to the Legislature or to any committee thereof as shall be required by law, and to perform such other similar or related duties as shall, from time to time, be required of him by law.

SECTION II

1. County prosecutors shall be nominated and appointed by the Governor with the advice and consent of the Senate. Their term of office shall be five years, and they shall serve until the appointment and qualification of their respective successors.

2. County clerks, surrogates and sheriffs shall be elected by the people of their respective counties at general elections. The term of office of county clerks and surrogates shall be five years, and of sheriffs three years. Whenever a vacancy shall occur in any such office it shall be filled in the manner to be provided by law.

SECTION III

1. The Governor and all other State officers, while in office and for two years thereafter, shall be liable to impeachment for misdemeanor committed during their respective continuance in office.

2. The General Assembly shall have the sole power of impeachment by vote of a majority of all the members. All impeachments shall be tried by

the Senate, and members, when sitting for that purpose, shall be on oath or affirmation "truly and impartially to try and determine the charge in question according to the evidence". No person shall be convicted without the concurrence of two-thirds of all the members of the Senate. When the Governor is tried, the Chief Justice of the Supreme Court shall preside and the President of the Senate shall not participate in the trial.

3. Judgment in cases of impeachment shall not extend further than to removal from office, and to disqualification to hold and enjoy any public office of honor, profit or trust in this State; but the person convicted shall nevertheless be liable to indictment, trial and punishment according to law.

Article VIII

Taxation and Finance

SECTION 1

1. Property shall be assessed for taxation under general laws and by uniform rules. All real property assessed and taxed locally or by the State for allotment and payment to taxing districts shall be assessed according to the same standard of value; and such real property shall be taxed at the general tax rate of the taxing district in which the property is situated, for the use of such taxing district.

2. Exemption from taxation may be granted only by general laws. Until otherwise provided by law all exemptions from taxation validly granted and now in existence shall be continued. Exemptions from taxation may be altered or repealed, except those exempting real and personal property used exclusively for religious, educational, charitable or cemetery purposes, as defined by law, and owned by any corporation or association organized and conducted exclusively for one or more of such purposes and not operating for profit.

3. Any citizen and resident of this State now or hereafter honorably dscharged or released under honorable circumstances from active service in

time of war in any branch of the armed forces of the United States, shall be exempt from taxation on real and personal property to an aggregate assessed valuation not exceeding five hundred dollars, which exemption shall not be altered or repealed. Any person hereinabove described who has been or shall be declared by the United States Veterans Administration, or its successor, to have a service-connected disability, shall be entitled to such further exemption from taxation as from time to time may be provided by law. The widow of any citizen and resident of this State who has met or shall meet his death on active duty in time of war in any such service shall be entitled, during her widowhood, to the exemption in this paragraph provided for honorably discharged veterans and to such further exemption as from time to time may be provided by law.

SECTION II

1. The credit of the State shall not be directly or indirectly loaned in any case.

2. No money shall be drawn from the State treasury but for appropriations made by law. All moneys for the support of the State government and for all other State purposes as far as can be ascertained or reasonably foreseen, shall be provided for in one general appropriation law covering one and the same fiscal year; except that when a change in the fiscal year is made, necessary provision may be made to effect the transition. No general appropriation law or other law appropriating money for any State purpose shall be enacted if the appropriation contained therein, together with all prior appropriations made for the same fiscal period, shall exceed the total amount of revenue on hand and anticipated which will be available to meet such appropriations during such fiscal period, as certified by the Governor.

3. The Legislature shall not, in any manner, create in any fiscal year a debt or debts, liability or liabilities of the State, which together with any

previous debts or liabilities shall exceed at any time one per centum of the total amount appropriated by the general appropriation law for that fiscal year, unless the same shall be authorized by a law for some single object or work distinctly specified therein. Regardless of any limitation relating to taxation in this Constitution, such law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal thereof within thirty-five years from the time it is contracted; and the law shall not be repealed until such debt or liability and the interest thereon are fully paid and discharged. No such law shall take effect until it shall have been submitted to the people at a general election and approved by a majority of the legally qualified voters of the State voting thereon. All money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This paragraph shall not be construed to refer to any money that has been or may be deposited with this State by the government of the United States. Nor shall anything in this paragraph contained apply to the creation of any debts or liabilities for purposes of war, or to repel invasion, or to suppress insurrection or to meet an emergency caused by disaster or act of God.

SECTION III

1. The clearance, replanning, development or redevelopment of blighted areas shall be a public purpose and public use, for which private property may be taken or acquired. Municipal, public or private corporations may be authorized by law to undertake such clearance, replanning, development or redevelopment; and improvements made for those purposes and uses, or for any of them, may be exempted from taxation, in whole or in part, for a limited period of time during which the profits of and dividends payable by any private corpora-

tion enjoying such tax exemption shall be limited by law. The conditions of use, ownership, management and control of such improvements shall be regulated by law.

2. No county, city, borough, town, township or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become security for, or be directly or indirectly the owner of, any stock or bonds of any association or corporation.

3. No donation of land or appropriation of money shall be made by the State or any county or municipal corporation to or for the use of any society, association or corporation whatever.

SECTION IV

1. The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years.

2. The fund for the support of free public schools, and all money, stock and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of free public schools, for the equal benefit of all the people of the State; and it shall not be competent for the Legislature to borrow, appropriate or use the said fund or any part thereof for any other purpose, under any pretense whatever.

3. The Legislature may, within reasonable limitations as to distance to be prescribed, provide for the transportation of children within the ages of five to eighteen years inclusive to and from any school.

Article IX

Amendments

1. Any specific amendment or amendments to this Constitution may be proposed in the Senate or General Assembly. At least twenty calendar days prior to the first vote thereon in the house in which such amendment or amendments are first introduced, the same shall be printed and placed on the desks of the members of each house. Thereafter and prior to such vote a public hearing shall be held thereon. If the proposed amendment or amendments or any of them shall be agreed to by three-fifths of all the members of each of the respective houses, the same shall be submitted to the people. If the same or any of them shall be agreed to by less than three-fifths but nevertheless by a majority of all the members of each of the respective houses, such proposed amendment or amendments shall be referred to the Legislature in the next legislative year; and if in that year the same or any of them shall be agreed to by a majority of all the members of each of the respective houses, then such amendment or amendments shall be submitted to the people.

2. The proposed amendment or amendments shall be entered on the journal of each house with the yeas and nays of the members voting thereon.

3. The Legislature shall cause the proposed amendment or amendments to be published at least once in one or more newspapers of each county, if any be published therein, not less than three months prior to submission to the people.

4. The proposed amendment or amendments shall then be submitted to the people at the next general election in the manner and form provided by the Legislature.

5. If more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly.

6. If the proposed amendment or amendments or any of them shall be approved by a majority of the legally qualified voters of the State voting thereon, the same shall become part of the Constitution on the thirtieth day after the election, unless otherwise provided in the amendment or amendments.

7. If at the election a proposed amendment shall not be approved, neither such proposed amendment nor one to effect the same or substantially the same change in the Constitution shall be submitted to the people before the third general election thereafter.

Article X

General Provisions

1. The seal of the State shall be kept by the Governor, or person administering the office of Governor, and used by him officially, and shall be called the Great Seal of the State of New Jersey.

2. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the Great Seal, signed by the Governor, or person administering the office of Governor, and countersigned by the Secretary of State, and shall run thus: "The State of New Jersey, to ....., Greeting".

3. All writs shall be in the name of the State. All indictments shall conclude: "against the peace of this State, the government and dignity of the same".

4. Wherever in this Constitution the term "person", "persons", "people" or any personal pronoun is used, the same shall be taken to include both sexes.

5. Except as herein otherwise provided, this Constitution shall take effect on the first day of January in the year of our Lord one thousand nine hundred and forty-eight.

Article XI

Schedule

SECTION I

1. This Constitution shall supersede the Constitution of one thousand eight hundred and forty-four as amended.

2. The Legislature shall enact all laws necessary to make this Constitution fully effective.

3. All law, statutory and otherwise, all rules and regulations of administrative bodies and all rules of courts in force at the time this Constitution or any Article thereof takes effect shall remain in full force until they expire or are superseded, altered or repealed by this Constitution or otherwise.

4. Except as otherwise provided by this Constitution, all writs, actions, judgments, decrees, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the State, and all charters and franchises shall continue unaffected nothwithstanding the taking effect of any Article of this Constitution.

5. All indictments found before the taking effect of this Constitution or any Article may be proceeded upon. After the taking effect thereof, indictments for crime and complaints for offenses committed prior thereto may be found, made and proceeded upon in the courts having jurisdiction thereof.

SECTION II

1. The first Legislature under this Constitution shall meet on the second Tuesday in January, in the year one thousand nine hundred and forty-eight.

2. Each member of the General Assembly, elected at the election in the year one thousand nine hundred and forty-seven, shall hold office for a term beginning at noon of the second Tuesday in January in the year one thousand nine hundred and forty-eight and ending at noon of the second Tuesday in January in the year one thousand nine hun-

dred and fifty. Each member of the General Assembly elected thereafter shall hold office for the term provided by this Constitution.

3. Each member of the Senate elected in the years one thousand nine hundred and forty-five and one thousand nine hundred and forty-six shall hold office for the term for which he was elected. Each member of the Senate elected in the year one thousand nine hundred and forty-seven shall hold office for a term of four years beginning at noon of the second Tuesday in January following his election. The seats in the Senate which would have been filled in the years hereinafter designated had this Constitution not been adopted shall be filled by election as follows: of those seats which would have been filled by election in the year one thousand nine hundred and forty-eight, three seats, as chosen by the Senate in the year one thousand nine hundred and forty-eight, shall be filled by election in that year for terms of five years, and three, as so chosen, shall be filled by election in that year for terms of three years, and those seats which would have been filled by election in the year one thousand nine hundred and forty-nine shall be filled by election in that year for terms of four years, so that eleven seats in the Senate shall be filled by election in the year one thousand nine hundred and fifty-one and every fourth year thereafter for terms of four years, and the members of the Senate so elected and their successors shall constitute one class to be elected as prescribed in paragraph 2 of Section II of Article IV of this Constitution, and ten seats shall be filled by election in the year one thousand nine hundred and fifty-three and every fourth year thereafter for terms of four years, and the members of the Senate so elected and their successors shall constitute the other class to be elected as prescribed in said paragraph of this Constitution.

4. The provisions of Paragraph 1 of Section V of Article IV of this Constitution shall not prohibit the nomination, election or appointment of any member of the Senate or General Assembly first organized under this Constitution, to any State

civil office or position created by this Constitution or created during his first term as such member.

SECTION III

1. A Governor shall be elected for a full term at the general election to be held in the year one thousand nine hundred and forty-nine and every fourth year thereafter.

2. The taking effect of this Constitution or any provision thereof shall not of itself affect the tenure, term, status or compensation of any person then holding any public office, position or employment in this State, except as provided in this Constitution. Unless otherwise specifically provided in this Constitution, all constitutional officers in office at the time of its adoption shall continue to exercise the authority of their respective offices during the term for which they shall have been elected or appointed and until the qualification of their successors respectively. Upon the taking effect of this Constitution all officers of the militia shall retain their commissions subject to the provisions of Article V, Section III.

3. The Legislature, in compliance with the provisions of this Constitution, shall prior to the first day of July, one thousand nine hundred and forty-nine, and may from time to time thereafter, allocate by law the executive and administrative offices, departments and instrumentalities of the State government among and within the principal departments. If such allocation shall not have been completed within the time limited, the Governor shall call a special session of the Legislature to which he shall submit a plan or plans for consideration to complete such allocation; and no other matters shall be considered at such session.

SECTION IV

1. Subsequent to the adoption of this Constitution the Governor shall nominate and appoint, with the advice and consent of the Senate, a Chief Justice and six Associate Justices of the new Supreme

Court from among the persons then being the Chancellor, the Chief Justice and Associate Justices of the old Supreme Court, the Vice Chancellors and Circuit Court Judges. The remaining judicial officers enumerated and such Judges of the Court of Errors and Appeals as have been admitted to the practice of law in this State for at least ten years, and are in office on the adoption of the Constitution, shall constitute the Judges of the Superior Court. The Justices of the new Supreme Court and the Judges of the Superior Court so designated shall hold office each for the period of his term which remains unexpired at the time the Constitution is adopted; and if reappointed he shall hold office during good behavior. No Justice of the new Supreme Court or Judge of the Superior Court shall hold his office after attaining the age of seventy years, except, however, that such Justice or Judge may complete the period of his term which remains unexpired at the time the Constitution is adopted.

2. The Judges of the Courts of Common Pleas shall constitute the Judges of the County Courts, each for the period of his term which remains unexpired at the time the Judicial Article of this Constitution takes effect.

3. The Court of Errors and Appeals, the present Supreme Court, the Court of Chancery, the Prerogative Court and the Circuit Courts shall be abolished when the Judicial Article of this Constitution takes effect; and all their jurisdiction, functions, powers and duties shall be transferred to and divided between the new Supreme Court and the Superior Court according as jurisdiction is vested in each of them under this Constitution.

4. Except as otherwise provided in this Constitution and until otherwise provided by law, all courts now existing in this State, other than those abolished in paragraph 3 hereof, shall continue as if this Constitution had not been adopted, provided, however, that when the Judicial Article of this Constitution takes effect, the jurisdiction, powers and functions of the Court of Common Pleas, Orphans'

Court, Court of Oyer and Terminer, Court of Quarter Sessions and Court of Special Sessions of each county, the judicial officers, clerks and employees thereof, and the causes pending therein and their files, shall be transferred to the County Court of the county. All statutory provisions relating to the county courts aforementioned of each county and to the Judge or Judges thereof shall apply to the new County Court of the county and the Judge or Judges thereof, unless otherwise provided by law. Until otherwise provided by law and except as aforestated, the judicial officers, surrogates and clerks of all courts now existing, other than those abolished in paragraph 3 hereof, and the employees of said officers, clerks, surrogates and courts shall continue in the exercise of their duties, as if this Constitution had not been adopted.

5. The Supreme Court shall make rules governing the administration and practice and procedure of the County Courts; and the Chief Justice of the Supreme Court shall be the administrative head of these courts with power to assign any Judge thereof of any county to sit temporarily in the Superior Court or to sit temporarily without the county in a County Court.

6. The Advisory Masters appointed to hear matrimonial proceedings and in office on the adoption of this Constitution shall, each for the period of his term which remains unexpired at the time the Constitution is adopted, continue so to do as Advisory Masters to the Chancery Division of the Superior Court, unless otherwise provided by law.

7. All Special Masters in Chancery, Masters in Chancery, Supreme Court Commissioners and Supreme Court Examiners shall, until otherwise provided by rules of the Supreme Court, continue respectively as Special Masters, Masters, Commissioners and Examiners of the Superior Court, with appropriate similar functions and powers as if this Constitution had not been adopted.

8. When the Judicial Article of this Constitution takes effect:

(a) All causes and proceedings of whatever character pending in the Court of Errors and Appeals shall be transferred to the new Supreme Court;

(b) All causes and proceedings of whatever character pending on appeal or writ of error in the present Supreme Court and in the Prerogative Court and all pending causes involving the prerogative writs shall be transferred to the Appellate Division of the Superior Court;

(c) All causes and proceedings of whatever character pending in the Supreme Court other than those stated shall be transferred to the Superior Court;

(d) All causes and proceedings of whatever character pending in the Prerogative Court other than those stated shall be transferred to the Chancery Division of the Superior Court;

(e) All causes and proceedings of whatever character pending in all other courts which are abolished shall be transferred to the Superior Court.

For the purposes of this paragraph, paragraph 4 and paragraph 9, a cause shall be deemed to be pending notwithstanding that an adjudication has been entered therein, provided the time limited for review has not expired or the adjudication reserves to any party the right to apply for further relief.

9. The files of all causes pending in the Court of Errors and Appeals shall be delivered to the Clerk of the new Supreme Court; and the files of all causes pending in the present Supreme Court, the Court of Chancery and the Prerogative Court shall be delivered to the Clerk of the Superior Court. All other files, books, papers, records and documents and all property of the Court of Errors and Appeals, the present Supreme Court, the Prerogative Court, the Chancellor and the Court of Chancery, or in their custody, shall be disposed of as shall be provided by law.

10. Upon the taking effect of the Judicial Article of this Constitution, all the functions, powers and duties conferred by statute, rules or otherwise upon the Chancellor, the Ordinary, and the Justices and Judges of the courts abolished by this Constitution, to the extent that such functions, powers and duties are not inconsistent with this Constitution, shall be transferred to and may be exercised by Judges of the Superior Court until otherwise provided by law or rules of the new Supreme Court; excepting that such statutory powers not related to the administration of justice as are then vested in any such judicial officers shall, after the Judicial Article of this Constitution takes effect and until otherwise provided by law, be transferred to and exercised by the Chief Justice of the new Supreme Court.

11. Upon the taking effect of the Judicial Article of this Constitution, the Clerk of the Supreme Court shall become the Clerk of the new Supreme Court and shall serve as such Clerk until the expiration of the term for which he was appointed as Clerk of the Supreme Court, and all employees of the Supreme Court as previously constituted, of the Clerk thereof and of the Chief Justice and the Justices thereof, of the Circuit Courts and the Judges thereof and of the Court of Errors and Appeals shall be transferred to appropriate similar positions with similar compensation and civil service status under the Clerk of the new Supreme Court or the new Supreme Court, or the Clerk of the Superior Court or the Superior Court, which shall be provided by law.

12. Upon the taking effect of the Judicial Article of this Constitution, the Clerk in Chancery shall become the Clerk of the Superior Court and shall serve as such Clerk until the expiration of the term for which he was appointed as Clerk in Chancery, and all employees of the Clerk in Chancery, the Court of Chancery, the Chancellor and the several Vice Chancellors shall be transferred to appropriate similar positions with similar compensation and civil service status under the Clerk of the Superior

Court or the Superior Court, which shall be provided by law.

13. Appropriations made by law for judicial expenditures during the fiscal year one thousand nine hundred and forty-eight—one thousand nine hundred and forty-nine may be transferred to similar objects and purposes required by the Judicial Article.

14. The Judicial Article of this Constitution shall take effect on the fifteenth day of September, one thousand nine hundred and forty-eight, except that the Governor, with the advice and consent of the Senate, shall have the power to fill vacancies arising prior thereto in the new Supreme Court and the Superior Court; and except further that any provision of this Constitution which may require any act to be done prior thereto or in preparation therefor shall take effect immediately upon the adoption of this Constitution.

Done in Convention, at Rutgers University, the State University of New Jersey, in New Brunswick, on the tenth day of September, in the year of our Lord one thousand nine hundred and forty-seven, and of the independence of the United States of America the one hundred and seventy-second.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this eighth day of December, in the year of Our Lord one thousand nine hundred and forty-seven, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:

LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The blizzard of December 26-27, 1947, has caused widespread havoc, destruction of electric power lines and disruption of all means of communication and transportation in the Northern section of this State, and

WHEREAS, The sleet storm of January 1-2, 1948, by its accumulated weight of ice on trees and transmission lines, has caused large areas in the Northern section of this State to be without any form of power, electric light; without heat; and without potable water;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, by virtue of the authority vested in me under the Constitution and laws of this State, DO HEREBY DECLARE A STATE OF EMERGENCY in the counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren. I further order all military forces of this State to render such relief as they are able to residents of the stricken areas. I further order that all armories remain open, and that the persons and officials in charge of such buildings shall provide such emergency sleeping facilities and other aid as may be available.

[SEAL] Given, under my hand and the Great Seal of the State of New Jersey this second day of January, in the year of Our Lord one thousand nine hundred

and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Lasting peace and permanent security of our State and Nation are largely dependent upon our known military preparedness in a world still seeking an effective formula for the establishment of the rule of law in international relations; and

WHEREAS, The United States Marine Corps has since the earliest days of our Nation been a bulwark of our security as well as a symbol of the finest qualities of American manhood; and

WHEREAS, The heroic exploits of the Marine Corps in the forefront of our armed forces throughout the world are recorded indelibly in our history; and

WHEREAS, The Marine Corps in discharging its continued responsibilities has undertaken to build up a highly-specialized reserve force of 100,000 "home-town marines," trained in the newest weapons, equipment and tactics of amphibious operations in the air, on land and sea;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim the week of

JANUARY 12TH TO 18TH, 1948

as

MARINE CORPS RESERVE WEEK

and I strongly urge all eligible citizens of this State between the ages of 17 to 32 (and veterans of older ages) to acquaint themselves this week with the outstanding opportunities offered by the Citizens Marine Corps, the Reserve Component of the United States Marine Corps. I further urge eligible citizens to consider the advantages of sharing in the proud heritage and many benefits of the Marine Corps while they live at home and keep their regular jobs; and the opportunities for services to State and Nation, as well as for personal advancement, which should appeal to every patriotic American.

[SEAL] Given, under my hand and the Great Seal of the State of New Jersey, this twelfth day of January in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Director, Division of Taxation, Department of Taxation and Finance on the second day of February, one thousand nine hundred and forty-eight, under the provisions of chapter eleven, Title 54, Revised Statutes, reported to the Governor a list of all corporations coming under this act; and

WHEREAS, The following-named corporations so reported have, for the two years preceding such report, failed, neglected or refused to pay the State taxes assessed against them for the year one thousand nine hundred and forty-five, under the laws of the State of New Jersey, and made payable unto the State Treasury; and

WHEREAS, Under the provisions of said act the charters of said corporations are revoked and all powers conferred by law upon such corporations declared inoperative and void, unless the Governor gives further time for payment; and

WHEREAS, The Governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes, and the same are still unpaid;

THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, pursuant to the provisions of said act of the Legislature, do hereby issue this Proclamation that the charters of the following-named corporations so reported and in default, to wit:

Corporations whose charters are to be repealed and declared null and void for unpaid taxes of 1945 under chapter eleven, Title 54, Revised Statutes.

UNPAID TAXES FOR THE YEAR 1945

Abbott-Mading Lumber Company,
ABC Shoe Service Inc.,
Accurate Products Co.,
Ace Fuel Service Co. Inc.,
Acme Finishing Co.,
Acme Lumber Corporation,
Acorn Steel Company Inc.,
A. & D. Investment Co.,
Aerial Explorations Inc.,
Aero Grill Inc.,
Afro American Community Enterprises, Incorporated,
Agency Service Inc.,
A. & G. Real Estate Company Inc.,
Air-Col Corporation,
Air Conditioning Technological Institute,
Aircraft Automotive Moulding Co.,
Alan Building Corp.,
Albee Coat Co., Inc.,
Albilaine Holding Co.,
Alby Jewelers, Inc.,
Aldecress Corporation,
Alden Park Manor Inc.,
Alexa Corporation,
Alexander Hamilton Offset Printing Company,
Allen Realty Corp.,
Alles Realty Company Inc.,
Alliance Finance Corporation,
Allied Holding Corp.,
Allied Laboratories Inc.,
Allied Plastic Products Inc.,
Allied Tobacco Products, Inc.,
Allie Stolz Ringside Bar,
Allocca Building & Construction Co. Inc.,
Almac Tavern,
Alper Corporation,
Alpha Pump & Engineering Company,
Altman Realty Company,
Alvan Realty Corporation,
Alverna Industries Inc.,

Alvord Hall Association,
Amelia Realty Corporation,
American Amusement, Inc.,
American Aviation Oil Company,
American Beauty Products Co.,
American Builders Corporation,
American Cabinet Company Inc.,
American Clipper, Inc.,
American Dirigible Company, Incorporated,
American Farm Agency,
American Garage, Inc. of Plainfield,
American Holding Co.,
American Hydrozone Corporation,
American Shade and Awning Co.,
Ames Chemical Co.,
Amos Realty Company,
Amsterdam Holding Company,
Anna Krot Realty Co.,
Anne Sport Shoppe,
Annex Realty Corporation,
Ann-Jo, Inc.,
Anthony Salerno, Inc.,
Apex Cutting Appliances Inc.,
Aqua Oil Co..
Arax Realty Company,
Arbell Company, Inc.,
Ardee Realty Corporation,
Arden Farm Products, Inc.,
Arena Rest,
Armel's Wayside, Inc.,
Arrow Printing Co., Inc.,
Arthur C. Feuser, Inc.,
Asbury Ambassador Hotel Corporation,
Asphalt Sales and Contracting Co.,
"Associated Electronics Corp.",
"Associated Suppliers Corporation",
Astor Grill Inc.,
Astra Business Associates,
Atlantic Coast Commodities Corporation,
Atlantic Coast Company,
Atlantic Realty Service, Inc.,
Atlantic States Realty Corporation,
Atlantic Tool & Die Corporation,

"Atlas Specialities Co.",
A. T. McMichael, Inc.,
Auerbach Realty Corporation,
Augusta King Farms,
Automatic Appliance Corporation,
Automatic Sanitary Vendors Corp.,
Automotive Accessories Inc.,
Automotive Manufacturers Inc.,
Aviation Services, Inc.,
The Avo Corporation,
Axen Associates,
A. Z. & Sons, Inc.,

The Baby Shoppe, Inc.,
Bakco Corporation,
Balca Realty Co.,
Baldwin Cleaners & Dyers, Inc.,
B. A. Levinson Realty Company,
Ballum Investment Company,
Banker Products Co., Inc.,
Bard Realty Co.,
Barebell Realty Company, Inc.,
Barich Manufacturing Company,
Baumil Co. Inc.,
Bayonne Furnace & Stove Works,
Bayonne Recreation, Inc.,
Bay Street Realty Corporation,
Baywood Investment Company,
B. C. M. Realty Co.,
B. & C. Sportswear Inc.,
Beach Haven Development Company,
Becker and Schultze, Co.,
Bee-Tress Corporation,
Belleville Service Station, Inc.,
Bellevue Garage Incorporated,
Bell Haven Company,
Belmont Estates, Inc.,
Belmont Square Investment Association of Newark, N. J.,
Bel-Port Co.,
Belrose Homes Corp.,
Belroth Realty Co., Inc.,
Belton Realty Corporation,

Belvidere Coaster Corporation,
Belvidere Realty Company,
Benjamin Smith Inc.,
Ben's Diner Inc.,
Bergen Beauty Supply Co., Inc.,
Bergen Essex Construction Co.,
Bergen Mortgage Investment Corporation,
Bergen Paints, Inc.,
Bergen-Palisades Realty Co.,
Berkshire Silica Co.,
Berly Investment Co., Inc.,
Berlo Holding Company,
Bermanzig Realty Co.,
Bernard, Daniels & Company,
Bernice Corporation,
Berthorne Realty Co.,
Bert Kay, of Atlantic City, N. J.,
Bertye Holding Company,
Best Realty Corporation,
"B. G. Sports Club, Inc.",
Bi-County Realty Corporation,
Biertuempfel Cork Products Co. Inc.,
Bill Bloch Inc.,
Birdwood Club of Haddonfield,
B. & J. Realty Company,
B. K. Sales Company, Inc.,
Black Cat Auto Service, Inc.,
Black Oaks Bar & Grill, Inc.,
Blackwood Development Company
Bloodgood-Hopcke Corporation,
Blue Eagle Service Garage, Inc.,
Blue Ribbon Homes,
Blue Sky Investment Co.,
Blum Importing Co.,
Boardsea Realty Corporation,
Bobnell Holding Company,
Bogota Properties, Inc.,
Bomar Corporation,
Bonaire, Inc,
Bonham Realty Co., Inc.,
Boon Realty Company,
Borgen and Company,
Bortine Company Inc.,

Boulevard Development Co. of Jersey City,
Boulevard Realty Co.,
Bowers Tonsorial Shop, Inc.,
Boyd-Curtis, Inc.,
Boylan's Grill,
B. P. Company,
Bradley Park Apartments,
Brandt-Weber Inc.,
Branford Music Shop, Inc.,
Breakers, Inc.,
Brighton Casino, Inc.,
Brighton-Lewis, Inc.,
Broad Jersey Corp.,
Broad St., Bar Inc.,
Broadway Drug Inc.,
Broadway Lites, Inc.,
Broadway Upholstering Co.,
Brocker Chemical Company,
Bronx Piece Dye Works, Inc.,
Brooklawn Beauty Salon,
Brooklawn General Merchandising Co.,
Brotherhod Finance Corporation,
Broughton Pharmacy, Inc.,
Brownie Company,
Brown's Mills Inn Corporation,
Brownstone Corporation,
Bruce Electric Co. Inc.,
"Brunbrook Liquidating Corporation",
Brunswick-Jordon Estates,
Buchanan Realty Co., Inc.,
Buckelew, Ely and Walthers, Inc.,
Buena Vista Holding Co., Inc.,
Builders Steel Products Corporation,
Buist Chemical Corporation,
Bunny's Tavern,
Burke Avenue Corporation,
Burk Motor Company,
Burlington City Printing Company,
Burmonoc Corporation,
Burrough Engineering Co.,

Caccavale and Catello, Inc.,
C. A. Lausberg & Sons, Inc.,

Calco Parking Co., Inc.,
Callaghan Corporation,
Calvin Corporation,
Cambridge Tavern, Inc.,
Camden Abattoir Co. Inc.,
Camden Abattoir Realty Co.,
Camden Associates,
"Camden Chain Stores, Inc.",
Camden Development Co.,
Camley Realty Corporation,
Cammer Corporation,
Campbell Stores,
Camptown Recreation,
Canning Machinery Corp.,
Canton Restaurant, Inc.,
Capitol Amusements,
Capitol Confectionery, Inc.,
Capitol Store Fixture Corporation,
Carlough and Machetto, Inc.,
Carroll Construction Company,
Carson-Newton Co.,
Carteret Jersey Corporation,
Carteret Land Company,
Carteret Standard Inc.,
Caruso Restaurant, Inc.,
Caruso Spaghetti Place, Inc.,
Case Carrier Corporation,
Castle Cave, Inc.,
Causeway Service Station, Inc.,
C. & D. Timber Corp.,
C. E. A. Investment Co.,
Cedar Crest Heights Incorporated,
Cedar Grove Dairy Products Co. Inc.,
Cedar Lodge, Inc.,
Celia Miller, Incorporated,
Center Holding Co.,
Central Ave. Service Station Inc.,
Central Discount Co.,
Central Holding Corp.,
Century Textile Corp.,
C. E. P. Realty Corporation,
C & G Engineering Works, Inc..
Champion Brands Inc.,

Champion Oil Company,
Chapel Trucking Co., Inc.,
Charles K. Baxter & Co., Inc.,
Charles W. Benfield and Son, Inc.,
Charlton Health Center,
Chaumont Corporation,
Chernin's Family Shoe Store,
Chester Realty Corporation,
Chiaramonte Holding Co.,
Chin-Chin, Inc.,
C. H. Loomis & Co.,
Chris' Oyster & Chop House Inc.,
The City Abstract Co.,
City and Country Realty Company,
City Fruit Exchange Inc.,
City Hall Pharmacy,
City Restaurant & Delicatessen,
C. & K. Mfg. Co.,
Claire Shoppe Inc.,
Clare Manufacturing Corporation,
Clarendon Realty Company,
Clare Realty Company,
Clayton Drug and Variety Company,
C. L. G. Realty Company,
Cliffside Bus Corp.,
Cliffside Park Cinder Company,
Clifton Garage of Jersey City,
Clifton Stations Inc.,
Clinton Garage of Jersey City,
Clinton Hill Construction Co. Inc.,
Clinton Hill Plumbing Supply Co.,
Clinton Meat Market Inc.,
Club Lincoln, Inc.,
Club One Seventy-Seven,
Cobane Realty Corporation,
Cocktail Bar, Inc.,
Collins Brothers Contracting Company,
Colonial Diner, Inc.,
Colonial Fuel & Supply Co. Inc.,
Colonial Precision Products Company,
Columbia Associates, Inc.,
Columbian Union Holding Company,
Columbus Corporation,

Columbus Realty Company of Jersey City,
Comet Mfg. Co.,
Commercial Operators, Inc.,
Commercial Signs, Inc.,
Community Building Supply Company,
Community Circulating Library of N. J., Inc.,
"Community Music Foundation, Inc.",
Community Realty Corporation of Trenton,
Compania De Cafe Esperanza,
Concrete Mixers Inc.,
Coney Realty Company,
Congress Court Corp.,
Conservation Can Corp.,
Consolidated Amusement Corporation,
Consolidated Chemical Sales Corporation,
Consolidated Housing Corporation,
Consolidated Salvage & Engineering Co., Inc.,
Consolidated Trading Corporation,
Construction Management, Inc.,
Cooper Co.,
Cooper Construction Corporation,
Courshon Products Company,
Cramer Realty Company,
Cranberry Lake Development Co., Inc.,
Craydon Company,
Credit Reporting Bureau,
Crescent Development Corporation,
Crescent Housing Corporation,
Crescent Log Cabin, Inc.,
C. R. LeCompte Coal Company,
Crystal Lake Corporation,
C. T. Realty Co. Inc.,
Cumley Lumber Co. Inc.,
Cyruson Holding Co.,

Dad's Cookie Co of New Jersey,
D'Andrea Holding Co.,
Dasor Building Corp.,
Davestan Amusement Company,
David Auto Sales Inc.,
Davis' Studios,
Dayton Realty Company, Inc.,
D. B. & R. Corporation,
D & C Land and Improvement Company, Incorporated,

Deane-Abbey Company,
De Cou Village, Inc.,
Delsea Airlines, Inc.,
De Luxe Bake Shops,
De Luxe Farm, Inc.,
De Luxe Fountain & Sandwich Shoppe, Inc.,
Denma Investment Company,
Dial Realty Corporation,
Dick & Johnny, Inc.,
Dick's Lunch Room, Inc.,
Dietzsch Embroidery Co. Inc.,
Dimwal Construction Company,
Diosma Laboratories, Inc.,
Dispatch Company,
Dixie Oil Co.,
D. L. Corporation,
Dock Realty Corporation,
Dr. Salov Optometrists,
Doe Motor Lines, Inc.,
Domestic Products Co.,
Donbermar Realty Corporation,
Don Realty Co.,
Dorigo Stock Farm, Inc.,
Dorothy Earl Hairdresser, Inc.,
Dorset Realty Co.,
Dotsal Corporation,
Drexel Holding Corp.,
Drug Research Laboratories Inc.,
D & S Corporation,
Duane Holding Co.,
Duer Realty Co., Inc.,
Dungee Coal & Ice Co.,
Duro Tool & Die Corp.,
D. & W. Co.,

Eagle Ridge Company,
East Coast Sales, Inc.,
Eastern Corporation,
Eastern Embroidery Co.,
Eastern Motor Freight Lines, Inc.,
Eastern Rodeo Association,
Eastern States Realty Corporation,
East Orange Motors, Inc.,

East Orange Properties, Inc.,
Eckles Realty Co., Inc.,
Economy Glass Co.,
E. D. Corporation,
Edfran Realty Company,
Edgar Hill Development Company, Inc.,
Edgesser Securities Company,
Edison Bar Inc.,
Edison Steam Laundry, Inc.,
Edmund S. Scherr, Inc.,
Educational Amusements, Inc.,
Edward H. Roehrs Inc.,
E. Ferrett Estate,
E. Fred Sulzer & Co.,
E. and G. Dredging Company,
E. H. Campbell, Inc.,
Eighteenth & Belmont Inc.,
Eighth Street Realty Company,
83-85 Bergen Avenue Corporation,
Eisenberg Construction Company,
E. J. Corporation,
Elastoid Corporation,
Elastoid Industries, Inc.,
Elastoid Products, Inc.,
Elber Realty Corporation,
Elbes Realty Company,
Eldion Realty Co.,
Electrical Products, Inc.,
Eleven Thirty-Eight Co.,
Elite Art & Gift Shop, Inc.,
Elizabeth De Mott, Inc.,
Elizabeth Packing Company, Incorporated,
Elizabeth Salvage Co., Inc.,
Ellen F. Waldron, Inc.,
Ellery Stewart Co.,
Elliot Plumbing & Heating Co., Inc.,
Elmer N. Rinhart & Company,
Elm Fabrics, Inc.,
El Rancho,
Elsted Engineering Corp.,
Elston Holding Co.,
Elston Realty Corporation,
Elvie Realty Co.,

Elynn Realty Company,
Emba Realty Corporation,
Emess Realty Co. Inc.,
Emmar Realty Corporation,
Empire Furniture Company,
Empire Petroleum and Transport Co., Inc.,
Empress Manufacturing Company,
Engineering Services, Inc.,
Enterprise Cranberry Company of Monmouth County,
Ernest Beyer, Inc.,
Eskay Company, Inc.,
Essay Luncheonette,
Essenn Properties, Inc.,
Essex Collection Service,
Essex County Holding Corporation,
Essex Engineering Corporation,
Essex Machine Products, Inc.,
Essex Plumbing & Heating Supply Co.,
Estate of Florence S. Archer, Inc,
Estate of Henry E. H. Bohlen, Inc.,
Estate Security Company,
Estate Of S. Steinhart, Inc.,
Estbro Construction Company,
Esther Realty Co.,
Eswalt Realty Co., Inc.,
Etta's, Inc.,
Eureka Apartments Inc.,
Euripedes Realty Company,
Ever-Ready Realty Co.,
E. W. K. Realty Co.,
Excel Investment & Holding Corporation,
Excello Chemicals, Inc.,

Fab Realty Corporation,
Fabrics Manufacturing Inc.,
Fabsteel Industries, Inc.,
Fabyan Realty Company,
Factory Furniture Company, Inc.,
Fairfield Dairy Supply Co.,
Fair Grounds Realty Corporation,
Fairlawn Manor Homes Co.,
Fairview Five & Ten Cent Stores, Inc.,

Farmers Marketing Company, Inc.,
Farnum Corporation,
Fashion Art Coat Shop, Inc.,
Fay's Cut Rate Stores,
F. & D. Weid Corp.,
Fee-Simple Estates, Inc.,
Feldman's Fabric Shop, Inc.,
Fennia Grill Inc.,
Ferry News Company, Inc.,
Ferry-Washington Holding Co.,
Fieldgar Realty Corporation,
50-54 Randolph Street, Inc.,
First National Investment Corporation,
Fishetto Trucking Company, Inc.,
586 Avenue C. Corp.,
500 Grand Street Corporation,
531 Bergenline Avenue Corp.,
Five Twenty Five-Forty Fourth Street Corporation,
5544 Hudson Boulevard Corporation,
F. J. H. Bower, Inc.,
Flac Distributing Company,
Fleet Welders Corporation,
Fleetwell Corporation,
Florgo Realty Company,
"Florotron Lamp Corporation",
Flower Realty Corporation,
Flying Red Horse Servicenters, Inc,
Fochi, Inc.,
Fordham J. Walsh Corporation,
Ford Products, Inc.,
Forest Apts., Inc.,
Forest Gardens, Inc.,
Forest Realty Co.,
Fornarotto, Inc.,
489 Groom Street, Inc.,
430 Cooper Inc.,
403 Corporation,
4808 Bergenline Avenue Corporation,
Fox Fur Co., Inc.,
Fraims Holding Co., Inc.,
Frances Shop Inc.,
Franklin Cleaners & Dyers, Inc.,

New Jersey State Library

Franklin Frocks Inc.,
Franklin Mortgage Company of Camden, N. J.,
Frank Pizzollo, Inc.,
Frank W. Milosy, Inc.,
The Freddie Herman Corporation,
Fred Fitz Randolph Company,
Frelite Realty Corporation,
French Fur Dressing & Dyeing Corp.,
Frenchy's Tavern, Inc.,
Fried & Co., Inc.,
The Friendly Shops, Inc.,
F. Schumacher and Sons,
F. S. Corporation, No. 1,
Fulton Holding Corp.,
Furst Realty Co.,
F. & W. Corporation,

Gable Castle, Inc.,
Gallagher's, Inc.,
Galva, Inc.,
Gar Construction Corporation,
Garden State Foods, Inc.,
"Garden Victory Homes, Inc.",
Garfield Paper Box Co.,
Garner Holding Company,
G & B Export Corporation,
General Associates, Inc.,
General Cleaning Contracting Co.,
General Dye Works,
General Fertilizer Corporation,
General Machine Products Co.,
General Merchandise Co., Inc.,
General Mortgage Service Company,
Geo. Hauenstein, Inc.,
George H. Holden, Incorporated,
George J. Pearce, Inc.,
Geo. V. Denzer & Son, Inc.,
George Wieland, Inc.,
George W. Oliver & Son,
G & H Delicatessen, Inc.,
Giant Press, Inc.,
Gibaljo Holding Corp.,
Gielty Trucking Co.,

Gilmer Land Co.,
G. K. A. Holding Company,
G. Kirchner & Sons, Inc.,
Glasburo Realty Corp.,
Glass & Wohl, Inc.,
Global Spark Plug Co.,
Globe Dry Cleaning & Laundry Machinery Corp.,
Globe Holding Company,
Globe Liquidators,
Globe Restaurant,
Glory Realty Co. Inc.,
Goetz Bros., Inc.,
Goldberg Garment Co Inc.,
Golden Oak Restaurant,
Golgotha Corporation,
Goltar Realty Company,
Good Real Company,
Goodwin Construction Company, Inc,
Gordon Drug Co.,
Gorge Construction Co.,
Gorge Realty Co.,
Graffin and Commons, Inc.,
Graham and McCloskey Co.,
Grand Construction Co.,
Grand Furniture Co., Inc. of New Jersey,
Grand United Order of Odd Fellows' Hall Association of Camden, New Jersey,
Grandview Court Homes, Inc.,
Graytop, Incorporated,
G. R. D. Realty Corporation,
Greenbrook Holding Corporation,
Greentree Corporation,
Green Valley Farms,
Greenville Club, Inc.,
Greenwald Hotel Company,
Grove Welding Co., Inc.,
Gunnison-Preiser Homes, Inc.,
Gutstein Undergarment, Inc..

Hadgeoff Realty Corporation,
H-A-J Realty Co., Inc.,
Hallow Company,
Hand Craft Clothes, Inc.,

Hand-Craft Corporation,
Hanford Realty Company, Inc.,
Hannah Craig Realty Company,
Hannah Gilbert, Inc.,
Happy Grocery Co., Inc.,
Harich Holding Company,
The Harmax Corporation,
Harold John Adonis & Company, Inc,
Harry A. Smith & Daniel Berliner, Inc.,
Harry I. Jacob's Agency,
Harry & James Realty Corporation,
Harry J. Farrel, Inc.,
Harry Justman, Inc.,
Harry's Department Store, Inc.,
Harter, Inc.,
Hastings Coal Co.,
The Hawthorne Corporation,
Hawthorne Development Corporation,
Haydu Beef Co., Inc.,
Hay-Finlaw Co.,
"Hazelwood Gulf Service Station",
H & C Service, Inc.,
H. Davis & Son, Inc.,
H And D. Corporation,
H. D. & E. Building and Land Company Inc.,
H. D. Z. Tavern, Inc.,
Heights of Valhalla Corporation,
Hengrove Realty Co.,
Henry C. Smith & Sons Co.,
Henry Realty Corporation,
Henry Standard Co., Inc.,
Henry W. Evans & Co.,
Herald Securities Company,
Herbert Hall Company Small Tool Division,
Herbert Mcknight Garage Corp.,
Herb's Diner,
Hercules Investment Co.,
Herda Realty Corporation,
Herfan Investment Corp.,
H. F. Lawson, Inc.,
H. H. Apgar Co.,
Hiawatha Tavern,
High Acres, Inc.,

High Cliff Building Corp.,
Highgate Hall Coffee House, Inc.,
High Octane Corporation of America,
Hildell Realty Company,
Hiller Stores Co.,
Hillside Cable Co.,
Hilltop Dairy, Inc.,
Himsel's Stock Farm, Inc.,
Hi-V Vitamin Corporation,
H. M. B. Company,
The H. & M. Music Co., Inc.,
H. N. Stam, Inc.,
Hobbro Incorporated,
Hoboken Fruit Exchange,
Hoboken Furniture Co., Inc.,
Hochberger Garage, Inc.,
Hof-Brau Hotel, Inc.,
Hoffman Co-operative Association,
Holzer Coal and Ice Co.,
Holzer Grocery Company, Inc.,
Home Clothiers,
Home and Garden Inc.,
Home-Made Candy Company,
Homestead Golf & Country Club, Inc.,
Hopatcong Land Company,
Hoppe & Schroeder, Inc.,
Horace R. Freeston Corp.,
Horni Signal Manufacturing Corporation,
Horwitz Company,
Hotel Bailee, Inc.,
Hotel Lee, Inc.,
House Construction & Remodeling Company,
Howard C. Osborne Company, Inc.,
Howard Tavern,
Howells, Inc.,
H. T. Campbell Co.,
Hub Credit Co., Inc.,
Hudson-Bergen Associates, Inc.,
Hudson-Plush Co. Inc.,
Humphrey Trucking, Inc.,
Hutton Company,
H. & W. Holding & Investment Company,
Hygrade Amusement Corp.,

"Ideal Cleaners Inc.",
Ideal Dental Laboratory, Inc.,
"Ideal Gasoline & Service Station, Inc.",
Idora, Inc.,
Imperial Food Company,
Imperial Mfg. & Trading Co.,
Imperial Porcelain Works, Inc.,
Index Realty Company,
Indian Tavern Hotel Inc.,
Industrial Fibre Products Co. Caldwell New Jersey,
Industrial Investment Company,
Industry and Patent Clearing Corporation,
"Ingersoll Plastics Company",
Innelli Realty Company Inc.,
"Inrem Corporation",
Insulant Chemical Company,
Intaglio Processes, Inc.,
The Integer Corporation,
International Generator and Transformer Co., Inc,
International Molding Corporation,
Interstate Brokerage Co.,
Interstate Scrap Iron Corp.,
Inter-Urban Realty Owners Company,
The Iron Forge Studios, Inc.,
Irra Realty Co.,
Irving Drug, Incorporated,
Isabella Green, Inc.,
Islander Steamboat Company, Incorporated,

"J & A Amusement Company",
Jackgor Realty Corporation,
Jackson Drug Company,
Jacobs Realty Co., Inc. No. 1,
J. and A. Corporation,
James Donnelly, Inc.,
James Falls Realty Co.,
James J. McCann, Inc.,
Jamuth Realty Company,
Janbert Amusement Corporation,
Jay Construction Co.,
Jaydee Trucking Corporation,
J. D. Company,

Jean Baptiste Holding Corp.,
Jefferson Ice Company,
"Jersey Associates, Inc.,"
Jersey City Ash Removal Co., Inc.,
Jersey City General Washing Co.,
Jersey City Poster Advertising Company,
Jersey Coast Furniture Exchange, Inc.,
Jersey Jack Company of America, Inc.,
Jersey Lumber Company,
Jersey Mercantile Co., Inc.,
Jersey Steel & Wire Corporation,
Jersey Stone and Slate Company,
The Jewish Veteran Publishing Company,
J. F. Keats, Inc.,
J. F. & W. Farms,
J. H. Fiesser Sons, Inc.,
J. H. Whitaker Manufacturing Co.,
J. L. Realty Co.,
J and M. Holding Company,
J. M. L., Inc.,
Joe Kelly, Inc.,
Joest Holding Corp.,
John Alden Shop, Inc.,
John Duval & Co.,
John Edwards Engineering Co.,
John H. Davis (Firm) Inc.,
John M. Laird, Inc.,
John Otterstedt, Inc.,
John P. Clarke Corporation,
John Pellikan & Son Construction Company, Inc.,
John P. Wenston & Co. Inc.,
Johnston's Tavern,
Joseph Borelli, Inc.,
Joseph Brothers Realty Co.,
Joseph Cohen, Inc.,
Joseph Honixfeld, Inc.,
Joseph's The Gift Shop,
J. and S. Corporation,
J. S. Packard Dredging Company,
Jules Company, Inc.,
Juliber Realty Company,
Junction Investment Company,
J. W. Markeim Construction Co.,

Kaighn Construction Company,
Kamex Realty Corp.,
Kamor Realty Corporation,
Karlin Cut Rate Drug Stores,
Karlin's Drug Store,
Kartch's Inc.,
Kasoff Construction Co.,
Katsin's, Inc.,
K. Berson Co. Inc.,
Kem Industries, Inc.,
Kem Realty Company, Inc.,
Kensington Estates, Inc.,
Kentucky Realty Company,
Kernel Korn Klub,
Keyport Airport Corporation,
Keyport Storage Corporation,
Keystone Agency, Inc.,
Keystone Credit Corporation,
Kincaid Manufacturing Co. Inc.,
Kincaid Realty Company, Inc.,
Kingsley Jones, Inc.,
Kingsley II, Inc.,
Kinnelon Lake Park, Inc.,
Kirk-Mar Co.,
Kirsch-Bryan,
Kitty Hawk Shores Corporation,
K & K Trucking Corp.,
Klein's Regular & Stout Men's Shop,
Klieman Poultry Co.,
Knight Construction Company,
"Kollerkoil Company",
Kounelias & Son, Inc.,
Kramer Tie Co., Inc.,
Kreimer's Meat Market, Inc.,
K. S. Realty Co.,
Kukowski and Sons, Inc.,
Kupvay Co.,
Kurwin Holding Corporation,
Kwolek Realty Corporation,

Lafayette Hotel Corp.,
La-Fede Cooperative Society of Raritan,
Laimar Realty Company,

Lake Hopatcong Development Company,
Lakeland Flying Service, Inc.,
Lakeview-Clifton Realty and Construction Co.,
Lalor Towne, Inc.,
La Marionette Beauty Salon,
Lancaster Realty Co. Inc.,
Lanley Corporation,
La Pera Hotel Corp.,
"Larchmont Realty Co.",
Larsen Bros.,
La Vogue Beauty Studio, Inc.,
Leeds & Fox Agency, Inc.,
Leeds Shop,
Lee Pie Trading Corporation,
Legal Credit Corporation,
"Lehigh Packaging Co., Inc.",
Leon Stone Furniture Co., Inc.,
Levante Realty Company,
Level Holding Corporation,
Levin and Meltzer, Inc.,
Levitin & Unterweiser, Inc.,
Lew Brown, Inc.,
Lewmin Realty Company,
Liability Underwriters Agency, Inc.,
Liaci Realty Company,
Liberal Publishing Company Inc.,
"Liberty Coat Shop, Inc.",
Liberty Construction Co.,
Liberty Finance Company,
Liberty Fixture & Electrical Supply Co.,
Liberty Trading Corp.,
Liberty Welding Service,
Libman-Spanger Corporation,
Library Holding Company, Inc.,
Lincoln Company Real Estate,
Lincoln Employment Agency,
Lincoln Improvement Co.,
Lincoln Investment Company, Inc.,
Lincoln Men's Clothes, Inc.,
Lincoln Park Recreation, Inc.,
Linwood Homes, Inc.,
Little Beach Investment Co.,
Little Falls Ribbon Mill, Inc.,

Little Ferry Hotel and Realty Co.,
Lloyd Realty Company, No. 1,
L. & M. Holding Company,
Local Press,
Locrane Equipment Co.,
Log Cabin Tavern, Inc.,
Long Branch Cement Block Company, Inc.,
Longworth Garage, Inc.,
Loomis Realty Company,
Lord Realty Company, Inc.,
Lord & Williams,
Lorraine Manufacturing Co.,
Louis Di Francesco, Inc.,
L. P. L. Realty Co.,
L. R. H. LaBaw & Co., Inc.,
L. & T. Petroleum Co.,
Lubry Realty Corporation,
Lucci Bus Company, Inc.,
Ludlow-Wilson Corporation,
Lufts Realty Corporation
Lynn Estates, Inc.,
Lynx Sanitary Specialties, Inc.,
L. Z. Realty Corporation,

Macdon Realty Holding Corporation,
Macland Inc.,
The MacStraley Corporation,
Madame Kaye's Reducing Institute,
Madison Development Company,
Madison Electronics Corp.,
Madison & Market Company,
Maes & Gaugler, Inc.,
Magna Investment Co.,
Maier Electric Co. of New Jersey, Inc.,
Mair, Inc..
Malco Sales Service, Inc.,
M. A. Lewis Co. Inc.,
Manhattan Hotel Corporation, Inc.,
Mansfield Holding Co.,
"Maple Apartment, Inc.",
Maple Leaf Farm Market Inc.,
Marconi Restaurant, Inc.,
Marcus Bacharach Inc.,

Marcus Engineering-Laboratories, Inc.,
Marcy Farms, Inc.,
Marflo, Inc.,
Margay Service Station,
Marianne Shops, Inc.,
Marida Co.,
Marine Hotel Bar and Grill, Inc.,
Markob Realty Co.,
Marlbair Corporation,
Marlborough Community, Inc.,
Marmatt Machine Works Inc.,
Martin Securities Co.,
Martins Inc.,
Marx Hotels, Inc.,
Marylane Holding Co.,
Marzigiano Poultry Farms,
Master Color and Chemical Company Inc.,
Master Electronic Laboratories,
Master Holding Co.,
Mastess Realty Corporation,
Matthew Company,
Maude Stewart, A New Jersey Corporation,
Maugla Realty Company, Inc.,
"Max Bures, Inc.",
Max Jordan, Inc.,
Max Rosen, Inc.,
Maxwell's Yard Goods Store, Inc.,
M. B. A. Inc.,
M. B. Corporation,
McDermott's Blue Flame Company, Inc.,
McGann Transfer Company,
McKeag Motors,
McLoughlin Realty Co.,
M. D. G. Development Co.,
Medford Lakes Trading Post, Inc.,
Megaro Plumbing & Heating, Inc.,
Melko Enterprises, Inc.,
Mellor Esso Service Centre Station, Inc.,
Memorial Service Corporation,
Mercer Hardware & Roofing Supply Co.,
Mercer Woodworks,
Merchants Commodities Corporation,
Merchants Development & Sales Co., Inc.,

Merrimac Construction Corporation,
Messina Realty Co. Inc.,
Metallurgy Engineering Company,
Metas Realty Corporation,
Metrah Rental Homes, Inc.,
"Metropolitan Concert and Artists Bureau, Inc.",
Metropolitan Ideal Baking Co.,
Metropolitan Trucking & Warehouse Corp.,
Meyer Cozcewith, Inc.,
M. Gittman & Company,
M. and G. Realty Holding Company, Incorporated,
Micro-Electronic Products Mfg.,
Mid-County Realty Company,
Middlesex Realty Company,
Mid-Fairway Corp.,
Mid-Jersey Investment Corporation,
Military Equipment and Supply Co.,
Milk Transportation Co., Inc.,
Millcliffe, Inc.,
Miller's Prescription Pharmacy, Inc.,
Miller Rock Wool Company, Incorporated,
Minamay Corporation,
Mira Theatres Corp.,
Miro Realty, Inc.,
Mr. Cash, Inc.,
M. J. Operating Co.,
M. L. B. Construction Co. Inc.,
M and M Development Company,
M and M Investment Company,
"M. and M. Sales Co., Inc.",
M. N. Voll & Son,
The Modern Electronics Company,
Modern Home Builders' Inc.,
Modern Packing Company, Inc.,
"Moliva Holding Co., Inc.",
Monarch Aircraft Corporation,
Monarch Products Company, Inc.,
Monarch Realty Co., Inc.
Monmouth Diner, Inc.,
Monmouth Dress Co., Incorporated,
Monmouth Waste & Salvage Co., Inc.,
The Montclair Corporation,
Monticello Recreation Academy Inc.,

Montwell Corporation,
Moore's Hardware Store, Inc.,
Morart Co. Ltd.,
Morgan Provost Realty Corp.,
Morris County Zoological Gardens,
"Morris Fink, Inc.",
"Morris Fox & Co., Inc.",
Morris Lieberman, Inc.,
Morwein, Inc.,
M. P. S. Corporation,
Mulberry Arcade, Inc.,
Municipal Holding Co.,
Municipal Realty Co., Inc.,
Munn, Inc.,
Muras Realty Company, Inc.,
Murdel Corp.,
Music Box Corp.,
Myda Holding Co., Inc.,

Nabert Building Corp.,
N. A. Holding Co.,
Nalpak Realty Corp.,
Natin Levin, Inc.,
National Bonded Adjustment Bureau
National Electric Signaling Company,
National Exchange Realty Co.,
National Home Insulation Co.,
National Realty & Mortgage Company,
National Stores, Inc.,
National Vitamin Sales Co.,
Natmar Holding Company,
Nat Rann & Co., Inc.,
N. B. Fairclough, Inc.,
Neilson T. Parker Company,
Nekoboh Realty Co.,
Nelake Co.,
Neleh Corporation,
Nelson & Harris, Incorporated,
Nelson & Olsen Motors Developing Corporation,
New American Homes, Inc.,
Newark Heating & Ventilating Co.,
Newark Military Cap Co., Inc.,
Newco Chemical Co., Inc.,

The New Deauville,
New England Village Corporation,
New Idea Lunch, Inc.,
New Jersey Bond & Mortgage Co.,
New Jersey Enterprises,
New Jersey Industries, Inc.,
New Jersey Press Clipping Bureau, Inc.,
New Jersey Society for Labor Education,
New Jersey Ticket and Parcel Co.,
New Jersey Vending Service Inc.,
New National Laundry,
Newspaper Enterprise Experimental Farm, Inc.,
New Washington Realty Co., Inc.,
New York & Kentucky Mining Co., Inc.,
New York & Philadelphia Transportation Co., Inc.,
New York Wire Works, Inc.,
Niccolini & Co. Inc.,
Nick's Landing, Inc.,
Nikita Company, Inc.,
Nils Louis Rosdahl Agency, Inc.,
Nine Fifty-Five Harding Road, Inc., 98 Adeline St. Corp.,
Nivel Realty Company,
N and N Corporation,
Normandie Estates,
Normandie Investment Company,
The Normandy Associates, Inc.,
Northampton Realty Company,
North-Bleecker Realty Co.,
Northfield Liquidating Co.,
North Park Realty Co.,
North Passaic Service Company, Inc.,
Northpros Realty Company,
North-South Freightways, Inc.,
Norton Corporation,
Norwood Co., Inc.,
N. P. Realty Company,
N. T. S. Corporation,
Nut Club of Bayonne, N. J. Inc.,
Nyc Corporation of New Jersey,

Oakmont Investment Co.,
Oak Realty Corp.,

Oakwood Sportswear Co. Inc.,
Ocean County Airport, Inc.,
Ocean Terrace Corporation,
O. K. Food Stores, Inc.,
Old Anchor Inn, Inc.,
Oliver Investment Co.,
Ollco Realty, Inc.,
Olympic Cleaners and Dyers, Inc.,
Omley & Hansen, Inc.,
O. N. B. Lumber Company Inc.,
Onerest Holding Corporation,
156 Kearny Avenue Corporation,
140 Arthur Inc.,
149 49th Street Corporation,
140 Sip Avenue Corp.,
142 Mt. Vernon Place, Inc.,
160 French St., Corporation,
132 Orchard Street Corporation,
125 Prospect Street Corporation,
1113 Washington Street Corporation,
Orange Food Corporation,
Orange Investment Company,
Orange Valley Press, Inc.,
Orange Vulcanizing and Supply Company,
Orenstein Trunk Corp.,
"Otobar Company,"
Our Lovely Lady Beauty Salon,
Our Own Dairy, Inc.,
Outerbridge Homes Inc.,
Oxford Markets of N. J., Inc.,

Pacton Company,
Paige Realty Corp.,
"Palace Hotel, Inc.",
Palisades Pontiac Corporation,
Palm Associates, Inc.,
Palmyra Construction & Supply Co.,
Pam Paterson, Inc.,
Pamrapau Corporation,
Paper Mill Agents, Inc.,
Paradise Lakes, Inc.,
Paradis Machine Company,
Paramount Liquors, Inc.,

Paramount Theatres, Inc.,
Paris Rabbit Dressing, Inc.,
Park-Elliott Realty Corporation,
Park-Milton Apartments, Inc.,
Park Plumbing & Heating Co.,
Park Realty Associates,
Parkside Diner, Inc.,
Park Snyder Corp.,
Park View Holding Co., Inc.,
Parkway Service, Inc.,
Parobasa Realty Corporation,
Partition Company,
Pascack Stables, Inc.,
Passaic Stores, Inc.,
Passaic Tennis Realty Co.,
Pat Dumphy and Don Wilkie Inc.,
Paterson Beef Company, Inc.,
Paterson Bowling Alleys, Inc.,
Paterson Finance Corporation,
Paterson Novelties, Inc.,
Patty's Service Garage, Inc.,
Paul Charles Corporation,
P. Cotroneo's Inc.,
Peabody Leather Company, Inc.,
Peerless (Africa), Pty. Incorporated 1944,
Peerless Agency (Columbia), Inc.,
Peerless (Argentine) S. A., Incorporated 1944,
Peerless (Australia), Ltd.,
Peerless (Brazil), Ltda.,
Peerless (Caribbean), Ltd.,
Peerless (Central America) S. A. Incorporated 1944,
Peerless (Iberia), Ltda.,
Peerless (Middle East), Ltd.,
Peerless (South America) S. A., Incorporated 1944
Peerless W. I., Ltd.,
Pegasus Holding Corporation of N. J.,
Penco Haulers, Inc.,
Penzance Holding Corporation,
Peoples Mortgage Co.,
Perfect Dyeing & Finishing Corporation,
Perryland Realty Corp.,
Peter Lebrie, Inc.,

Peter R. Nehemkis & Co. Inc.,
Petersen Engineering & Manufacturing Corporation,
Philadelphia Oil Company,
Philent Corporation,
Philip Jacobs, Inc.,
Philmore Store, Inc.,
P. H. Stephens, Incorporated,
Pickwick Grille, Inc.,
Pine Lake Holding Company,
"Pink Mirror, Inc.",
Pioneer Diner Company,
P. J. Costello, Inc.,
P-K-L-Realty Co.,
Play Time Enterprises, Inc.,
Plaza Service Station of West Englewood, Inc.,
Pleasant Homes, Inc.,
Poplar Realty & Security Co., Inc.,
Popular Fruit Co., Inc.,
Portable Bridge Corporation,
Port Carbon Coal Company,
Portia Turner, Law Publisher, Inc.,
"Port Stevedoring Corporation",
Posnewmac Corporation,
The Post Realty Company,
Post Tailors & Cleaners, Inc.,
Potosnak Realty Co., Inc.,
Power Specialties Service Co.,
"Pressoline Products Company",
Princess Frocks, Inc.,
Princess Gowns, Inc.,
"Producer's Specialty Corporation",
Property Investment Company,
Providence Jewelry & Novelty Co. Inc.,
Provident Realty & Construction Company,
Provost Realty Corp.,
Prudence Credit & Collection Co.,
P & T Coal & Fuel Company, Inc.,
Public Service Upholstery Co.,
Pullclean Towel Cabinet System of New Jersey,
Pure Chemical Co. Inc.,
Pure Ice Manufacturers, Inc.,
P. & W. Inc.,
Pyramid Realty Corporation,

Q-B Bandages, Inc.,
Quad Realty Co.,
Quality Candy & Ice Cream Corp.,
Quality Homes, Inc.,
Quality Laundry Co.,
Quality Shoe Service, Inc.,
Quarter Turn Locking Devices, Inc.,
Quemos Theatre Co., Inc.,

Radio & Equipment Finance Corporation,
Rad-Park Corp.,
The Rafelson Company,
Rahkin Holding Company,
Rainbow Amusement Co., Inc.,
Ram Company,
Randart, Inc.,
Ransley Beverages, Inc.,
Raritan Tanning Corp.,
Rassvar Holding Company,
Rathe Heating Corporation,
The Rathskeller, Inc.,
R. B. Voorhees Company,
Realty Cooperative Company,
Realty Investment and Development Company of Clifton, Inc.,
Realty Operating Company,
Realty Title and Mortgage Company,
"Real Value Development Corporation",
Record Stores, Inc.,
Redmount Farms, Inc.,
Rednor Foundry and Manufacturing Corporation,
Red Robin of Westfield, Inc.,
Red Star Market, Inc.,
Red Top Corporation,
Regent Holding Inc.,
Regina Holding Co.,
Reliable Monument Company, Inc.,
Reliable Rendering Company, Incorporated,
Reliable Roofing Co.,
Relvi Stores Co.,
Reporting Corporation,
Republic Filters, Inc., No. 2,
Rero Inc.,

Ressell Realty Co., Inc.,
Restaurant, Inc.,
Retirement & Profit Sharing Plans, Inc.,
Rex Appliances, Inc.,
Rex Finance Corporation,
Reyan Company,
R. F. Peabody & Co.,
Rice Motors Inc.,
Richards & Lincoln,
Richfield Realty Co.,
Richman Company, Inc.,
Richmond Boat Co., Inc.,
Rider Manufacturing Corporation,
Ridgewater Realty Co., Inc.,
Ridgewood-Bergen Realty Co., Inc.,
Riggs Oil Co.,
Right Food Diner Corporation,
Riker, Inc.,
Rimea Security Company,
Rio Realty Company,
Rippen's Inc.,
Rise Realty Co. Inc.,
Rite Diner, Inc.,
Ritman's, Inc.,
Riverside Paper Box Company,
"Riverside Welding Co.",
Robert Treat Service Station, Inc.,
"Rocco Despirito, Inc.",
Rock Wool Insulation Company,
Rogar Poultry Farms, Inc.,
Roger Adams, Inc.,
The Rogers Corporation,
Rogers Products Co., Inc.,
Rogray Company,
Rolem Company,
Roma Provision Company, Inc.,
Roma Silk Corporation,
"Ron Investment Co.",
Root's Foods, Inc.,
Rosad Realty Company,
Roscommon House, Inc.,
Rose Amusement Corporation,
Rosedrew Realty Co. Inc.,

Roselle Food Shop, Inc.,
Rosemawr,
Rosen and Bick Baking Company,
Rosenhyn Business and Loan Association,
Roseville Realty Company,
Rosewood Construction Co., a Corporation,
Rosie's, Inc.,
Roxy's Food Mart,
Royal Associates, Inc.,
Royal Coffee Shoppe,
Royal Distributors, Inc.,
Royal Finance Company,
R & R Amusement Company Inc.,
R. R. Brant Co.,
R. & R. Realty Co. Inc.,
R. & S. Sales & Service, Inc.,
Ruby Corporation,
Rudensey Holding Co., Inc.,
Rustic Lodge, Inc.,
Ruthel Corporation,
Rypar Corporation,

Sabelle Corp.,
Sales Systems Associates,
Sal's Salon Des Beaux Arts, Inc. (Sal's Beauty Salon, Inc.),
Salt Realty Co.,
Samba Realty Co.,
Sam's Cocktail Lounge, Inc.,
Samuels Motors, Inc.,
Sanbee Amusement Corp.,
Sance Co.,
Sands Realty Company,
Sanford Realty Company,
Savoy Realty Company,
Savoy Beverage Co., Inc.,
S. Berkowitz, Inc.,
S. Braun, Inc.,
Scandia Bar, Inc.,
Schaar's Produce Inc.,
Scharf's Liquor Shop, Inc.,
Schley Building Corporation,
Schneiders' Electric Shoe Repairing Co. Inc.,

Schofield Dairy, Inc.,
Schuyler Holding Co.,
Schwartz's Restaurant, Inc.,
Schwarzmans Store,
Schwiers, Inc.,
Scott's Music Shop, Inc.,
"S. D. Mesiano Co., Inc.",
Seashore Canvas Co.,
Secaucus Pig Farm, Inc.,
The S & E Company,
Seidlax Company of America, Inc.,
Select Furniture Co.,
Select Risks Agency, Inc.,
The Selles Export Corporation,
Senit Company,
Sentinel Service, Inc.,
Serafino Construction Co., Inc.,
Service Agency, Inc.,
Service Associates, Inc.,
Service Automatic Heating Company,
Session Realty Co., Inc.,
714 Cleveland Court Corporation,
771 Main Realty Co.,
Shade Check, Inc.,
Shadow Isle Corporation,
Shady Hollow Roller Rink, Inc.,
Shanley Lumber Company,
Shapiro, Inc.,
S. & H. Bearing and Manufacturing Co.,
Shen Realty Co.,
Shifrin Incorporated,
Shirlbarry Investment Co., Inc.,
Shirma, Inc.,
Shore Business School, Inc.,
Sidric Realty Corporation,
Simon Realty Corp.,
Simplex Realty Co.,
Six Corners Realty Company,
646 18th Avenue Corporation,
601 Madison Street Corporation,
662 Bergenline Ave. Corp.,
629 Chancellor Ave., Inc.,
60 Albany Street Corporation,

68 Van Reypen St. Corp.,
65 Barclay Street Corporation,
S. Jacobson Painting & Decorating, Inc.,
S. & K. Holding Co., Inc.,
S. & K. Packing Co., Inc.,
Sleep-Rite Corporation,
Slope Finance Co.,
Sloppy Jose
The Smiling Irishman, Inc.,
Smith's Baby Shop Inc.,
Snyder's Ladies Apparel, Inc.,
The Soligny Holding Company,
Somerset Hotel Co.,
Somerville Inn, Inc.,
South End Realty Corporation,
South Jersey Developing Co.,
South Mountain Realty Company,
South Raritan Company,
South Seventh St. Realty Co.,
Spartan Cigar, Inc.,
Sparta View Realty Co.,
Spencer Products Corporation,
Spinelli Home For Funerals,
Spira Furniture Co.,
S and S Agency,
S. Saltman, Inc.,
Stadium Service Center, Inc.,
"Stagg Grill, Inc.",
Standard Bedding Company, Inc.,
Standard, Inc.,
Standard Mortgage Corporation,
Standard Sanitary Specialties Company,
Standard-York Company,
Stanley's Dairy Inc.,
Star Engraving Co., Inc.,
Star Landing Realty Company,
Staten Island Marine Service Company, Inc.,
Stein Drug Store,
Sterling Homes Company,
Stevens-Petersen, Inc.,
Stony Hill Realty Corporation,
Storrie and Budd, Inc.,
Stuart's Diamonds, Inc.,

Stuart's Men's Wear, Inc.,
Style Shop, Inc.,
"Sudler Construction Co., Inc.",
Summit Service Station, Inc.,
Sunset Manor Corporation,
Sunshine Flower and Nursery Corporation,
Sunshine Park, Inc.,
Superior Express Inc.,
Superior Grocery Company,
Superior Service Station,
Super-Tailored, Inc.,
Super Trucking Service, Inc.,
Supreme Wrecking Company, Inc.,
Sure Rest Bedding Co.,
Surf Realty Company,
Surf and Tennis Club Inc.,
Surplus Liquidators, Inc.,
Sussex County Express, Inc.,
Susskind's National Clothing Company,
Suydam Street Company,
Sykes Laboratories, Inc.,
Syndicate Realty, Inc.,
Syndicate Steel Products Co. Inc.,
Szabo Realty Corp.,

Tap House Bar and Grill, Inc.,
Teaneck Market, Inc.,
Teaneck Organizations, Inc.,
Television Transmission, Inc.,
Tenney's Inc.,
Tenwood Realty Company, Inc.,
Terrace Club, Inc.,
Theatre Enterprises, Inc.,
Therm-Engineering Company, Inc.,
38-42 Corporation,
38th Street Millinery Supply,
37-39 State St. Realty Co.,
Thomas Coleman Smelting and Refining Company,
Thomas Devlin Manufacturing Corp.,
Thomas H. Ryan, Inc.,
Thomas La Brocca, Inc.,
Thornall Heaton Machine Tool Company, Inc.,
315 Hawthorne Avenue Corporation,

394 White Street Corporation,
396 Straight St., Inc.,
"339 Wash.",
303 Forest Avenue, Inc.,
3605 Corporation,
Tiara Products Export Corporation,
T and M Realty Corp.,
Todsons, Inc.,
Tom's Tavern of Elizabeth, Inc.,
Tonnele Oil Corporation,
Tony's Service Station of Lodi, N. J.,
Tool-A-Matic Machine Co.,
Top Hat Hotel & Catering Co.,
Torp's Express,
Tottenville Theatre Company,
Town and Country Tweeds, Inc.,
The Town Shop of New Brunswick, Inc.,
Transfer Building, Inc.,
Transport Steel Products, Inc.,
Trent-Fab., Inc.,
Trenton House, Inc.,
Tri-City Stadium,
Tryco Company,
Tung Oil Products, Inc.,
Twelfth Street Garage Inc.,
12 Sanford Corp.,
25 S. Munn Ave., Inc.,
25-27 Huntington Street, Inc.,
Twin Lakes Realty Company,
"Twin Realty Company",
211-213 Twentieth Street Corporation,
256 Prospect Street Corporation,
272 Barrow Street Corporation,
216-218 Washington Street Corporation,
263 Holding Company, Inc.,
2554 Hudson Boulevard Realty Corporation,

U. & L. Trading Co., Inc.,
Union Avenue Realty Co.,
Union Beach Record, Inc.,
United Colonial Homes,
United Construction & Cleaning Co., Inc.,
United Cranberry Company,

United Dress Company,
United Leaseholds Inc.,
"United States Adjusters & Collectors Co.",
U. S. Monogram Products, Inc.,
United Workers Corporation,
Universal Commonwealth Corporation,
Universal Foundry Co., Inc.,
Universal Oil Equipment Co.,
Universal Sales Syndicate,
Universal Soya Products Inc.,
Uptown 5-10 & 1.00 Store, Inc.,
Utility Window Cleaning Co.,

Vadis Corporation,
Valley Brook Realty, Inc.,
Van Buren Bus Company,
Van Ness Realty Company,
Van Norstrand Company of New Jersey,
"Van Schoch Corporation",
Van Vorst Realty Company,
Vari Enterprises Inc.,
Varsity Construction Co.,
Vasark, Inc.,
V. B. M. C. Holding Co.,
Vee & Ess Company, Inc.,
Vending Machines Inc.,
Ventro Pants Co.,
Ver-Mont Company, Inc.,
Verona Bowling Academy, Inc.,
Vesant Corporation,
Veterans Park Tavern, Inc.,
Victory Amusement Enterprises, Inc.,
"Victory Bag & Hanger Corp.",
"Victory Builders, Inc.",
Victory Cleaners, Inc.,
Victory Defense Homes, Inc.,
Victory Gardens, Inc.,
Victory Home Improvement Co.,
Victory Lunch, Inc.,
Victory Meats Inc..
Victory Ribbon Co.,
Victory Warping, Winding & Sizing Corp.,
Vineland Realty Company,

Virginian Bar and Grill, Inc.,
Visualized Records Co., Inc.,
V Realty Co.,
Vreeland Holding Co.,
Vulcan Holding Co.,

Wacker Motor Car Company,
Wagon Wheel Inc.,
Walcot Realty Corp.,
Wald Co., Inc.,
Waldorf Apartments, Inc.,
Waldorf Key and Bicycle Service, Inc.,
Wales Knitting Mills, Inc.,
Ward Ave. Holding Co., Inc.,
Warranteed Motors, Inc.,
Warren Corner Holding Corporation,
Washington Garage, Inc.,
Washington Riding Club, Inc.,
Washington Street Mortgage Corporation,
Wasoet Stables Inc.,
Wasserman Construction Co., Inc.,
Watchung Manufacturing Co., Inc.,
W. B. W. Mercantile Co.,
Weaver's Westwood, Inc.,
Webb Safety Flasher, Inc.,
Weimar-Townley Fuel Company,
Weiss-Simone Egg Corp.,
Welfare Realty Co., Inc.,
Wells-Fellows Co.,
Wesley Realty Co.,
Westcott Products,
Westervelt Company, Inc.,
West Essex Realty Co., Inc.,
Westfield-Haddon Corporation,
Westlo Holding Co.,
Westor Theatres, Inc.,
West Park Tavern, Inc.,
Wexford Realty Co., Inc.,
Whippany Oil & Supply Co.,
White Arrow Tavern, Inc.,
White Eagle Distributing Company,
White Hat, Inc.,
White Motor Sales,

White Ring Custom Shoe Rebuilders,
White Way Diner, Inc.,
W & H Trucking Co., Inc.,
Wickatunk Mushroom Farms, Inc.,
Wilbur Securities Corporation,
Wilkno Realty Company,
Willets Cab Company,
Wm. A. Noltie, Inc.,
William G. Alkazin, Inc.,
William Greenwald Company, Inc.,
Wm. H. H. Wyckoff Company,
Wm. R. Sickles, Inc.,
Wm. S. Rosenstrauch, Inc.,
Willow Beach Realty Co.,
Wilson Construction Co.,
Wimaco Corporation,
Windsor Club,
Wine Products Corporation,
Winfield Camp Corporation,
Wise Company,
W. J. Strandwitz & Co., Inc.,
Wolco Realty Co., Inc.,
Woodland Service Station,
Woodrow Realty Corporation,
Woodstrom Building Corp.,
Wootton Hotel Corp.,
World's Fair Homes, Inc.,
Worthington Court, Inc.,
W. Parsons Todd, Inc.,
W. R. General Corp.,
Wright Mines, Inc.,
Wundsam Holding Co., Inc.,
Wyoming Village Apartments,

Yananok Coal & Trucking Co., Inc.,
Yankee Towers Corp.,
Yetta Holding Co.,
Yogg Heat Treating, Inc.,
York Art-Craft, Inc.,
York Realty Company,
Yorkton Box & Printing Co., Inc.,
Yreka Realty Company,
The Yunker Corp.,

Zehnbauer Construction Co.,
Zenith Construction Co., Inc.,
Zeruld Amusement Co., Inc.,
Zicofsky's, Inc.,
Zoller's Inc.,

are void, and all powers conferred by law upon such corporations and each of them, are hereby declared inoperative and void.

Given under my hand and the Great Seal of New Jersey, this second day of
[SEAL] February, A. D. one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, National attention has been focused on the work of crime prevention and this work can not be regarded solely as a function of the police and professional social workers, but must be recognized as the responsibility of each community as a whole, requiring the active co-operation and effort of all of our citizens and institutions; and

WHEREAS, The complex factors which breed criminal tendencies in children have roots in the home life and social environment of our youth, in

slum-living conditions, and in poverty and disease; and

WHEREAS, Much can be accomplished toward the elimination of crime if children are given correct guidance and understanding from their parents, if schools and churches do their utmost to aid the parents task, and if the community does its part in providing help for children with delinquent tendencies; and

WHEREAS, The treatment of crime by competent professional workers, suitable recreational facilities, adequate housing, as well as through the ordinary channels of police work, can do much to salvage the appalling toll of crime on the lives and resources of our people;

NOW, THEREFORE, I, JOHN M. SUMMERILL, JR., Acting Governor of the State of New Jersey, do hereby proclaim

THE WEEK OF FEBRUARY 23RD

THROUGH MARCH 1ST, 1948

as

CRIME PREVENTION WEEK,

and urge all the people of New Jersey to apply themselves, particularly during this week, to help our youth grow into well-balanced, responsible, law-abiding citizens; to accept their personal responsibility to work for crime prevention; and to support all public and private groups and organizations in the State which have for their purpose the building of better citizens.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twentieth day of February, in the year of Our Lord one thousand nine hun-

dred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

JOHN M. SUMMERILL, JR.,
Acting Governor.

By the Acting Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

In times of both peace and war, the Red Cross has demonstrated an amazing capacity to minister to the health and welfare of the people of this nation and of this world. This year, the Red Cross is conducting its largest peace-time program, a program designed to meet the needs of a world still staggering under the impact of the havoc and dislocation resulting from the recent war.

Our veterans and men in uniform still require many Red Cross services, among which are the Home Service, Claim Service, Services in Veterans Hospitals, and Welfare and Recreational Programs. This great organization must be prepared this coming year to aid in time of disaster. Last year, the American Red Cross assisted the victims of 287 major catastrophes by disaster relief and rehabilitation. It has inaugurated a National Blood Program under a five-year development plan to provide whole blood and blood derivatives without cost to the entire nation. If this tremendous undertaking is to be effective in every locality, it must have the continued support and co-operation of the American people. In New Jersey, many Red Cross Chapters are already co-operating with health

authorities in local community blood donor programs.

Other established contributions of the Red Cross to the health and safety of our people include the teaching of Home Nursing, Nutrition, First Aid, Water Safety, and Accident Prevention. In our schools, the Red Cross makes its influence felt through its Junior Red Cross members. These young people are given the training and opportunity to assist children and youth in other less fortunate countries, and to apply the humanitarian ideals for which the Red Cross stands. The alleviation of human suffering through the facilities of the Red Cross deserves to be supported by all of us.

NOW, THEREFORE, I, JOHN M. SUMMERILL, JR., Acting Governor of New Jersey, do hereby proclaim

THE MONTH OF MARCH, 1948

as

RED CROSS MONTH,

and earnestly urge all the people of New Jersey to give freely and wholeheartedly to the 1948 Red Cross fund.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-fifth day of February, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

JOHN M. SUMMERILL, JR.,
Acting Governor.

By the Acting Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

While we are ever conscious of our debt to the illustrious fathers of our country, who led us as a small nation in battles dedicated to the cause of liberty and freedom, we must also remember the contribution of all the many patriots—ordinary men—who fought so that all men might be free.

Among these patriots was a run-away slave, Chrispus Attucks, whose blood was spilled in the Boston Massacre of 1770, the armed conflict in which colonial Americans underscored their determination to resist the quartering of British troops in peacetime in their homes, their cities, and their institutions, on the principle that the quartering of troops was an imposition on their freedom and rights.

Attucks, who was enjoying his new-found liberty as a sailor on a whaling vessel, took a central part with his white brethren in opposing the presence of the troops, and gave his life with other colonial patriots in a common cause against a common enemy. Since that time, many other Americans, regardless of race or color have stood together and made the supreme sacrifice in defense of our American ideals.

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

MARCH 5, 1948

as

CHRISPUS ATTUCKS DAY,

in recognition of an unsung hero who remains as a symbol of the courage and national devotion of the race he respresents, and of the co-operation of

all races which has made and kept our nation strong.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this first day of March, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

During the last calendar year more than 7,000 citizens of New Jersey died of cancer. This painful disease ranks second throughout the country in the number of its victims.

Probably no more important health problem confronts us today than to aid in the solution of the control and prevention of this dread disease. It is claimed that from thirty to fifty per cent of cancer cases could be cured by early diagnosis. The substantial sum of money required by the New Jersey Division of the American Cancer Society is needed for research, education and preventive efforts both on the State and at the National level. In order that the people of New Jersey can exceed or at least equal the splendid record made last year when over $700,000.00 was contributed for this work, I urge the participation of State departments, citizen groups and individuals in this campaign.

THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

THE MONTH OF APRIL

as

CANCER CONTROL MONTH.

I earnestly call upon all citizens to give their support to the American Cancer Society, and the New Jersey Division thereof, and to support its cancer control campaign to the fullest degree.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-ninth day of March, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Army Day is observed annually throughout the Nation; and

WHEREAS, The President of the United States has proclaimed April 6th as Army Day to accord appropriate recognition to our Army in all its components; and

WHEREAS, In view of the present unsettled international situation it is important that we give thought to the security provided by the Army, and to recall the heroism and valor of American soldiers of all creeds and of all races who have served their country with distinction throughout the entire period of our Nation's history, and

WHEREAS, a powerful Army, serving in peace and in war, warrants our full support, honor and recognition in all its components—the National Guard—the Organized Reserves—the Regular Army—and the millions of veterans who have returned to civil life;

THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey do hereby proclaim

TUESDAY, APRIL 6TH

as

ARMY DAY,

and I request that the Flag be flown from places of business, homes and public buildings in tribute to the soldiers and veterans of our Army at home and abroad, and that appropriate celebrations be conducted by civic and patriotic organizations throughout the State.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this fifth day of April, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Approximately 28,000 men and women of working age in New Jersey have physical disabilities serious enough to handicap them in earning their livelihood; and

WHEREAS, By establishing the State Rehabilitation Commission 28 years ago, the State of New Jersey led the Nation in recognizing the public responsibility of helping disabled men and women to overcome physical handicaps so that they could find gainful employment; and

WHEREAS, The rehabilitation of New Jersey's disabled thousands would bring about increased earnings and purchasing power to the benefit of themselves and their communities, and also add to the productive capacity of the State; and

WHEREAS, The rehabilitation of the disabled through counsel and guidance, medical and related services, training for employment and job placement, pays social and humane dividends which are reflected in happy, contented workers;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby designate

WEDNESDAY, APRIL 28, 1948

as

NEW JERSEY REHABILITATION DAY,

and urge all men and women of working age who are handicapped vocationally because of physical disability to take advantage of the services which are provided by the New Jersey Rehabilitation

Commission. I further urge all citizens who can possibly do so, to attend the public demonstration of the abilities of rehabilitated amputees to be held in the Soldiers and Sailors War Memorial Building, Trenton, at 8:30 P. M., Wednesday, April 28.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-first day of April, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The International Childrens' Emergency Fund, established by the United Nations to help alleviate the appalling conditions of children in war-ravaged countries, receives its funds from the American Overseas Aid-United Nations Appeal for Children; and

WHEREAS, The terrible toll of war upon our civilization has been most severe among the millions of youngsters in battle-scarred areas of the war; and

WHEREAS, The restoration of health, confidence and security of these suffering children demands every humanitarian aid, and also lies at the roots of our hopes for the future well-being, peace and happiness of peoples everywhere; and

WHEREAS, We in New Jersey under God's blessings, have been privileged to enjoy a bountiful measure of life, liberty and prosperity and we are, therefore, especially able to do our part in an effort to halt the hunger and suffering that imperils a large part of humanity;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

THE MONTH OF MAY

as

NEW JERSEY CRUSADE FOR CHILDREN MONTH,

and earnestly urge every resident of this State to do his part, with a single gift at a single time, to help relieve the horrible plight of millions of children desperately in need of medicine, clothing and food, by contributing toward the national goal of $60,000,000 of the American Overseas Aid-United Nations Appeal for Children.

Given under my hand and the Great
[SEAL] Seal of the State of New Jersey, this twenty-sixth day of April, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The International Conference on Trade and Employment, submitted to the world on March 24th last an International Trade Organization Charter, which has been called "one of the most momentous landmarks in the history of economic co-operation;" and

WHEREAS, 53 of the 56 nations participating in the International Conference, held at Havana, signed a Final Act which provides that the Charter shall take effect 60 days after it is ratified by a majority of the signatory countries, or if 20 countries ratify it before April, 1949; and

WHEREAS, This Nation has already recognized the economic interdependence of the countries of the world by its participation in the International Bank and the International Monetary Fund; and

WHEREAS, One of the keystones of a healthy world economy is a world trading system which will encourage enterprise on a basis of equal opportunity, and which will afford adequate and productive employment at decent living standards everywhere; and

WHEREAS, The Havana Conference has provided a comprehensive plan of international co-operation, calling for an end to discriminatory trade practices, re-establishing the "most favored nation" treatment as a basic policy while recognizing national interest in protecting the development of new industries; requiring State trading enterprises to adhere to commercial principles; and making further provision to facilitate world trade; and

WHEREAS, It is particularly important that the people of our State and Nation become fully acquainted with the meaning and purposes of in-

ternational co-operation to promote world trade, to the end that the action we may take as a Nation in considering ratification of the International Trade Organization Charter, and in assuming other commitments of this kind, shall have the broadest possible basis of public understanding and support;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim the week of

MAY 16TH TO MAY 22ND

as

WORLD TRADE WEEK,

and I urge that this week be observed by the participation of our citizens in activities designed to explain and promote the significance of trade between nations in our American economy, and to study the opportunities that this Nation has to place world trade on a multi-lateral non-discriminatory basis in the interests of prosperity and employment in our own country and in other nations of the world.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this tenth day of May in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The President of the United States has proclaimed Sunday, May 16, 1948, as "I Am An American Day;" and

WHEREAS, The privileges and responsibilities of American citizenship are especially significant this year because the peoples of many nations throughout the world are measuring the hope of democracy for themselves by the extent of our success in making democracy work here at home; and

WHEREAS, Native born and naturalized American citizens may continue to enjoy the blessings of liberty and freedom under our government of laws only as much as they recognize their responsibilities of citizenship, and reaffirm that our constitutional rights and privileges are at no time and in no sense a license to undermine our government or infringe upon our fellowmen; and

WHEREAS, We may well be reminded of the words of John Adams: "You have rights antecedent to all earthly government; rights that can not be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe," and further that it took the sacrifices of our forefathers and bitterly fought battles to guarantee the security of these inherent rights, and for that reason governments were instituted among men;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

SUNDAY, MAY 16, 1948

as

"I AM AN AMERICAN DAY,"

and request that the Flag be displayed on all public buildings, private institutions, places of assembly and homes, and urge all citizens, patriotic and civic organizations, schools and churches to devote themselves on that day to the Story of Our Nation, to the self-evident truths for which our people have repeatedly fought and died, and to the inculcation of the full meaning of the responsibilities as well as of the privileges of American citizenship.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twelfth day of May, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The American Merchant Marine on May 22nd will commemorate the 129th anniversary of the first successful trans-Atlantic crossing of a steam-propelled vessel, under the American Flag SS Savannah in 1819; and

WHEREAS, The American Flag has ever since been carried on the high seas in a spirit of leadership in the traditions of the famous Clipper Ships; and

WHEREAS, The maintenance of a thriving shipbuilding industry and a well-developed merchant marine are vital not only to our domestic economy but also to our national defense; and

WHEREAS, Our Nation and State is dependent on the men and ships of the merchant marine to carry our commerce into the four quarters of the globe and to maintain our lines of supply in times of national emergency;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

SATURDAY, MAY 22ND

as

MARITIME DAY,

and request that the citizens of this State join on that day in the observance of National Maritime Day, as proclaimed by the President of the United

States, and participate in appropriate local ceremonies, and I further direct the Flag be displayed on State and local government buildings on that day.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twelfth day of May, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The week of May 30, inclusive, has been designated by the Veterans of Foreign Wars of the United States and Auxiliary for the Annual Buddy Poppy Sale; and

WHEREAS, All proceeds from the sale are used to give immediate aid to needy war veterans and to orphans and widows of deceased veterans; and

WHEREAS, The annual sale of the V. F. W. "Buddy" Poppy will enable all citizens to do their part in continuing the assistance to needy disabled war veterans and their families.

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

MAY 30, 1948, INCLUSIVE

as

V. F. W. "BUDDY" POPPY WEEK

in New Jersey and urge everyone to purchase and wear the Memorial Poppy during this period.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-eighth day of May in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, April 15th to June 30th, 1948, has been fixed as the time for a national Security Loan Campaign of the Treasury Department; and

WHEREAS, The hopes of mankind for peace and freedom depend so greatly upon the strength of the

United States and, in any program for world peace, upon an American economy that is sound and strong; and

WHEREAS, It is especially important, in this critical time, and in terms of our personal and national economy, that we spend wisely and save wisely; and

WHEREAS, Dollars invested in U. S. Savings Bonds serve not only as security against future need but do extra duty as stabilizers—enabling the Treasury to retire national debt securities that are potentially inflationary; and

WHEREAS, Although the thrift and wisdom of New Jersey residents is demonstrated by the fact that they hold more than 1¾ billion dollars in U. S. Savings Bonds, it is now essential that this amount be increased as much as possible;

THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

THE 77 DAYS—APRIL 15TH TO JUNE 30TH, 1948

as

U. S. SAVINGS BOND DAYS,

and I urge all people throughout the State to participate to the limit of their abilities by (1) buying extra U. S. Savings Bonds, and (2) signing up for the Payroll Savings or Bond-a-Month Plan for regular Bond saving; and

I call upon all who can help sell Savings Bonds to volunteer to assist local Savings Bond Committees during the campaign.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this thirteenth day of April, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-second.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

In token of respect to the memory of John J. Pershing, General of the Armies of the United States, who died at Walter Reed Hospital on the 15th day of July, and in accordance with the Proclamation issued by the President of the United States;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby order that the National Flag be displayed at half-staff at the State Capitol, State armories and public buildings, from this day until after the funeral shall have taken place on July 19, 1948.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this sixteenth day of July, in the year of Our Lord one thousand nine hundred

and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Coast Guard was founded on August 4th, 1790, by Alexander Hamilton and is the oldest sea-going armed force of the United States, and

WHEREAS, The Coast Guard has served with distinction during peace and war since that date, and

WHEREAS, In the post-war world the Coast Guard is carrying out the heaviest peacetime program in its history, embracing search and rescue, weather patrol. international ice patrol, law enforcement at sea and on the navigable waters of the United States, maintenance of aids to navigation and flood relief responsibilities, and

WHEREAS, The United States Coast Guard assisted by the Auxiliary in this area is standing by at all times to fulfill its Congressional obligation of protecting lives and property, and

WHEREAS, The United States Coast Guard will commemorate the 158th anniversary of its founding on August 4th of this year;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim the week of

AUGUST 1ST TO 7TH, 1948,

as

COAST GUARD WEEK,

in honor of this gallant service and the men who are upholding its magnificent traditions.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this thirtieth day of July, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Congress of the United States has enacted the Selective Service Act of 1948 which declares that an adequate armed strength must be achieved and maintained to insure the security of this Nation and that in a free society the obligations and privileges of serving in the armed

forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy; and,

WHEREAS, The President has fixed and proclaimed the period 30 August 1948 through 18 September 1948 between the hours of 8:00 A. M. and 5:00 P. M. as the period for registration of those required to register by age groups under the provisions of the Selective Service Act of 1948 aforementioned; and,

WHEREAS, The President has called upon the Governors of the several States; the Territories of Alaska, Hawaii, Puerto Rico, and Virgin Islands; and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, Territories, the District of Columbia and political sub-divisions thereof, and all local boards which, and agents thereof who, may be appointed under the provisions of title I of the Selective Service Act of 1948, or the regulations which may be prescribed thereunder, to do and perform all acts and services necesary to accomplish effective and complete registration of all persons required to register thereunder;

NOW, THEREFORE, I, JOHN M. SUMMERILL, Acting Governor of the State of New Jersey, by virtue of my office, do proclaim:

1. The registration in the State of New Jersey under the Selective Service Act of 1948 shall take place between the hours of 8:00 A. M. and 5:00 P. M. on the day or days hereinafter designated for the registration of every male citizen of the United States and other male persons residing in the State of New Jersey (other than those enumerated in paragraph 3 (a) below) who shall have attained the eighteenth anniversary of the day of his birth and who shall not have attained

the twenty-sixth anniversary of the day of his birth, shall present himself for, and submit to, registration at the properly designated place, as follows:

(a) Persons born in the year 1922 after August 30, 1922, shall be registered on Monday, the 30th day of August, 1948.

(b) Persons born in the year 1923 shall be registered on Tuesday, the 31st day of August, 1948, or on Wednesday, the 1st day of September, 1948.

(c) Persons born in the year 1924 shall be registered on Thursday, the 2nd day of September, 1948, or on Friday, the 3rd day of September, 1948.

(d) Persons born in the year 1925 shall be registered on Saturday, the 4th day of September, 1948, or on Tuesday, the 7th day of September, 1948.

(e) Persons born in the year 1926 shall be registered on Wednesday, the 8th day of September, 1948, or on Thursday, the 9th day of September, 1948.

(f) Persons born in the year 1927 shall be registered on Friday, the 10th day of September, 1948, or on Saturday, the 11th day of September, 1948.

(g) Persons born in the year 1928 shall be registered on Monday, the 13th day of September, 1948, or on Tuesday, the 14th day of September, 1948.

(h) Persons born in the year 1929 shall be registered on Wednesday, the 15th day of September, 1948, or on Thursday, the 16th day of September, 1948.

(i) Persons born in the year 1930 before September 19, 1930, shall be registered on Friday, the 17th day of September, 1948, or on Saturday, the 18th day of September, 1948.

(j) Persons who were born on or after September 19, 1930, shall be registered on the day they attain the eighteenth anniversary of the day of their birth, or within five days thereafter.

2. Every such person who is not within the continental United States during the designated registration period, shall within five days after his return to the continental United States present

himself for, and submit to, registration, and every person within the continental United States on the day or any of the days fixed for registration but because of circumstances beyond his control is unable to present himself for and submit to registration on that day or any of those days, shall do so as soon as possible after the cause of such inability ceases to exist.

3. The following persons shall not be required to register:

(a) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service; cadets, United States Military Academy; midshipmen, United States Navy; cadets, United States Coast Guard Academy; members of the reserve components of the armed forces, the Coast Guard, and the Public Health Service, while on active duty; and foreign diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President, residing in the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4 (b) of the Act.

4. It is the responsibility and obligation of every person subject to registration in the State of New Jersey to familiarize himself with the rules and regulations governing such registration and to comply therewith. From time to time information regarding such rules and regulations will appear in the public press.

5. To insure full co-operation in carrying into effect the registration of all persons required to register, all employers and governmental agencies are urged to give those under their charge suffi-

cient leave of absence on the day and between the hours aforesaid in which to fulfill the necessary obligation of registration incumbent upon them.

I call upon all State, county and municipal agencies, the Commissioner of Education, all boards of education, superintendents of schools and public school teachers, and every other citizen, to cooperate fully and completely in the registration of every person within the State who is required to register in this first important step in the interest of and to maintain the security of this Nation.

We of New Jersey are proud of our history and of the part that our citizens have played in the development and in the defense of our Country. Loving peace, our people have answered every call to service and sacrifice in every generation of our existence as a State and as a Nation. We covet nothing but peace and the preservation of the things that we hold dear, but the time has come for us to show our determination to defend these blessings. So we are called again to the high service of preparation for the defense of our homes, our families, our free institutions and our ways of life. In our resources and our strength we are unequaled. With unity of mind, heart, purpose and action we of New Jersey answer this call as a solemn, patriotic service in the support of our program of national defense.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-third day of August, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

JOHN M. SUMMERILL, JR.,
Acting Governor.

By the Acting Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

I, JOHN M. SUMMERILL, JR., Acting Governor of the State of New Jersey, by virtue of the authority vested in me pursuant to the Constitution and statutes of this State, do hereby DESIGNATE, PROCLAIM and APPOINT Saturday, September 4th, one thousand nine hundred and forty-eight, as a public holiday for all purposes whatsoever as regards the transaction of business in the public offices of this State and in the counties and municipalities thereof.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this first day of September, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

JOHN M. SUMMERILL, JR.,
Acting Governor.

By the Acting Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The President of the United States has proclaimed September 16, 1948, as National Guard Day to honor those who have served and those who are now serving their country in the

National Guard, the Nation's first line of defense, and

WHEREAS, The National Guard is on this day commemorating the eighth anniversary of its induction into the Federal service for World War II, and

WHEREAS, The New Jersey National Guard has long and faithfully served both the State of New Jersey and the Nation, in time of peace as well as in time of war;

NOW, THEREFORE, I, JOHN M. SUMMERILL, JR., Acting Governor of the State of New Jersey, in order that we may honor New Jersey citizen soldiers serving in the National Guard, for their services to New Jersey and to the Nation in every conflict in which our country has been engaged, do hereby proclaim

THURSDAY, SEPTEMBER 16, 1948

as

NATIONAL GUARD DAY,

in the State of New Jersey. I urge all the citizens of this great State, to support in every way they can, the growth of the National Guard.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this thirteenth day of September, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

JOHN M. SUMMERILL, JR.,
Acting Governor.

By the Acting Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Reuben H. Reiffin was at the general election held in the month of November, one thousand nine hundred and forty-seven, elected by the voters of the county of Passaic to represent said county in the General Assembly of this State and subsequently did qualify as such member of the General Assembly and after such election and qualification did resign the office of member of said General Assembly; therefore causing a vacancy to exist in the membership of the General Assembly of this State;

THEREFORE, I, JOHN M. SUMMERILL, JR., Acting Governor of the State of New Jersey, and I, JOSEPH L. BRESCHER, Speaker of the General Assembly of the State of New Jersey, pursuant to law and to a resolution duly adopted by said General Assembly, do hereby issue this proclamation directing an election to be held according to the laws of the State of New Jersey in said county on Tuesday, November second, one thousand nine hundred and forty-eight, for the purpose of electing a member of the General Assembly for said county to fill the vacancy caused by the resignation of the said Reuben H. Reiffin.

[SEAL] Given under our hands and the Great Seal of the State of New Jersey, this thirteenth day of September, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

JOHN M. SUMMERILL, JR.,
Acting Governor.

JOSEPH L. BRESCHER,
Speaker of the General Assembly.

By the Acting Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Albert McCay was at the general election held in the month of November, one thousand nine hundred and forty-seven, elected by the voters of the county of Burlington to represent said county in the General Assembly of this State and subsequently did qualify as such member of the General Assembly and after such election and qualification did resign the office of member of said General Assembly; therefore causing a vacancy to exist in the membership of the General Assembly of this State;

THEREFORE, I, JOHN M. SUMMERILL, JR., Acting Governor of the State of New Jersey, and I, JOSEPH L. BRESCHER, Speaker of the General Assembly of the State of New Jersey, pursuant to law and to a resolution duly adopted by said General Assembly, do hereby issue this proclamation directing an election to be held according to the laws of the State of New Jersey in said county on Tuesday, November second, one thousand nine hundred and forty-eight, for the purpose of electing a member of the General Assembly for said county to fill the vacancy caused by the resignation of the said Albert McCay.

[SEAL] Given under our hands and the Great Seal of the State of New Jersey, this thirteenth day of September, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

JOHN M. SUMMERILL, JR.,
Acting Governor.

JOSEPH L. BRESCHER,
Speaker of the General Assembly.

By the Acting Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Bernard W. Vogel was at the general election held in the month of November, one thousand nine hundred and forty-seven, elected by the voters of the county of Middlesex to represent said county in the General Assembly of this State and subsequently did qualify as such member of the General Assembly and after such election and qualification did resign the office of member of said General Assembly; therefore causing a vacancy to exist in the membership of the General Assembly of this State;

THEREFORE, I, JOHN M. SUMMERILL, JR., Acting Governor of the State of New Jersey, and I, JOSEPH L. BRESCHER, Speaker of the General Assembly of the State of New Jersey, pursuant to law and to a resolution duly adopted by said General Assembly, do hereby issue this proclamation directing an election to be held according to the laws of the State of New Jersey in said county on Tuesday, November second, one thousand nine hundred and forty-eight, for the purpose of electing a member of the General Assembly for said county to fill the vacancy caused by the resignation of the said Bernard W. Vogel.

[SEAL] Given under our hands and the Great Seal of the State of New Jersey, this thirteenth day of September, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

JOHN M. SUMMERILL, JR.,
Acting Governor.

JOSEPH L. BRESCHER,
Speaker of the General Assembly.

By the Acting Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The State of New Jersey, through its Rehabilitation Commission and the Commission for the Blind, has prepared handicaps to qualify for employment; and

WHEREAS, The Federal Government has trained many disabled veterans for gainful employment; and

WHEREAS, There are registered with the New Jersey State Employment Service 6,281 physically handicapped workers who have demonstrated their skills; and

WHEREAS, An act of the 79th Congress requests the Governors of the various States to issue suitable proclamations during the first full week of October;

NOW, THEREFORE, I, JOHN M. SUMMERILL, JR., Acting Governor of New Jersey, proclaim that I do hereby set aside the week of

OCTOBER 3RD TO 9TH, 1948, INCLUSIVE,

as

NEW JERSEY EMPLOY THE PHYSICALLY HANDICAPPED WEEK.

And further, I hereby urge the mayors of cities to issue suitable proclamations, and governing heads of all communities, public officials and the heads of all departments of our State Government, as well as leaders of industry, organized labor, civic and veterans organizations to make every effort to enlist public support for a sustained pro-

gram aimed to bring about the employment and full use of the capacities of physically handicapped workers;

And further, I hereby urge all employers to list all their job openings with the New Jersey State Employment Service, so that its offices will have more opportunities to match the abilities of the handicaps with positions they are qualified to fill.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-second day of September, in the year of Our Lord one thousand nine hundred and forty-eight, and of the Independence of the United States the one hundred and seventy-third.

JOHN M. SUMMERILL, JR.,
Acting Governor.

By the Acting Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The loss of life and destruction of property by fire threatens to reach new peaks in 1948 following a continuous upward trend since 1942; and

WHEREAS, The action within the individual states on the part of both public authorities and private agencies is essential to the control of the fire menace; and

WHEREAS, Since most fires are caused by carelessness our citizens by exercising greater caution can help to prevent the majority of them;

NOW, THEREFORE, I, JOHN M. SUMMERILL, JR., Acting Governor of the State of New Jersey, do hereby proclaim

OCTOBER 3RD TO 9TH, 1948,

as

FIRE PREVENTION WEEK,

and invite every man, woman and child to assume his individual responsibility in this emergency, in order that lives and property in our Nation may be conserved. I ask local governments, the Chambers of Commerce, the National Fire Waste Council, community safety councils, business and labor organizations, the churches and schools, civic groups, and the various agencies of the press, radio and motion picture industry throughout the State to co-operate fully in the observance of Fire Prevention Week; and I direct that the appropriate agencies of the State Government likewise assist in arousing the public to the growing threat of fires.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-eighth day of September, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

JOHN M. SUMMERILL, JR.,
Acting Governor.

By the Acting Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The General Assembly of the United Nations has designated October 24, 1948, as United Nations Day throughout the world; and

WHEREAS, The United Nations holds forth the greatest opportunity for collective security and ultimate federation for the nations of the world, an opportunity to help the unbelief of the common man everywhere—an unbelief that stems from his own economic insecurity, from the swiftly rising tide of Communism, and his recollection of our own tragic withdrawal from the obligations and opportunities of world leadership of the past; and

WHEREAS, The American people have dedicated themselves to the cause of international peace and security through the orderly processes for law and agreement in United Nations and its subordinate organizations; and

WHEREAS, The United Nations has at this time entered upon the determination of the most crucial issues with which it may ever be faced; and

WHEREAS, The American people must constantly reassure the world that we have turned our backs upon the past, that we have made our commitments to mankind fully recognizing the opportunities and the costs involved, and that we intend to administer our conviction by word and action so that the forces of evil will not again be permitted to win by default;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, hereby proclaim

OCTOBER 24, 1948,

as

UNITED NATIONS DAY,

and I urge all public officials and citizens of this State to undertake and participate in appropriate observances on that day, to bring home to the people of our State and Nation the meaning and scope of the cause of international collaboration. Let us on that day reaffirm our faith in the United Nations as the instrument of world order, peace and the dignity of man.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twentieth day of October, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Marine Corps began in 1775 as seagoing soldiers of the Navy, consisting of two

battalions, and has grown to its present stature as one of the chief preservers of our security; and

WHEREAS, The Marine Corps contributed greatly to the victory against our enemies in the Pacific and Europe, spearheading our Pacific amphibious operations and securing bases from which we carried the battle into the heart of the Japanese Empire; and

WHEREAS, We remember with gratitude the noble achievements and courageous deeds of the living and recall in affection the heroic service in the supreme sacrifices of the dead; and

WHEREAS, In these critical times we again place firm confidence on the traditional courage and readiness of the Marine Corps to aid in the defense of this Nation against any aggressor,

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, in order that we may with thanks do honor to the members of the United States Marine Corps and pay tribute to all those men and women who through their unselfish devotion served the Corps well, do hereby proclaim

WEDNESDAY, NOVEMBER 10, 1948,

as

MARINE CORPS DAY,

and I call the attention of all citizens of New Jersey to the great debt we owe to the Marine Corps for its sacrifices throughout our history in aiding to maintain our cherished personal freedom and the security of our families and our homes.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this twenty-first day of October, in the year of Our Lord one thousand nine

hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The strength and vitality of democracy lies in good citizenship; and

WHEREAS, If our democracy is to remain vigorous and healthy, our youth must be trained to accept and meet the responsibility of self-government, and it is to this end that organizations which dedicate themselves to molding and improving the character of our youth perform a most valuable service to the Nation; and

WHEREAS, In our own State of New Jersey there are many such organizations concerned with training youth in the ways of good sportsmanship and good citizenship, and the OPTIMIST CLUB of Trenton has been one of the most successful of these organizations; and

WHEREAS, The club has undertaken to provide the community with good citizens and capable leaders, and to develop independence, responsibility and self-expression in boys and girls through such activities as the annual Halloween window painting contest, and these activities contribute to

the prevention of juvenile delinquency and build a generally greater capital city for our State and a better place in which to live for the residents of Trenton;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

SUNDAY, NOVEMBER 7TH, 1948,

as

INTERNATIONAL OPTIMIST DAY,

and I urge that all citizens of the State lend their support to this and similar groups whose primary interest is the development and welfare of our youth.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this fourth day of November, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Medical Society of New Jersey has initiated the observance of Public Health Week during the period of November 8th through November 12th, 1948; and

WHEREAS, Medical arts and science has made tremendous strides in unearthing the secrets of nature and providing us with ever more effective methods of keeping people healthy and enabling everyone to live a fuller life; and

WHEREAS, A Public Health Week represents a joint effort of the medical profession, the allied professions of dentistry, nursing and pharmacy, hospital administrators, the Departments of Health and voluntary agencies engaged in health and welfare work, to interpret the advance in medical science to the people of our State, to make us more conscious of health problems and to acquaint us with the resources in each community that stand ready to help preserve individual health or minister to those who are taken sick or disabled; and

WHEREAS, A working partnership of physicians and allied professions of New Jersey, and the State and local health departments and other health agencies can bring greater and greater gains in the fight against disease and premature death, and will also serve to show the citizens of our State how, through individual and community efforts, they may continue to improve the level of health in New Jersey;

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim the period of

NOVEMBER 8TH TO NOVEMBER 12TH, 1948,

as

PUBLIC HEALTH WEEK,

and I urge all citizens and public and private agencies concerned with public health to devote this week to an inventory and promotion of State and local health facilities. I further urge all local medical and health agencies to undertake, during this Public Health Week, to provide the broadest possible understanding of their local facilities and services for health protection and medical care.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this fifth day of November, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United States the one hundred and seventy-third.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The threatening international atmosphere gives special significance to the observance of Armistice Day this year; and

WHEREAS, It is most fitting that we honor the memory of those who gave their lives for the ideals of liberty and of freedom, upon which our Nation is founded, by rededicating ourselves to the causes of international justice and peace; and

WHEREAS, The memory and spirit of legions of valiant Americans who have fought in wars throughout our history demands that we apply ourselves with equal devotion and determination under Divine guidance to the ways of peace and the brotherhood of man,

NOW, THEREFORE, I, ALFRED E. DRISCOLL, Governor of the State of New Jersey, do hereby proclaim

THURSDAY, NOVEMBER 11, 1948,

as

ARMISTICE DAY,

in the State of New Jersey. As we set aside all worldly affairs on that day for a period of spiritual devotion, each according to his own Faith, let us dedicate ourselves to leave no stone unturned in the search for a just and lasting peace. I urge the ministers of every Faith to join in a common prayer for our common cause of the dignity of man and the triumph of justice and righteousness, so that the whole world may know that, while America prepares itself for unknown force of

arms, it has set its mind, its heart and its spirit to eternal principles which transcend all mortal weakness and power.

[SEAL] Given under my hand and the Great Seal of the State of New Jersey, this ninth day of November, in the year of Our Lord one thousand nine hundred and forty-eight, and in the Independence of the United State the one hundred and seventy-third.

ALFRED E. DRISCOLL,
Governor.

By the Governor:
LLOYD B. MARSH,
Secretary of State.

Decrees of Dissolution

Decrees of Dissolution

IN CHANCERY OF NEW JERSEY

In pursuance of R. S. 14:13–10 copies of decrees of dissolution of the charters of the following corporations have been filed in the office of the Secretary of State:

Name	*Filed*
Newton Securities Corporation	Feb. 19, 1948

Statements of Results of Municipal Elections

(2091)

Statements of Results of Municipal Elections

At a special election held in the Township of Wall, in the County of Monmouth for the adoption or rejection of the provisions of Chapters 70 to 76 of the Title Municipalities and Counties of the Revised Statutes which provides for the commission form of government was rejected. Filed in the Office of the Secretary of State, September 2, 1947.

At a spcial election held in the City of Garfield in the County of Bergen on December 19, 1947, the question "Shall subtitle 5 of the Title Municipalities and Counties of the Revised Statutes providing for the municipal manager form of government in the City of Garfield," was defeated. Filed in the Office of the Secretary of State, December 23, 1947.

At a special election held in the Borough of Surf City in the County of Ocean on February 3, 1948, for the adoption or rejection of the provisions of Chapters 70 to 76 of the Title Municipalities and Counties of the Revised Statutes which provides for the Commission Form of Government was defeated. Filed in the Office of the Secretary of State, February 5, 1948.

At a special election held in the Borough of Fair Lawn in the County of Bergen on February 25, 1948, for the adoption or rejection of the provisions of subtitle 5 of the Title Municipalities and Counties of the Revised Statutes which provides for the Municipal Manager Form of Government was adopted. Filed in the office of the Secretary of State, February 26, 1948.

Change of Corporate Title of Municipalities

(2095)

Change of Corporate Title of Municipalities

At a special election held in the Borough of Audubon in the County of Camden pursuant to the provisions of Chapter 418, Laws of 1947, a vote was taken on the following question "Shall an act entitled 'An act to incorporate and erect the Borough of Audubon Park, in the County of Camden, the territory of which now comprises a part of the present Borough of Audubon, County of Camden,' " was adopted. Filed in the office of the Secretary of State, November 1, 1947.

At an election held November 2, 1948, in the Borough of Barnegat City in the County of Ocean, the corporate name was changed to Barnegat Light. Filed in the Secretary of State's Office, November 10, 1948.

Cumulative Table of Contents

OF

NEW JERSEY LAWS OF 1942 (CHAPTERS 281 TO END), 1943, 1944, 1945, 1946, 1947 and 1948

GENERAL AND PERMANENT LEGISLATION

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Prepared by

LAW REVISION AND BILL DRAFTING COMMISSION

Formerly

COMMISSION ON STATUTES

FRANK H. SOMMER, *Chairman*

GEORGE W. C. MCCARTER

SEDGWICK RUSLING LEAP

HAROLD W. HANNOLD

ALBERT MCCAY

Commissioners

CHARLES DEF. BESORÉ

Chief Counsel

Executive Director

JOHN W. OCKFORD

Counsel

(2100)

CUMULATIVE TABLE OF CONTENTS

OF

NEW JERSEY LAWS OF 1942 (CHAPTERS 281 TO END), 1943, 1944, 1945, 1946, 1947 and 1948

GENERAL AND PERMANENT LEGISLATION

The following Table of Contents with the Schedules annexed have been prepared and printed pursuant to chapter 379 of the laws of 1939 to indicate changes made in the general and permanent statute law subsequent to the enactment of chapter 280 of the laws of 1942.

Changes made in the general and permanent statute law from the enactment of the Revised Statutes (1937) through chapter 280 of the laws of 1942 are to be found in the Cumulative Table of Contents contained in the Pamphlet Laws of 1942 at page 875, etc.

The classification used is that of the Revised Statutes amplified so as to include material for which no adequate classification units appear in the Revised Statutes. In all cases in which new chapter or other subdivision headings or new section numbers are set up they are designated in the Table as "Added" or "New." Where a chapter or other subdivision heading or section number is designated as "Added" it has been set up in the statute classified under it. Where a chapter or other subdivision heading is designated as "New" it has been set up and a number assigned, for convenience in classification, by the Law Revision and Bill Drafting Commission (formerly Commission on Statutes). The use of such designations or numbers alone, whether they are designated as "Added" or "New," in citation or in legislation is not sufficiently descriptive to indicate where the material is to be found in the Pamphlet Laws and, when so used, such designations should be amplified by adding the year and chapter numbers of the material intended to be referred to.

Acknowledgment is made to Charles DeF. Besoré, Esq., for the use of the arrangement of his "Table of Contents, etc., of 1938," which forms the basis of the arrangement of this Table of Contents.

Title 1. ACTS, LAWS AND STATUTES.

Chapter 1. DEFINITIONS AND GENERAL RULES OF CONSTRUCTION.

R. S. 1:1-2 amended 1948, c. 4.

R. S. 1:1-2.3 " 1942, c. 7 (1942, c. 7, repealed 1946, c. 96); 1946, c. 97; 1947, c. 77.

Additional Legislation.

Effect to be given, on and after September 15, 1948, to certain statutes affecting the Courts and Judicial System, 1948, c. 375.

Chapter 2. ENACTMENT OF LAWS IN GENERAL.

R. S. 1:2-5 amended 1948, c. 13, s. 1.

R. S. 1:2-6 " 1948, c. 13, s. 2.

Chapter 6. ENACTMENT OF PRIVATE, SPECIAL AND LOCAL ACTS.

Additional Legislation.

Acts regulating internal affairs of municipality or county, petition to Legislature, authorized and provided for, 1948, c. 199.

Chapter 7. JUDICIAL ANNULMENT OF LAWS OR JOINT RESOLUTIONS.

R. S. 1:7-1 amended 1948, c. 329, ss. 1, 8.

R. S. 1:7-2 " 1948, c. 329, ss. 2, 8.

R. S. 1:7-3 " 1948, c. 329, ss. 3, 8.

R. S. 1:7-4 " 1948, c. 329, ss. 4, 8.

R. S. 1:7-5 " 1948, c. 329, ss. 5, 8.

R. S. 1:7-6 " 1948, c. 329, ss. 6, 8.

R. S. 1:7-7 " 1948, c. 329, ss. 7, 8.

Chapter 9. PERMANENT LAW REVISION COMMISSION.

Additional Legislation.

Law Revision and Bill Drafting Commission, Commission on Statutes continued as; powers and duties defined, 1944, c. 105.

Additional Legislation.

Publications, certain, by Law Revision and Bill Drafting Commission, preparation, distribution, etc., authorized, 1948, c. 315.

Title 2. ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE.

Subtitle 1. THE COURTS.

Note: For act authorizing payment of money into court in satisfaction of judgment, etc., or pending appeal, etc., see 1939, c. 313, amended 1948, c. 325.

Chapter 1. COURT OF ERRORS AND APPEALS.

R. S. 2:1-1 amended 1946, c. 189.

R. S. 2:1-5 " 1946, c. 190.

Chapter 1A. (new) SUPREME AND SUPERIOR COURTS.

Judges and Justices—compensation, 1948, c. 270.

Judges; Superior Court—number, Advisory Masters; Standing Masters, 1948, c. 382.

Clerks—appointment; salary; bond, oath, employees, 1948, c. 389.

Superior Court—dockets; judgments, assignments, satisfactions, etc.; recording, etc., 1948, c. 327.

Supreme and Superior Courts—judgments, pleadings, decrees and other papers, recording, enrolling and destruction, 1948, c. 360.

Chapter 1B. (new) COUNTY COURTS.

County Courts—constitution, jurisdiction, etc., 1948, c. 365.

Chapter 1C. (new) SURROGATES.

Surrogates and Surrogates' Courts, 1948, c. 364.

Chapter 2. COURT OF CHANCERY.

R. S. 2:2-24 to 2:2-26 repealed 1948, c. 376, ss. 11, 12.

Chapter 3. PREROGATIVE COURT.

Additional Legislation.

Masters in Chancery, ex officio, Masters of Prerogative Court, suppl., 1944, c. 173.

Chapter 5. CIRCUIT COURTS.

Additional Legislation.

Causes pending, judgments, entry and proceedings upon, 1948, c. 368.

Chapter 6. COURTS OF COMMON PLEAS.

R. S. 2:6-1 repealed 1948, c. 365, ss. 48, 49.

R. S. 2:6-2 amended 1948, c. 352.

R. S. 2:6-3 " 1948, c. 330, s. 1.

R. S. 2:6-4 " 1948, c. 101.

R. S. 2:6-22 to 2:6-24 repealed 1948, c. 376, ss. 11, 12.

Additional Legislation.

Salary of common pleas judges in certain counties bordering on Atlantic Ocean, may be increased by Freeholders, in certain cases, 1947, c. 232.

Salary of common pleas judges in certain fourth-class counties, may be increased by Freeholders, suppl., 1948, c. 300.

Chapter 7. ORPHANS' COURTS AND SURROGATES.

Note: For provisions applicable under 1947 Constitution, see 1948, c. 364, s. 1.

R. S. 2:7-1 to 2:7-11 repealed 1948, c. 365, ss. 48, 49.

R. S. 2:7-13 amended 1943, c. 23.

R. S. 2:7-19 " 1944, c. 67; 1947, c. 196.

R. S. 2:7-24 " 1948, c. 207, s. 2.

R. S. 2:7-32 " 1948, c. 279.

Additional Legislation.

Appointment of special deputy surrogate, 1938, c. 97.

Sec. 1 of above amended 1945, c. 129.

Surrogate's compensation, certain counties, fixed, suppl., 1945, c. 61, and 1946, c. 195.

Probate clerks, appointment as deputy surrogates, authorized, 1945, c. 64.

Salary of surrogates in certain fourth-class counties, may be increased by Freeholders, suppl., 1948, c. 301.

Vacancy, office of surrogate, filling, manner, term, etc., provided for, suppl., 1948, c. 207, s. 1.

Chapter 8. DISTRICT COURTS.

Article 1. Creation and Establishment; Judges and Other Officers.

R. S. 2:8–4 Essex County 1911, c. 228 see 1945, c. 279.

" " 1919, c. 90 see 1945, c. 279.

R. S. 2:8–13 amended 1945, c. 100.

R. S. 2:8–23 " 1944, c. 165; 1946, c. 218; 1947, c. 253; 1948, c. 295.

R. S. 2:8–26 see 1946, c. 214.

R. S. 2:8–27 " 1946, c. 214.

R. S. 2:8–28 " 1946, c. 214.

R. S. 2:8–30 " 1946, c. 214.

R. S. 2:8–33 amended 1944, c. 136; see 1946, c. 214.

Additional Legislation.

Bipartisan appointments of judges, in counties, suppl., 1941, c. 288.

Sec. 1 of above amended 1948, c. 100.

Essex County Judicial District, established, First and Second District Courts of Newark, District Courts of Orange and East Orange, District Courts of First and Second Judicial Districts of Essex County, abolished, 1945, c. 279.

Salary increases, clerks and other District Court officers, suppl., 1946, c. 214.

City district courts and judicial district courts converted into county district courts and branches thereof, 1948, c. 384.

Article 2A. (new) County Judicial District Courts.

Additional Legislation.

County Judicial District Courts, establishment and organization, provided for, suppl., 1945, c. 278.

Sec. 3 of above amended 1948, c. 102.

Sec. 4 " " " 1947, c. 208; 1948, c. 106, ss. 1, 2.

Sec. 7 " " " 1947, c. 410.

Sec. 13 " " " 1947, c. 41.

County Judicial District Courts, expenses of, provided for, 1945, c. 280.

Article 4. Small Claims Division.

R. S. 2:8–58 see 1946, c. 214.

Article 5. (new) Destruction of Obsolete Papers, Etc.

Additional Legislation.

Destruction of papers on file for more than twenty-five years authorized, suppl., 1946, c. 43.

Affidavits, landlord and tenant cases, destruction after judgment entered for six years, authorized, suppl., 1948, c. 283.

Chapter 8A. (new) DISTRICT AND MUNICIPAL COURTS.

Local and municipal courts; establishment, jurisdiction, functions, powers and duties; transfer to; justices of the peace and small cause courts abolished, 1948, c. 264.

Sec. 6 of above amended 1948, c. 394, ss. 1, 11, 12.

Sec. 13 " " " 1948, c. 394, ss. 2, 11, 12.

Sec. 17 " " " 1948, c. 394, ss. 3, 11, 12.

Sec. 18 " " " 1948, c. 394, ss. 4, 11, 12.

Sec. 19 " " " 1948, c. 394, ss. 5, 11, 12.

Sec. 27 " " " 1948, c. 394, ss. 6, 11, 12.

Sec. 28 " " " 1948, c. 394, ss. 7, 11, 12.

Sec. 29 " " " 1948, c. 394, ss. 8, 11, 12.

Sec. 38 " " " 1948, c. 394, ss. 10, 11, 12.

Civil jurisdiction, when exercisable; practice and procedure, suppl., 1948, c. 394, ss. 9, 11, 12.

Chapter 10. COURT OF PARDONS.

R. S. 2:10–1 to 2:10–5 repealed 1948, c. 83, s. 9.

R. S. 2:10–6 amended 1945, c. 200; repealed 1948, c. 83, s. 9.

Chapter 15. CONTEMPTS OF COURT.

R. S. 2:15–3 amended 1948, c. 333, ss. 1, 4.

R. S. 2:15–4 repealed 1948, c. 333, ss. 3, 4.

R. S. 2:15–5 " 1948, c. 333, ss. 3, 4.

R. S. 2:15–6 amended 1948, c. 333, ss. 2, 4.

R. S. 2:15–9 repealed 1948, c. 333, ss. 3, 4.

R. S. 2:15–10 " 1948, c. 333, ss. 3, 4.

R. S. 2:15–12 " 1948, c. 333, ss. 3, 4.

R. S. 2:15–13 " 1948, c. 333, ss. 3, 4.

Chapter 16. PROVISIONS COMMON TO MORE THAN ONE COURT.

R. S. 2:16–8 amended 1946, c. 188.

R. S. 2:16–20 to 2:16–24 repealed 1948, c. 376, ss. 11, 12.

R. S. 2:16–28 amended 1947, c. 342.

R. S. 2:16–31 " 1948, c. 52.

R. S. 2:16–35 " 1948, c. 410, s. 1.

R. S. 2:16–36 " 1947, c. 344; 1948, c. 410, s. 2.

R. S. 2:16–39 " 1947, c. 205.

R. S. 2:16–40 " 1947, c. 244, ss. 1, 2; 1948, c. 311, ss. 1, 2.

Additional Legislation.

Judgeship vacated by election, etc., of incumbent to public office, 1942, c. 240.

Sec. 1 of above amended 1943, c. 12.

Officers in charge of court attendants, first class counties, may be appointed, compensation, provided for, suppl., 1947, c. 202.

Official stenographic court reporters, 1948, c. 376.

Courts and Judges—employees, court rooms and chambers, expenses, stenographic reporters to Masters, adjournments, seals, fees for admission to Bar, Bar Examiners, subpœnas to testify, and false swearing, before Committees of Bar Associations or Lawyers' Clubs, 1948, c. 390.

Pending causes in former courts—transfer, 1948, c. 367.

Exemplification of former court records, 1948, c. 372.

Files, books, records, etc., of former courts—disposition of, 1948, c. 331.

Powers of attorney and authority to act as agent to Clerks or Registers, and disposition of securities and property of former courts, 1948, c. 362.

Chapter 16A. (new) ADMINISTRATION OF THE COURTS.

Administrative Office and Administrative Director of the Courts, 1948, c. 354.

Subtitle 4. ATTORNEYS, COUNSELORS AND SOLICITORS.

Chapter 23. BAR ASSOCIATION AND LAWYERS' CLUBS.

R. S. 2:23-4 amended 1946, c. 252; see 1946, c. 250, 1946, c. 251.

Subtitle 5. LIMITATION OF CIVIL ACTIONS; ADVERSE POSSESSION.

Chapter 24. LIMITATION OF ACTIONS.

Note: For presumption of consent of owners to placing of certain poles in public places, established after ten years, see 1945, c. 231.

Additional Legislation.

Limitation supended during war and six months thereafter, in favor of certain persons serving in or with armed forces, suppl., 1945, c. 167, s. 1.

Subtitle 5A. (new) PRACTICE AND PROCEDURE IN CIVIL AND CRIMINAL ACTIONS AND PROCEEDINGS.

Chapter 25B. (new) APPEALS IN CIVIL AND CRIMINAL CASES.

Appeals—criminal actions, transcripts; civil actions, additional evidence, cash deposits in lieu of supersedeas bond; filing fees, waiver, 1948, c. 328.

Subtitle 6. PRACTICE AND PROCEDURE IN CIVIL ACTIONS GENERALLY.

Chapter 26. PROCEDURE COMMON TO MORE THAN ONE COURT.

Article 1. General Provisions.

Note: For proceedings involving certain absent defendants, etc., in time of war, see 1943, c. 32; 1943, c. 178.

Article 3. Lis Pendens.

R. S. 2:26-27 amended 1948, c. 369, ss. 1, 4.

R. S. 2:26-30 " 1944, c. 174; 1948, c. 369, ss. 2, 4.

R. S. 2:26-36 " 1948, c. 369, ss. 3, 4.

Article 4. Process in General.

A. SERVICE IN GENERAL.

Additional Legislation.

Absent defendants, certain, in time of war, proceedings involving, 1943, c. 32.

A1. (new) SERVICE IN ORPHANS' AND PREROGATIVE COURTS.

Additional Legislation.

Absent defendants, etc., certain, in time of war, proceedings involving, 1943, c. 178.

B. SERVICE ON DOMESTIC OR FOREIGN CORPORATIONS GENERALLY.

R. S. 2:26–43 amended 1948, c. 356, ss. 1, 3.

R. S. 2:26–44 " 1948, c. 356, ss. 2, 3.

Article 4A. (new) Service of Summons, Absent and Unknown Defendants, Prosecuting and Defending by Infants and Incompetents.

Additional Legislation.

Service of summons, absent and unknown defendants, prosecuting and defending by infants and incompetents, 1948, c. 355.

Article 6A. (new) Payment of Moneys into Court.

Additional Legislation.

Payment of moneys into court in satisfaction of judgment, order or decree finally or pending judicial review thereof, 1939, c. 313.

Sec. 1 of above amended 1948, c. 325, ss. 1, 2.

Article 7. Writs of Execution.

R. S. 2:26–145 amended 1948, c. 160.

Article 13. (new) Prosecution of Bonds.

Additional Legislation.

Prosecution of bonds of fiduciaries given to court or court official, 1948, c. 324.

Chapter 27. PROCEDURE IN COURTS OF LAW GENERALLY.

Note: For payment of moneys into court in satisfaction of judgment, order or decree finally or pending judicial review thereof, see 1939, c. 313, amended 1948, c. 325; for proceedings involving certain absent defendants in time of war, see 1943, c. 32.

R. S. 2:27-135 amended 1943, c. 114.

R. S. 2:27-206 to 2:27-209 repealed 1948, c. 319, ss. 1, 2.

R. S. 2:27-303 amended 1945, c. 258.

Additional Legislation.

Supreme Court Commissioners, powers of Circuit Court Judges acting as, regulated, suppl., 1943, c. 215.

Verdicts, civil causes, by five-sixths of jury, provided for, 1948, c. 120.

Chapter 29. PROCEDURE IN COURT OF CHANCERY.

Note: For payment of moneys into court in satisfaction of judgment, order or decree finally or pending judicial review thereof, see 1939, c. 313, amended 1948, c. 325; for joinder of actions and causes of action by municipalities in tax lien foreclosures; permitted, vacant land, see 1940, c. 84, amended 1943, c. 204.

Article 3A. (new) Absent Defendants in Time of War.

Additional Legislation.

Defendants in enemy or enemy-occupied countries, service upon, appearance, etc., for; effect, etc., of decree; intervention, etc., of alien property custodian, 1942, c. 297.

Sec. 2 of above amended 1947, c. 313, s. 1.

Sec. 3 " " " 1947, c. 313, s. 2.

Sec. 5 " " " 1947, c. 313, s. 3.

Sec. 6 " " " 1947, c. 313, s. 4.

Article 7. Decree; Enrollment and Signature; Effect.

R. S. 2:29-52 amended 1947, c. 228, s. 1.

R. S. 2:29-54 " 1947, c. 228, s. 2.

R. S. 2:29-56 " 1947, c. 228, s. 3.

Additional Legislation.

Microfilming of proceedings and decrees, destruction or disposal of certain original records, authorized, 1947, c. 229.

Article 9. Injunction.

Additional Legislation.

Injunctions, etc., in labor disputes, etc., regulated, 1941, c. 15.

Title of above amended 1946, c. 160.

Article 11. Moneys Brought Into Court.

Additional Legislation.

Unclaimed moneys in Court of Chancery, payment of to State Treasurer, application therefor by claimants, procedure, provided for, 1947, c. 72.

Article 14. Sequestration of Property of Nonresident Defendants.

R. S. 2:29–88 to 2:29–109 repealed 1948, c. 358, ss. 45, 46.

Chapter 30. PROCEDURE IN PREROGATIVE COURT.

Note: For proceeding involving certain absent defendants, etc., in time of war, see 1943, c. 178.

Chapter 31. PROCEDURE IN ORPHANS' COURTS AND BEFORE SURROGATES.

Note: For payment of moneys into court in satisfaction of judgment, order or decree finally or pending judicial review thereof, see 1939, c. 313, amended 1948, c. 325; for proceedings involving certain absent defendants, etc., in time of war, see 1943, c. 178.

R. S. 2:31–1 to 2:31–35 repealed 1948, c. 364, ss. 26, 27.

R. S. 2:31–36 to 2:31–89 " 1948, c. 365, ss. 48, 49.

R. S. 2:31–90 " 1948, c. 364, ss. 26, 27.

R. S. 2:31–92 " 1948, c. 364, ss. 26, 27.

R. S. 2:31–93 " 1948, c. 365, ss. 48, 49.

R. S. 2:31–94 " 1948, c. 365, ss. 48, 49.

Additional Legislation.

Documents, etc., recording by photography, authorized, effect of, suppl., 1948, c. 63.

Chapter 32. PROCEDURE IN DISTRICT COURTS

Article 1. General Provisions.

R. S. 2:32–2 repealed 1948, c. 385, ss. 16, 17.

Article 1A. (new) Process, Practice, Trial, Appeals, Criminal Jurisdiction.

Additional Legislation.

Practice and procedure in district courts in general, 1948, c. 385.

Article 2. Process.

R. S. 2:32–26 amended 1943, c. 203.

Article 7. Interrogatories.

R. S. 2:32–82 amended 1944, c. 164.

Article 9. Trial.

R. S. 2:32–90 amended 1944, c. 186; 1946, c. 181.

R. S. 2:32–93 " 1946, c. 179.

R. S. 2:32–97 " 1947, c. 275.

R. S. 2:32–107 " 1942, c. 333.

Additional Legislation.

Entry of judgment by default by clerk, in contract cases, on oral testimony or admission of defendant, provided for, suppl., 1947, c. 397.

Article 11. Judgment and Execution.

R. S. 2:32–158 amended 1943, c. 65.

Additional Legislation.

Constables, record, deposit, remittance and report of moneys received, suppl., 1945, c. 123.

Constables, report before returning execution "no levy" or "unsatisfied" required, suppl., 1945, c. 135.

Article 13. Rights and Credits Taken Under Execution; Execution Against Wages or Income.

R. S. 2:32–180 amended 1943, c. 73.

Article 15. Appeal and Certiorari.

R. S. 2:32–203 repealed 1948, c. 385, ss. 16, 17.

R. S. 2:32–204 " 1948, c. 385, ss. 16, 17.

R. S. 2:32–206 amended 1945, c. 79; repealed 1948, c. 385, ss. 16, 17.

R. S. 2:32–208 to 2:32–221 repealed 1948, c. 385, ss. 16, 17.

Article 21. Proceedings Between Landlord and Tenant.

R. S. 2:32-267 amended 1944, c. 184.

R. S. 2:32-268 " 1944, c. 183.

R. S. 2:32-269 " 1943, c. 66.

Article 22. Replevin.

Additional Legislation.

Judgment for possession in replevin, entry by default on affidavit, authorized, suppl., 1945, c. 136.

Article 24. Division of Small Claims.

R. S. 2:32-356 amended 1946, c. 183; 1947, c. 402.

R. S. 2:32-372 " 1946, c. 182.

Subtitle 8. SPECIFIC CIVIL ACTIONS, REMEDIES AND PROCEEDINGS.

Chapter 42. ATTACHMENT.

R. S. 2:42-1 to 2:42-85 repealed 1948, c. 358, ss. 45, 46.

Additional Legislation.

Attachment and sequestration, 1948, c. 358.

Chapter 47. DEATH BY WRONGFUL ACT.

R. S. 2:47-4 amended 1943, c. 79; 1948, c. 429.

Chapter 50. DIVORCE AND NULLITY OF MARRIAGE—ALIMONY AND MAINTENANCE.

R. S. 2:50-1 amended 1948, c. 320, ss. 1, 31.

R. S. 2:50-2 " 1948, c. 320, ss. 2, 31.

R. S. 2:50-3 " 1948, c. 320, ss. 3, 31.

R. S. 2:50-4 " 1948, c. 320, ss. 4, 31.

R. S. 2:50-5 " 1948, c. 320, ss. 5, 31.

R. S. 2:50-7 " 1948, c. 320, ss. 6, 31.

R. S. 2:50-8 " 1948, c. 320, ss. 7, 31.

R. S. 2:50-9 " 1948, c. 320, ss. 8, 31.

R. S. 2:50-11 " 1948, c. 320, ss. 9, 31.

R. S. 2:50-12 " 1948, c. 320, ss. 10, 31.

R. S. 2:50–13	amended	1948, c. 320, ss. 12, 31.
R. S. 2:50–14	"	1948, c. 320, ss. 13, 31.
R. S. 2:50–17	"	1948, c. 320, ss. 14, 31.
R. S. 2:50–18	"	1948, c. 320, ss. 15, 31.
R. S. 2:50–19	repealed	1948, c. 320, ss. 30, 31.
R. S. 2:50–20	amended	1948, c. 320, ss. 16, 31.
R. S. 2:50–21 to 2:50–24	repealed	1948, c. 320, ss. 30, 31.
R. S. 2:50–25	amended	1948, c. 320, ss. 17, 31.
R. S. 2:50–26	repealed	1948, c. 320, ss. 30, 31.
R. S. 2:50–27	amended	1945, c. 250; repealed 1948, c. 320, ss. 30, 31.
R. S. 2:50–28	repealed	1948, c. 320, ss. 30, 31.
R. S. 2:50–29	amended	1948, c. 320, ss. 18, 31.
R. S. 2:50–30	"	1948, c. 320, ss. 19, 31.
R. S. 2:50–31	"	1948, c. 320, ss. 20, 31.
R. S. 2:50–32	"	1948, c. 320, ss. 21, 31.
R. S. 2:50–33	"	1948, c. 320, ss. 22, 31.
R. S. 2:50–35	"	1948, c. 320, ss. 23, 31.
R. S. 2:50–36	"	1948, c. 320, ss. 24, 31.
R. S. 2:50–37	"	1948, c. 320, ss. 25, 31.
R. S. 2:50–38	"	1948, c. 320, ss. 26, 31.
R. S. 2:50–39	"	1948, c. 320, ss. 27, 31.
R. S. 2:50–40	"	1948, c. 320, ss. 28, 31.
R. S. 2:50–41	"	1948, c. 320, ss. 29, 31.

Additional Legislation.

Procedure where defendant appears before, during or after publication, 1938, c. 191; repealed 1948, c. 320, ss. 30, 31.

Method of institution, etc., of suits for alimony and maintenance or custody, suppl., 1938, c. 234; repealed 1948, c. 320, ss. 30, 31.

Appearance—effect of, suppl., 1948, c. 320, ss. 11 and 31.

Fees and costs in matrimonial actions, 1948, c. 323, ss. 1, 2 and 4.

Chapter 51. EJECTMENT.

R. S. 2:51-1	amended	1948, c. 373, ss. 1, 40.
R. S. 2:51-2	"	1948, c. 373, ss. 2, 40.
R. S. 2:51-3	"	1948, c. 373, ss. 3, 40.
R. S. 2:51-4	"	1948, c. 373, ss. 4, 40.
R. S. 2:51-5	"	1948, c. 373, ss. 5, 40.
R. S. 2:51-6	"	1948, c. 373, ss. 6, 40.
R. S. 2:51-7	"	1948, c. 373, ss. 7, 40.
R. S. 2:51-8	"	1948, c. 373, ss. 8, 40.
R. S. 2:51-9	"	1948, c. 373, ss. 9, 40.
R. S. 2:51-10	"	1948, c. 373, ss. 10, 40.
R. S. 2:51-11	"	1948, c. 373, ss. 11, 40.
R. S. 2:51-13	"	1948, c. 373, ss. 12, 40.
R. S. 2:51-14	"	1948, c. 373, ss. 13, 40.
R. S. 2:51-15	"	1948, c. 373, ss. 14, 40.
R. S. 2:51-17	"	1948, c. 373, ss. 15, 40.
R. S. 2:51-19	"	1948, c. 373, ss. 16, 40.
R. S. 2:51-20	"	1948, c. 373, ss. 17, 40.
R. S. 2:51-21	"	1948, c. 373, ss. 18, 40.
R. S. 2:51-22	"	1948, c. 373, ss. 19, 40.
R. S. 2:51-23	"	1948, c. 373, ss. 20, 40.
R. S. 2:51-24	"	1948, c. 373, ss. 21, 40.
R. S. 2:51-25	"	1948, c. 373, ss. 22, 40.
R. S. 2:51-26	"	1948, c. 373, ss. 23, 40.
R. S. 2:51-27	"	1948, c. 373, ss. 24, 40.
R. S. 2:51-28	"	1948, c. 373, ss. 25, 40.
R. S. 2:51-29	"	1948, c. 373, ss. 26, 40.
R. S. 2:51-32	"	1948, c. 373, ss. 27, 40.
R. S. 2:51-35	"	1948, c. 373, ss. 28, 40.
R. S. 2:51-36	"	1948, c. 373, ss. 29, 40.
R. S. 2:51-40	"	1948, c. 373, ss. 30, 40.

R. S. 2:51-41 amended 1948, c. 373, ss. 31, 40.
R. S. 2:51-44 " 1948, c. 373, ss. 32, 40.
R. S. 2:51-45 " 1948, c. 373, ss. 33, 40.
R. S. 2:51-46 " 1948, c. 373, ss. 34, 40.
R. S. 2:51-47 " 1948, c. 373, ss. 35, 40.
R. S. 2:51-49 " 1948, c. 373, ss. 36, 40.
R. S. 2:51-52 " 1948, c. 373, ss. 37, 40.
R. S. 2:51-53 " 1948, c. 373, ss. 38, 40.
R. S. 2:51-54 " 1948, c. 373, ss. 39, 40.

Chapter 53. ESCHEATS.

Note: For escheat of unclaimed bank deposits, see 1945, c. 199, amended 1946, c. 78, 1947, c. 91; for escheat of unclaimed insurance funds, see 1946, c. 154; for sales of real estate subject to escheat to pay debts of decedents, provided for, procedure, etc., see 1946, c. 283; for unclaimed moneys in Court of Chancery, payment of to State Treasurer, application therefor by claimants, procedure, provided for, see 1947, c. 72.

Additional Legislation.

Escheat of personal property in general, provided for, procedure, etc., 1946, c. 155.

Sec. 1 of above amended 1947, c. 357, s. 1.
Sec. 3 " " " 1947, c. 357, s. 2.
Sec. 4 " " " 1947, c. 357, s. 3.
Sec. 7 " " " 1947, c. 357, s. 4.
Sec. 8 " " " 1947, c. 357, s. 5.

Escheat of certain personal property, person turning over property released and discharged, provided for, suppl., 1947, c. 357, s. 6.

Chapter 58. LANDLORD AND TENANT; RIGHTS AND REMEDIES.

Article 3. Ejectment for Re-entry.

R. S. 2:58-7 amended 1948, c. 338, ss. 1, 6.
R. S. 2:58-8 " 1948, c. 338, ss. 2, 6.
R. S. 2:58-9 " 1948, c. 338, ss. 3, 6.
R. S. 2:58-10 " 1948, c. 338, ss. 4, 6.
R. S. 2:58-11 " 1948, c. 338, ss. 5, 6.

Article 5. Summary Proceedings for Recovery of Premises.

R. S. 2:58–26 amended 1944, c. 131.

Additional Legislation.

Warrants to dispossess, execution of to be stayed by judges, conditions of stay, authorized, 1946, c. 325.

1946, c. 325, expired.

Warrants to dispossess, writs of possession in ejectment, execution of to be stayed by judges, conditions of stay, authorized, 1948, c. 344.

Article 5A. (new) Rent Control.

Additional Legislation.

Rent Control Act (1946), 1946, c. 319.

Sec. 18 of above amended 1947, c. 46.

Chapter 60. LIENS—BONDS OF AND MONEY PAID TO CONTRACTORS ON PUBLIC WORKS.

Note: For lien in favor of State and county institutions for care and treatment of inmates thereof, see 1938, c. 239, amended 1946, c. 306, 1947, c. 274.

Article 4. On Goods and Chattels in Possession, for Labor or Materials Used in Construction or Repair Thereof.

R. S. 2:60–34 amended 1946, c. 281.

Article 10. Mechanics, Materialmen and Laborers in General.

B. LIEN; NATURE, AND TO AND FOR WHAT IT ATTACHES.

R. S. 2:60–128 amended 1948, c. 242.

Additional Legislation.

Amendments of mechanic's notice of intention, suppl., 1940, c. 138.

Sec. 1 of above amended 1948, c. 379, ss. 1, 2.

B-1. (new) SATISFACTION OF STOP NOTICE.

Additional Legislation.

Discharge of stop notice, suppl., 1941, c. 381.

Sec. 3 of above amended 1948, c. 380, ss. 1, 2.

C. LIEN CLAIM.

R. S. 2:60–132 amended 1948, c. 370, ss. 1, 25.

D. ENFORCEMENT OF LIEN CLAIM.

R. S. 2:60–135	amended	1948, c. 370, ss. 2, 25.
R. S. 2:60–137	"	1948, c. 370, ss. 3, 25.
R. S. 2:60–139	"	1948, c. 370, ss. 4, 25.
R. S. 2:60–140	"	1948, c. 370, ss. 5, 25.
R. S. 2:60–141	"	1948, c. 370, ss. 6, 25.
R. S. 2:60–142	"	1948, c. 370, ss. 7, 25.
R. S. 2:60–143	"	1948, c. 370, ss. 8, 25.
R. S. 2:60–152	"	1948, c. 370, ss. 9, 25.
R. S. 2:60–153	"	1948, c. 370, ss. 10, 25.
R. S. 2:60–154	"	1948, c. 370, ss. 11, 25.
R. S. 2:60–155	"	1948, c. 370, ss. 12, 25.
R. S. 2:60–156	"	1948, c. 370, ss. 13, 25.
R. S. 2:60–157	"	1948, c. 370, ss. 14, 25.
R. S. 2:60–158	"	1948, c. 370, ss. 15, 25.
R. S. 2:60–160	"	1948, c. 370, ss. 16, 25.
R. S. 2:60–164	"	1948, c. 370, ss. 17, 25.
R. S. 2:60–166	"	1948, c. 370, ss. 18, 25.
R. S. 2:60–167	"	1948, c. 370, ss. 19, 25.
R. S. 2:60–168	"	1948, c. 370, ss. 20, 25.

E. RELEASE, DISCHARGE, CANCELLATION OR PAYMENT OF LIEN.

R. S. 2:60–169	amended	1948, c. 370, ss. 21, 25.
R. S. 2:60–173	"	1948, c. 370, ss. 22, 25.
R. S. 2:60–174	"	1948, c. 370, ss. 23, 25.
R. S. 2:60–177	"	1948, c. 370, ss. 24, 25.

Article 11. Mechanics, Materialmen and Laborers on Public Improvement.

R. S. 2:60–194	amended	1948, c. 371, ss. 1, 9.
R. S. 2:60–196	"	1948, c. 371, ss. 2, 9.
R. S. 2:60–197	"	1948, c. 371, ss. 3, 9.
R. S. 2:60–199	repealed	1948, c. 371, ss. 8, 9.

R. S. 2:60–201 amended 1948, c. 371, ss. 4, 9.

R. S. 2:60–204 " 1948, c. 371, ss. 5, 9.

R. S. 2:60–205 " 1948, c. 371, ss. 6, 9.

R. S. 2:60–206 " 1948, c. 371, ss. 7, 9.

Article 20. (new) Factors' Liens.

Additional Legislation.

Liens by factors or pledgees on merchandise or proceeds thereof, suppl., 1942, c. 182.

Sec. 6 of above amended 1944, c. 76.

Chapter 61. LIENS AND ENCUMBRANCES OF STATE.

R. S. 2:61–1 amended 1947, c. 416, s. 1.

R. S. 2:61–2 " 1947, c. 416, s. 2.

R. S. 2:61–4 " 1947, c. 233.

Additional Legislation.

Liens and encumbrances of the State, certain, upon premises acquired by municipalities in foreclosure of tax sale certificates, proceedings to extinguish, provided for, 1947, c. 349.

Chapter 65. MORTGAGES AND BONDS; FORECLOSURE AND ACTIONS ON.

Article 1. General Provisions.

R. S. 2:65–2 amended 1948, c. 378, ss. 1, 8.

R. S. 2:65–12 " 1948, c. 378, ss. 2, 8.

R. S. 2:65–13 " 1948, c. 378, ss. 3, 8.

Additional Legislation.

Penal sum in bonds secured by mortgages, not required to be expressed, 1947, c. 337.

Article 1A. (new) Assumption of Bonds and Mortgages.

Additional Legislation.

Limitation of actions or proceedings to enforce agreements of assumption, of bonds and mortgages, provided for, suppl., 1947, c. 381.

Article 2. Proceedings in Court of Chancery.

R. S. 2:65–15 repealed 1948, c. 378, ss. 7, 8.

R. S. 2:65–16 amended 1948, c. 378, ss. 4, 8.

R. S. 2:65–18 " 1948, c. 378, ss. 5, 8.

R. S. 2:65–19 " 1948, c. 378, ss. 6, 8.

Chapter 66. MORTGAGES ON REAL OR PERSONAL PROPERTY; CANCELLATION OF RECORD BY COURT ORDER.

Additional Legislation.

Moneys paid into court, procedure to obtain, suppl., 1946, c. 69.

Chapter 67. NAMES; CHANGE OF.

Additional Legislation.

Adjustment of vital statistic records upon change of name, provided for, suppl., 1945, c. 283.

Chapter 72. PARTITION WALLS.

R. S. 2:72–1 amended 1948, c. 339, ss. 1, 5.

R. S. 2:72–2 " 1948, c. 339, ss. 2, 5.

R. S. 2:72–3 repealed 1948, c. 339, ss. 3, 5.

R. S. 2:72–6 amended 1948, c. 339, ss. 4, 5.

Chapter 72A. (new) PENALTIES; ENFORCEMENT AND COLLECTION OF.

The Penalty Enforcement Law, 1948, c. 253.

Sec. 2 of above amended 1948, c. 361, ss. 1, 5.

Sec. 17 " " " 1948, c. 361, ss. 2, 5.

Sec. 19 " " " 1948, c. 361, ss. 3, 5.

Sec. 25 " " " 1948, c. 361, ss. 4, 5.

Chapter 73. REPLEVIN.

R. S. 2:73–1 amended 1948, c. 374, ss. 1, 18.

R. S. 2:73–2 " 1948, c. 374, ss. 2, 18.

R. S. 2:73–5 " 1948, c. 374, ss. 3, 18.

R. S. 2:73–11 " 1948, c. 374, ss. 4, 18.

R. S. 2:73–13 " 1948, c. 374, ss. 5, 18.

R. S. 2:73–15 amended 1948, c. 374, ss. 6, 18.
R. S. 2:73–18 " 1948, c. 374, ss. 7, 18.
R. S. 2:73–22 " 1948, c. 374, ss. 8, 18.
R. S. 2:73–26 repealed 1948, c. 374, ss. 9, 18.
R. S. 2:73–27 amended 1948, c. 374, ss. 10, 18.
R. S. 2:73–28 " 1948, c. 374, ss. 11, 18.
R. S. 2:73–29 " 1948, c. 374, ss. 12, 18.
R. S. 2:73–30 " 1948, c. 374, ss. 13, 18.
R. S. 2:73–31 " 1948, c. 374, ss. 14, 18.
R. S. 2:73–33 " 1948, c. 374, ss. 15, 18.
R. S. 2:73–34 " 1948, c. 374, ss. 16, 18.
R. S. 2:73–37 " 1948, c. 374, ss. 17, 18.

Chapter 75. SALES OF REAL ESTATE UNDER STATUTES OR JUDICIAL PROCEEDINGS; DISTRIBUTION OF CERTAIN PROCEEDS OF SALES OF OR COMPENSATION FOR REAL ESTATE.

R. S. 2:75–1 amended 1948, c. 357, ss. 1, 2.

Subtitle 9. PREROGATIVE AND OTHER EXTRAORDINARY WRITS.

Chapter 80. GENERAL PROVISIONS.

Additional Legislation.

Proceedings in lieu of prerogative writs, review, hearing and relief replacing certiorari, mandamus, prohibition or quo warranto or proceedings in the nature thereof, 1948, c. 332.

Limitation of time for review, hearing or relief in proceedings in lieu of prerogative writs, in certain cases, 1948, c. 381.

Subtitle 10. JURIES.

Chapter 85. QUALIFICATIONS OF JURORS.

R. S. 2:85–1 amended 1943, c. 113.

Chapter 87. COMMISSIONERS OF JURIES.

R. S. 2:87–1 amended 1944, c. 96, ss. 1, 9, 10.
R. S. 2:87–4 " 1944, c. 96, s. 2.
R. S. 2:87–5 " 1947, c. 314.

R. S. 2:87–6 amended 1944, c. 96, s. 3.

R. S. 2:87–7 " 1944, c. 96, s. 4; 1948, c. 312.

R. S. 2:87–8 " 1944, c. 96, s. 5.

R. S. 2:87–11 " 1944, c. 96, s. 6.

R. S. 2:87–12 " 1944, c. 96, s. 7.

R. S. 2:87–13 " 1944, c. 96, s. 8.

Chapter 87A. (new) GRAND AND PETIT JURIES; ORDERING, ORGANIZING AND SERVICE.

Grand and petit juries, ordering, organization and service in Superior Court or County Courts, suppl., 1948, c. 363, ss. 1, 3.

Chapter 89. OFFICERS OF GRAND JURY.

R. S. 2:89–2 amended 1948, c. 363, ss. 2, 3.

Chapter 91A. ALTERNATE JURORS IN CRIMINAL CAUSES.

R. S. 2:91A–1 to 2:91A–3 repealed 1948, c. 326, ss. 2, 3.

Chapter 91B. (new) ALTERNATE JURORS IN CIVIL AND CRIMINAL CAUSES.

Drawing and service of fourteen jurors in certain causes, suppl., 1948, c. 326.

Chapter 96A. (new) TRANSITION ACTS.

Jurors, grand and petit, stated sessions of courts, process, etc., as to juries validated, 1948, c. 337.

Subtitle 11. EVIDENCE AND WITNESSES.

Chapter 97. WITNESSES IN GENERAL.

Additional Legislation.

Confessions made in the course of religious discipline, disclosure of, prohibited, 1947, c. 324.

Chapter 98. DOCUMENTS, RECORDS AND OTHER WRITTEN INSTRUMENTS.

Note: For substitution of photographic copies for records, etc., of banks and trust companies, see 1941, c. 39, amended 1942, c. 89; for receipt in evidence of building codes enacted, etc., by reference, provided for, see 1946, c. 21, amended 1948, c. 276.

Chapter 101. EVIDENCE OF PARTICULAR FACTS OR FOR PARTICULAR PURPOSES.

Additional Legislation.

Presumptive evidence that person is dead, alive, missing, interned, beleaguered, besieged or a prisoner, method of establishment provided for, 1945, c. 46.

Subtitle 11A. (new) EXAMINATION OF RECORDS, ETC.

Chapter 101A. (new) HOSPITAL RECORDS.

Right to examine hospital records in compensation cases and actions for damages, provided for, 1945, c. 286.

Subtitle 13. CRIMES.

Note: For failure to report death or disturbance of body, etc., of dead person, certain cases, misdemeanor, see 1946, c. 275, repealed, 1947, c. 404; 1946, c. 304, repealed, 1947, c. 403.

Chapter 114. BRIBERY AND CORRUPTION.

Additional Legislation.

Bribery, etc., of a participant, in connection with certain sporting contests, prohibited, suppl., 1945, c. 217.

Sec. 1 of above amended 1947, c. 19, s. 1.

Sec. 2 " " " 1947, c. 19, s. 2.

Bribery, etc., of a referee, etc., in connection with certain sporting contests, prohibited, suppl., 1946, c. 28.

Sec. 1 of above amended 1947, c. 20, s. 1.

Sec. 2 " " " 1947, c. 20, s. 2.

Chapter 117. CHILDREN.

Additional Legislation.

Debauching or impairing morals of children, prohibited, suppl., 1945, c. 242.

Chapter 121. DESERTION.

R. S. 2:121-2 amended 1944, c. 195.

Additional Legislation.

Place of residence of deserted party as determining jurisdiction of court, provided for, suppl., 1946, c. 292.

Chapter 122A. (new) DISCRIMINATIONS.

Refusal of shelter during air-raids or air-raid alarms, prohibited, 1942, c. 298.

Chapter 129A. (new) FALSE STATEMENTS.

False statements transmitted for radio and press broadcast or publication, misdemeanors, 1947, c. 326.

Chapter 134. FRAUDS AND CHEATS.

Additional Legislation.

Misrepresentation in sales of goods as discarded, etc., government property or conforming to government specifications, etc., prohibited, 1946, c. 158.

Chapter 142. INSURANCE.

Additional Legislation.

Requiring purchase of insurance incidental to certain financial transactions from a designated agent or broker, a misdemeanor, 1948, c. 298.

Chapter 153. MOTOR VEHICLES.

R. S. 2:153–6 amended 1946, c. 268.

Chapter 171A. (new) TICKET SCALPING.

Ticket scalping regulated, 1944, c. 12.

Chapter 174A. (new) UNAUTHORIZED USE OF VOTING MACHINES OR ELECTRICAL VOTING SYSTEMS IN LEGISLATIVE OR PUBLIC BODIES.

Use of certain voting machines or systems by unauthorized persons, prohibited, 1948, c. 44.

Chapter 176. WEAPONS AND EXPLOSIVES.

R. S. 2:176–11 amended 1945, c. 191.

Subtitle 14. CRIMINAL PROCEDURE.

Chapter 178. DEFINITIONS, CONSTRUCTION AND GENERAL PROVISIONS.

Note: For defendants in criminal proceedings, examination, treatment, etc., for venereal diseases, required, see 1945, c. 101.

Additional Legislation.

Money seized in connection with gambling, etc., disposition, forfeiture, etc., suppl., 1941, c. 70.

Sec. 4 of above amended 1945, c. 296.

Chapter 181. COUNTY DETECTIVES AND INVESTIGATORS.

R. S. 2:181–8 amended 1948, c. 158.

R. S. 2:181–10 appointment, etc., of county detectives or investigators certain fourth class counties, suppl., 1939, c. 5.

Sec. 2 of above amended 1945, c. 289.

Additional Legislation.

Appointment, salary and tenure, special officers appointed by the prosecutor of the pleas; certain third class counties, suppl., 1939, c. 307.

Captain of county detectives, in certain counties; designation, salary, increase in salary of county detectives and investigators, in certain counties, upon compliance with conditions, provided for, suppl., 1947, c. 393.

Number, appointment, salaries, etc., of county detectives, counties between 300,000 and 500,000, suppl., 1946, c. 32.

Sec. 1 of above amended 1948, c. 211.

Sec. 3 " " " 1947, c. 399, s. 1.

Sec. 4 " " " 1947, c. 399, s. 2.

Sec. 5 " " " 1947, c. 399, s. 3.

Salaries, county detectives, in certain counties bordering on the Atlantic Ocean may be increased upon compliance with conditions, 1947, c. 378.

County detectives in certain counties of the second and third class, salary increases upon compliance with conditions, provided for, 1947, c. 394.

Chief of county detectives, designation, salary, increase in salary of county detectives or special county investigators, counties between 74,000 and 82,000, provided for, 1948, c. 260.

Chapter 182. PROSECUTORS OF THE PLEAS.

R. S. 2:182–10 amended 1944, c. 66.

R. S. 2:182–15 " 1944, c. 32.

Additional Legislation.

Salary of prosecutors in certain counties bordering on the Atlantic Ocean, may be increased by Freeholders, 1947, c. 223.

Salary of prosecutors in certain fourth-class counties, may be increased by Freeholders, suppl., 1948, c. 299.

Chapter 182A. (new) COUNTY PROSECUTORS.

County Prosecutors, appointment, qualification, term, etc., provided for; term "prosecutor of the pleas" construed, 1948, c. 54.

Chapter 184. JURISDICTION AND VENUE.

Additional Legislation.

Accessory to crime in county other than that in which crime committed, indictment and trial of, 1944, c. 198.

Chapter 187. BAIL AND RECOGNIZANCES.

R. S. 2:187–17 amended 1947, c. 338.

Chapter 189. PROCEEDINGS AFTER INDICTMENT AND BEFORE TRIAL.

R. S. 2:189–7 amended 1946, c. 19.

Chapter 190. TRIAL; NEW TRIAL.

R. S. 2:190–17 amended 1943, c. 41, s. 2.

Additional Legislation.

Special verdict as to insanity, when pleaded, required, suppl., 1943, c. 41, s. 1.

Chapter 192. SENTENCE AND IMPRISONMENT.

Note: For commitment, etc., of convicted defendants to Diagnostic Center, see 1946, c. 118, amended, 1947, c. 238.

R. S. 2:192–1 amended 1944, c. 10.

R. S. 2:192–1.1 see 1946, c. 118, s. 16.

R. S. 2:192–1.2 see 1946, c. 118, s. 16.

R. S. 2:192–3 amended 1945, c. 153.

Additional Legislation.

Imposition of sentence by judge other than trial judge, suppl., 1939, c. 283.

Sec. 1 of above amended 1947, c. 122.

Combined sentence to imprisonment and on probation, provided for, suppl., 1943, c. 40.

Chapter 195. WRITS OF ERROR.

R. S. 2:195–1 amended 1943, c. 42, s. 1.

R. S. 2:195–2 repealed 1943, c. 42, s. 2.

R. S. 2:195–14 amended 1943, c. 43, s. 1.

R. S. 2:195–15 " 1943, c. 43, s. 2.

R. S. 2:195–16 " 1943, c. 43, s. 3.

Chapter 195A. (new) APPEAL.

Appeals in criminal cases, provided for, procedures, etc., 1946, c. 187.

Sec. 5 of above amended 1947, c. 220.

Chapter 196A. (new) EXECUTIVE CLEMENCY.

Executive clemency, exercise of, 1948, c. 83.

Chapter 197. PARDONS, COMMUTATION OF DEATH SENTENCES AND REMISSION OF FINES AND FORFEITURES BY COURT OF PARDONS.

R. S. 2:197–1 repealed 1948, c. 83, s. 9.

R. S. 2:197–2 " 1948, c. 83, s. 9.

Chapter 197A. (new) SPECIAL PARDONS, PAROLES BY COURT OF PARDONS.

Special pardons and paroles for certain persons having served in military or naval service, provided for, procedure, etc., 1946, c. 209; repealed 1948, c. 83, s. 9.

Chapter 198. PAROLE BY COURT OF PARDONS.

R. S. 2:198–1 amended 1948, c. 85, s. 1.

R. S. 2:198–3 " 1948, c. 85, s. 2.

R. S. 2:198–4 " 1948, c. 85, s. 3.

Chapter 199. PROBATION AND PAROLE.

Note: For combined sentence to imprisonment and on probation provided for, see 1943, c. 40.

Article 1. General Provisions.

R. S. 2:199-4 amended 1947, c. 121.

R. S. 2:199-5 " 1944, c. 190.

Subtitle 15. DISORDERLY PERSONS.

Chapter 202. DISORDERLY PERSONS GENERALLY.

Article 1. Certain Disorderly Persons Enumerated.

R. S. 2:202-3 amended 1942, c. 305; 1948, c. 135.

R. S. 2:202-13 " 1944, c. 11.

Additional Legislation.

Food stamps, etc., misuse of, prohibited, suppl., 1941, c. 204.

Sec. 1 of above amended 1942, c. 315, s. 1.

Sec. 2 " " repealed 1942, c. 315, s. 2.

Identification cards and badges, misuse of, prohibited, suppl., 1943, c. 205.

Poisons, etc., placing with intent to injure, etc., certain domestic animals, prohibited, suppl., 1944, c. 133.

Article 4. Disorderly Acts Relating to Railroads, Railways and Public Conveyances.

R. S. 2:202-26 amended 1944, c. 53.

Additional Legislation.

Smoking, etc., in buses or trolley cars prohibited, suppl., 1944, c. 14.

Article 6. Trespassing.

Additional Legislation.

"Victory Gardens," trespassing upon, prohibited, suppl., 1943, c. 136.

Willful acts, injury or damage, certain, upon or to lands and property without consent of owner, prohibited, suppl., 1948, c. 353.

Article 7. (new) Ammunition and Explosive Weapons.

Additional Legislation.

Ammunition and explosive weapons, unauthorized use or possession made disorderly conduct; notification to and inspection by police, provided for, 1947, c. 354.

Chapter 205. PUNISHMENT OF DISORDERLY PERSONS.

R. S. 2:205–1 amended 1942, c. 314, s. 1.

R. S. 2:205–2 " 1942, c. 314, s. 2.

Chapter 206. PROCEDURE.

R. S. 2:206–1 amended 1942, c. 314, s. 3.

R. S. 2:206–3 " 1942, c. 314, s. 4.

R. S. 2:206–4 " 1942, c. 314, s. 5.

R. S. 2:206–5 " 1942, c. 314, s. 6.

Subtitle 16. VICE AND IMMORALITY.

Chapter 207. OBSERVANCE OF SUNDAY.

R. S. 2:207–20 amended 1948, c. 227, s. 1.

R. S. 2:207–26 repealed 1948, c. 227, s. 2.

Subtitle 17. CRIMINAL JUDICIAL DISTRICT COURTS.

Note: For defendants in criminal proceedings, examination, treatment, etc., for venereal diseases, required, see 1945, c. 101.

Chapter 212. CONSTITUTION AND PERSONNEL.

R. S. 2:212–4 1926, c. 210, repealed 1944, c. 28, s. 5.

R. S. 2:212–4 1926, c. 211, repealed 1944, c. 28, s. 5.

R. S. 2:212–6 amended 1944, c. 23.

R. S. 2:212–17 " 1946, c. 186.

Additional Legislation.

Judges, holding over after expiration of terms, provided for, suppl., 1943, c. 59.

Criminal Judicial District Court of County of Bergen, established, 1944, c. 28; 1944, c. 39.

Chapter 213. JURISDICTION.

R. S. 2:213–2 amended 1943, c. 86.

Subtitle 18. POLICE COURTS AND MAGISTRATES.

Note: For defendants in criminal proceedings, examination, treatment, etc., for venereal diseases, required, see 1945, c. 101.

Chapter 220. CITIES OF THE SECOND CLASS.

Additional Legislation.

Police court or city judge, certain second-class cities, appointment instead of election, provided for, 1944, c. 31.

Chapter 223. BOROUGHS.

R. S. 2:223–1 amended 1948, c. 48.

Chapter 226. TOWNSHIPS.

R. S. 2:226–1 amended 1947, c. 40.

Title 3. ADMINISTRATION OF ESTATES—DECEDENTS AND OTHERS.

Subtitle 2. WILLS, DESCENT AND DISTRIBUTION.

Chapter 2. WILLS.

R. S. 3:2-45 see 1947, c. 70.

Additional Legislation.

Probate of wills of nonresidents owning personal property within the State, authorized, in certain cases, 1942, c. 335.

Proof of execution of will when no subscribing witness available, in certain cases, suppl., 1944, c. 21; 1944, c. 109.

1944, c. 109, s. 1, amended 1945, c. 210.

Construction of residuary devises or bequests, to more than one devisee or legatee, in certain cases, survivor when to take, provided for, suppl., 1947, c. 380.

Title of above amended 1948, c. 139.

Proof of execution of will before surrogate of county wherein subscribing witness resides, procedure, etc., provided for, suppl., 1948, c. 122.

Chapter 5A. (new) UNIFORM SIMULTANEOUS DEATH ACT.

Manner of devolution of property upon simultaneous, or nearly so, deaths, provided for, 1947, c. 384.

Subtitle 3. ADMINISTRATION BY EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

Chapter 7. APPOINTMENT AND GENERAL POWERS OF FIDUCIARIES.

Article 1. Executors and Administrators.

Additional Legislation.

Notice of probate of will, etc., to beneficiaries, required, 1944, c. 238.

Article 2. GUARDIANS FOR MINORS.

R. S. 3:7-18 amended 1945, c. 119.

R. S. 3:7-29 " 1945, c. 96.

Article 3. Guardians of Mental Incompetents.

Additional Legislation.

Determination of mental incompetency, 1948, c. 388.

Article 4. New, Additional, Substituted and Succeeding Fiduciaries.

Additional Legislation.

Substituted fiduciaries, for fiduciaries engaged in war service, appointment, etc., suppl., 1942, c. 160.

Title of above amended 1944, c. 129, s. 1.

Sec. 1 " " " 1944, c. 129, s. 2.

Sec. 2 " " " 1944, c. 129, s. 3.

Sec. 3 " " " 1944, c. 129, s. 4.

Sec. 4 " " " 1944, c. 129, s. 5.

Sec. 5 " " " 1944, c. 129, s. 6.

Sec. 6 " " " 1944, c. 129, s. 7.

Sec. 7 " " " 1944, c. 129, s. 8.

Sec. 8 " " " 1944, c. 129, s. 9.

Sec. 10 " " " 1944, c. 129, s. 10.

Sec. 11 " " " 1944, c. 129, s. 11.

Chapter 8. BONDS AND SURETIES.

R. S. 3:8-1 amended 1948, c. 359, ss. 1, 4.

R. S. 3:8-2 " 1948, c. 359, ss. 2, 4.

R. S. 3:8-4 " 1948, c. 359, ss. 3, 4.

R. S. 3:8-11 " 1945, c. 113, s. 1.

R. S. 3:8-12 " 1945, c. 113, s. 2.

R. S. 3:8-15 " 1945, c. 113, s. 3.

Additional Legislation.

Discharge of sureties and cancellation of bonds, in certain cases, provided for, 1944, c. 181.

Chapter 10. ACCOUNTING.

R. S. 3:10-18 amended 1947, c. 398.

Chapter 16. INVESTMENTS.

Note: For Port Authority bonds issued for establishment, etc., of motor truck terminals, legal investments, see 1945, c. 197; for International Bank for Reconstruction and Development, obligations of, made legal investments for certain financial institutions, fiduciaries and others, see 1947, c. 308; for county bridge commission bonds, etc., made legal investments, see 1948, c. 288, s. 3.

R. S. 3:16-1 amended 1945, c. 194.

Additional Legislation.

Investments in United States Savings Bonds and Treasury Savings Certificates held by fiduciaries; status of increases in redemption values as to income and principal, 1942, c. 287.

Securities, registration and holding in name of nominee, authorized, in certain cases, 1944, c. 114.

Establishment and maintenance of common trust funds by certain corporate fiduciaries, authorized, suppl., 1945, c. 190; repealed 1948, c. 67, ss. 336, 343.

Payment of premiums, brokers' commissions, etc., by fiduciaries investing in real estate mortgages, in certain cases, authorized, 1947, c. 306.

Chapter 17. SALE OR OTHER DISPOSITION OF REAL ESTATE BY FIDUCIARIES.

Article 1. By Fiduciaries in General.

Additional Legislation.

Abandonment of real property by fiduciaries, in certain cases, authorized, suppl., 1943, c. 88.

Article 2A. (new) By Fiduciaries Representing Decedents' Estates.

Additional Legislation.

Sale, exchange, etc., of real or personal property, pendente lite, by fiduciaries, in certain cases, provided for, 1948, c. 238.

Chapter 25. CREDITORS OF DECEDENTS; THEIR RIGHTS AND REMEDIES.

Article 5. Liability of Real Estate for Debts; Methods of Enforcement.

Note: For sales of real estate subject to escheat to pay debts of decedents, provided for, procedure, etc., see 1946, c. 283.

R. S. 3:25-21 amended 1944, c. 130.

Article 6. Sale of Real Estate for Debts Where Personalty Insufficient.

Note: For sales of real estate subject to escheat to pay debts of decedents, provided for, procedure, etc., see 1946, c. 283.

Article 7. Insolvent Estates.

Note: For sales of real estate subject to escheat to pay debts of decedents, provided for, procedure, etc., see 1946, c. 283.

Article 7A. (new) Sale of Real Estate, Subject to Escheat, to Pay Debts.

Additional Legislation.

Sales of real estate subject to escheat to pay debts of decedents, provided for, procedure, etc., 1946, c. 283.

Chapter 26. DEVISES, LEGACIES AND DISTRIBUTIVE SHARES.

R. S. 3:26-1 amended 1943, c. 82.

R. S. 3:26-2 " 1943, c. 84.

Subtitle 4. GUARDIANSHIP OF VETERANS.

Part 1. UNIFORM LAW.

Chapter 32. HOSPITALIZATION.

R. S. 3:32-1 amended 1947, c. 409.

Subtitle 7. ABSENTEES.

Note: For escheat of unclaimed bank deposits, see 1945, c. 199, amended 1946, c. 78, 1947, c. 91.

Chapter 42A. (new) ABSENTEES IN ARMED FORCES OR MERCHANT MARINE.

Conservator for property of person serving in or with armed forces, appointment, powers, etc., 1944, c. 242.

Sec. 1 of above amended 1945, c. 293.

Title 4. AGRICULTURE AND DOMESTIC ANIMALS.

Chapter 1. DEPARTMENT OF AGRICULTURE.

Article 1. In General.

R. S. 4:1-1 amended 1948, c. 447, ss. 1, 19, 20, 21.

R. S. 4:1-2 " 1948, c. 447, ss. 2, 19, 20, 21.

Article 2. State Board of Agriculture.

R. S. 4:1-4 amended 1944, c. 202, s. 1.

R. S. 4:1-5 " 1944, c. 202, s. 2.

R. S. 4:1-6 " 1945, c. 98.

R. S. 4:1-7 " 1944, c. 202, s. 3.

R. S. 4:1-8 " 1944, c. 202, s. 4.

R. S. 4:1-9 " 1944, c. 202, s. 5.

R. S. 4:1-13 " 1944, c. 202, s. 6.

Additional Legislation.

Board members, secretary, removal, provided for, suppl., 1948, c. 447, ss. 3, 19, 20, 21.

Article 3. Secretary of Agriculture.

R. S. 4:1-15 amended 1944, c. 202, s. 7.

Article 4. Bureaus.

R. S. 4:1-17 amended 1945, c. 204, s. 1.

Article 5. Functions of the Department in General.

Additional Legislation.

Awards to schools for participation in farm labor, 1943, c. 214.

Article 6. (new) Office of Milk Industry.

Additional Legislation.

Department of Agriculture Act of 1948, suppl., 1948, c. 447.

Chapter 2. BREEDING OF LIVE STOCK.

R. S. 4:2-1 to 4:2-14 repealed 1946, c. 72.

Chapter 5. DISEASES OF ANIMALS AND POULTRY.

Article 1. Contagious and Infectious Diseases in General.

B. CONTROL AND ERADICATION IN GENERAL.

R. S. 4:5–4 amended 1946, c. 247, s. 1.
R. S. 4:5–5 " 1946, c. 247, s. 2.
R. S. 4:5–6 " 1946, c. 247, s. 3.
R. S. 4:5–7 " 1946, c. 247, s. 4.
R. S. 4:5–8 " 1946, c. 247, s. 5.
R. S. 4:5–9 " 1946, c. 247, s. 6.
R. S. 4:5–10 " 1946, c. 247, s. 7.

Article 2. Bovine Tuberculosis.

A. DEFINITIONS.

R. S. 4:5–18 amended 1946, c. 247, s. 8.

B. GENERAL PROVISIONS

R. S. 4:5–19 amended 1946, c. 247, s. 9.
R. S. 4:5–20 " 1946, c. 247, s. 10.
R. S. 4:5–21 " 1946, c. 247, s. 11.
R. S. 4:5–22 " 1946, c. 247, s. 12.
R. S. 4:5–23 " 1946, c. 247, s. 13.
R. S. 4:5–28 " 1946, c. 247, s. 14; 1947, c. 207, s. 1.
R. S. 4:5–29 " 1946, c. 247, s. 15.

C. TESTING UNDER AREA AND OTHER PLANS.

R. S. 4:5–34 amended 1946, c. 247, s. 16.
R. S. 4:5–44 " 1946, c. 247, s. 17.
R. S. 4:5–46 " 1946, c. 247, s. 18.

Additional Legislation.

Conduct of tuberculin tests; quarantines and disinfecting, etc., services, provided for, suppl., 1945, c. 204, ss. 2-4.

C. 1. (new) CATTLE CONSIGNED TO AUCTION MARKETS.

Additional Legislation.

Cattle delivered to auction markets, marking, testing, etc., suppl., 1946, c. 247, s. 24.

D. IMPORTATION OF CATTLE.

R. S. 4:5–54 amended 1946, c. 247, s. 19; 1947, c. 207, s. 2.
R. S. 4:5–58 " 1946, c. 247, s. 20; 1947, c. 207, s. 3.
R. S. 4:5–59 " 1947, c. 207, s. 4.
R. S. 4:5–61 " 1946, c. 247, s. 21; 1947, c. 207, s. 5.
R. S. 4:5–65 " 1946, c. 247, s. 22.
R. S. 4:5–69 " 1946, c. 247, s. 23.
R. S. 4:5–71 " 1946, c. 247, s. 25.
R. S. 4:5–72 " 1946, c. 247, s. 26; 1947, c. 207, s. 6.

Article 2A. (new) Aphthous Fever.

Aphthous fever (foot and mouth disease) control of, etc., provided for, suppl., 1948, c. 436.

Article 3. Infections or Contagious Abortion in Live Stock.

R. S. 4:5–76 to 4:5–93 repealed 1946, c. 257, s. 25.

Additional Legislation.

Bang's disease, compensation to owners of diseased cattle, certain cases, regulation of local areas, 1940, c. 231, repealed 1946, c. 257, s. 26.

Bang's disease or Brucellosis, control of, etc., provided for, suppl., 1946, c. 257.

Chapter 8. AGRICULTURE AND FOREST SEEDS AND NURSERY STOCK.

R. S. 4:8–1 to 4:8–17 repealed 1948, c. 189, ss. 10, 11.

Additional Legislation.

New Jersey State Seed Law, 1948, c. 189.

Chapter 9. FERTILIZERS AND OTHER PREPARATIONS FOR SOILS.

Article 4. (new) Horse Manure.

Additional Legislation.

Sale, etc., of unmanufactured horse manure, regulated, 1944, c. 43.

Chapter 12. RECEIVING, BUYING, TESTING, SAMPLING AND WEIGHING OF MILK AND CREAM.

R. S. 4:12-1 amended 1945, c. 295, s. 1.

R. S. 4:12-19 " 1945, c. 295, s. 2.

R. S. 4:12-20 to 4:12-41 repealed 1943, c. 100, s. 23.

Additional Legislation.

Dealing, etc., in milk or cream on basis of butter fat content, regulated, suppl., 1943, c. 100.

Department of Agriculture, certain functions, etc., of the New Jersey Agricultural Experiment Station transferred to, 1948, c. 458.

Chapter 14. AGRICULTURAL ORGANIZATIONS IN GENERAL.

R. S. 4:14-2 amended 1946, c. 108.

Chapter 16. AGRICULTURAL EXPERIMENT STATION; FARM DEMONSTRATION.

Note: For consolidation with State University of New Jersey, see 1945, c. 49.

Article 1. Organization and Operation of Station.

R. S. 4:16-2 to 4:16-5 repealed 1945, c. 235, ss. 2, 1.

Article 2. Miscellaneous Activities of Station.

Additional Legislation.

Farm labor, recruiting and placement, provided for, 1943, c. 106; repealed 1948, c. 181.

Article 3. Department of Poultry Husbandry.

Additional Legislation.

Poultry diseases, certain, investigation and control of, authorized and directed, 1947, c. 287, s. 1.

Article 5. (new) Victory Garden Educational Program.

Additional Legislation.

Educational program for promotion of production and conservation of food, provided for, 1943, c. 137.

Chapter 23. PROCEDURE FOR THE RECOVERY OF PENALTIES.

R. S. 4:23-11 amended 1946, c. 256.

Title 5. AMUSEMENTS, PUBLIC EXHIBITIONS AND MEETINGS.

Chapter 2. BOXING AND WRESTLING EXHIBITIONS.

Note: For State Athletic Commissioner's office continued and transferred to Department of State, see 1948, c. 445, ss. 4-9, 17-19.

Additional Legislation.

Tickets, form of, provided for; licenses and bonds of printers required; suppl., 1948, c. 247.

Performances, etc., by school pupils under supervision of board of education, etc., excepted from provisions of chapter, suppl., 1948, c. 255.

Chapter 3. BUILDINGS, STRUCTURES AND PLACES USED FOR PUBLIC AMUSEMENT.

Note: For life saving and resuscitation personnel and appliances required, see 1942, c. 172.

Chapter 5. BREEDING AND RACING OF HORSES.

Note: For New Jersey Racing Commission continued as the Division of the New Jersey Racing Commission in the Department of the Treasury, see 1948, c. 92.

Additional Legislation.

New Jersey Horse Racing Act, 1940, c. 17.

Sec. 18 of above amended 1946, c. 170.

Sec. 44 " " " 1944, c. 227; 1946, c. 169; 1947, c. 107, s. 1; 1948, c. 33, s. 1.

Sec. 46 " " " 1947, c. 107, s. 2; 1948, c. 33, s. 2.

Permit holders' accounts and records, Commissioner to prescribe forms and methods, audits, provided for, suppl., 1947, c. 107, s. 3.

Stock-ownership in horse racing association or corporation, control of Commission over, revocations of permits, etc., provided for, suppl., 1946, c. 167.

Title 6. AVIATION.

Chapter 1. REGULATION OF AERIAL NAVIGATION.

Additional Legislation.

Aeronautics over and within this State, regulated, 1938, c. 48.

Sec. 6 of above amended 1946, c. 15, s. 1.

Sec. 7 " " " 1946, c. 15, s. 2.

Chapter 2. UNIFORM AERONAUTICS LAW.

R. S. 6:2–7 amended 1946, c. 237.

Chapter 3. (new) FEDERAL AID FOR AIRPORTS.

Public airports, use of funds under "Federal Airport Act," approval of State Department of Aviation, State Treasurer to be State Agency for such Federal funds, provided for, 1947, c. 315.

Title 7. BILLS, NOTES AND CHECKS.

Subtitle 1. NEGOTIABLE INSTRUMENTS LAW.

Chapter 4. PROMISSORY NOTES AND CHECKS.

R. S. 7:4–7 repealed 1948, c. 67, ss. 336, 343.

Subtitle 2. NEGOTIABLE AND NONNEGOTIABLE INSTRUMENTS.

Chapter 5. GENERAL PROVISIONS.

R. S. 7:5–7 to 7:5–10 repealed 1948, c. 67, ss. 336, 343.

Additional Legislation.

Instruments issued by Port of New York Authority, certain of such made negotiable, 1947, c. 45.

Subtitle 3. COLLECTION OF INSTRUMENTS PAYABLE IN MONEY.

Chapter 6. BANK COLLECTION CODE.

R. S. 7:6–1 to 7:6–17 repealed 1948, c. 67, ss. 336, 343.

Title 8. CEMETERIES.

Chapter 2. PROPERTY, AND RIGHTS AND INTERESTS THEREIN

R. S. 8:2–23 amended 1947, c. 236, s. 1.

R. S. 8:2–24 " 1947, c. 236, s. 2.

R. S. 8:2–35 " 1943, c. 36.

Additional Legislation.

Release of public right in lands dedicated for burial purposes, by municipality, in certain cases, authorized, 1947, c. 240.

Title 9. CHILDREN—JUVENILE AND DOMESTIC RELATIONS COURTS.

Note: For commitment of minors to Diagnostic Centers, see 1946, c. 118, amended 1947, c. 238; for contracts, obligations, pledges, mortgages and conveyances, made by minors over eighteen years of age in connection with certain veterans' loans made valid and enforceable, see 1946, c. 134, amended 1947, c. 189.

Subtitle 1. PARENTAL RELATIONSHIP AND CARE, CUSTODY, GUARDIANSHIP AND SUPPORT OF CHILDREN IN GENERAL.

Chapter 2. CARE, CUSTODY, GUARDIANSHIP AND SUPPORT OF CHILDREN IN GENERAL.

R. S. 9:2–1	amended	1948, c. 321, ss. 1, 11.
R. S. 9:2–2	"	1948, c. 321, ss. 2, 11.
R. S. 9:2–3	"	1948, c. 321, ss. 3, 11.
R. S. 9:2–4	"	1948, c. 321, ss. 4, 11.
R. S. 9:2–5	"	1948, c. 321, ss. 5, 11.
R. S. 9:2–7	"	1948, c. 321, ss. 6, 11.
R. S. 9:2–8	repealed	1948, c. 321, ss. 10, 11.
R. S. 9:2–9	amended	1948, c. 321, ss. 7, 11.
R. S. 9:2–10	"	1948, c. 321, ss. 8, 11.
R. S. 9:2–11	"	1948, c. 321, ss. 9, 11.

Additional Legislation.

Special guardians for certain minors to consent to enlistment of such minors in the military and naval service of the United States, provided for, 1942, c. 329.

Subtitle 2. ADOPTION, APPRENTICESHIP AND INDENTURE.

Chapter 3. ADOPTION.

R. S. 9:3–1	amended	1944, c. 239, s. 1; 1945, c. 196.
R. S. 9:3–4	"	1944, c. 239, s. 2.
R. S. 9:3–9	"	1943, c. 104.

Additional Legislation.

Adoption of certain children by persons in armed forces, regulated, suppl., 1945, c. 248.

Subtitle 3. PROTECTIVE WELFARE LAWS.

Chapter 5. GENERAL PROVISIONS.

Note: For registration and regulation of private child care centers, provided for, see 1946, c. 303.

Chapter 6. ABANDONMENT, ABUSE, CRUELTY AND NEGLECT.

R. S. 9:6–3 amended 1944, c. 196, s. 1.

R. S. 9:6–4 " 1944, c. 196, s. 2.

Chapter 13. CRIPPLED CHILDREN.

Note: For Commission continued as an agency within the State Department of Health, see 1948, c. 444, ss. 16-19.

R. S. 9:13–1 amended 1948, c. 444, ss. 16, 27.

R. S. 9:13–2 " 1948, c. 444, ss. 17, 27.

Subtitle 4. ILLEGITIMATE CHILDREN.

Chapter 17. BASTARDY PROCEEDINGS.

R. S. 9:17–1.1 amended 1943, c. 49.

R. S. 9:17–6 " 1945, c. 183, s. 1.

R. S. 9:17–13 " 1945, c. 183, s. 2.

Subtitle 5. JUVENILE AND DOMESTIC RELATIONS COURTS.

Chapter 18. ORGANIZATION OF COURT; JURISDICTION, POWERS AND PROCEDURE.

Note: For commitment, etc., of minors to Diagnostic Centers provided for, see 1946, c. 118, amended 1947, c. 238.

R. S. 9:18–5 amended 1945, c. 291.

R. S. 9:18–12 " 1943, c. 97; 1946, c. 77, s. 1; 1948, c. 284, s. 1.

R. S. 9:18–14 " 1946, c. 77, s. 2.

R. S. 9:18–18 " 1946, c. 77, s. 3.

R. S. 9:18–25 " 1947, c. 213, ss. 1, 2.

R. S. 9:18–31 " 1946, c. 77, s. 4.

Additional Legislation.

Juvenile delinquents, finger printing and destruction of finger prints of, in certain cases, authorized, 1948, c. 284, s. 2.

Subtitle 7. (new) JUVENILE DELINQUENCY, ETC., PREVENTION AND CONTROL OF.

Chapter 21. (new) IN GENERAL.

Juvenile delinquency, conditions contributory thereto, judges to report such to municipality and Youth Guidance Commission, 1947, c. 180.

Chapter 22. (new) YOUTH GUIDANCE COUNCILS OR COMMISSIONS.

Youth Guidance Municipal Councils, establishment, powers and duties of, authorized, 1947, c. 179.

Title 10. CIVIL RIGHTS.

Note: For certain discriminatory practices in employment and otherwise, prohibited and Division Against Discrimination in the State Department of Education, established, see 1945, c. 169, amended 1947, c. 155.

Chapter 1. IN GENERAL.

R. S. 10:1–3 amended 1945, c. 168, s. 1.

R. S. 10:1–6 " 1945, c. 168, s. 2.

R. S. 10:1–8 " 1945, c. 168, s. 3.

Additional Legislation.

Discrimination, on account of race, creed or color, against persons to be employed on war or defense work, prohibited, 1942, c. 114.

Preamble of above amended 1945, c. 174, s. 1.

Sec. 1 " " " 1945, c. 174, s. 2.

Sec. 2 " " " 1945, c. 174, s. 3

Chapter 2. EMPLOYMENT ON PUBLIC WORKS.

R. S. 10:2–1 amended 1945, c. 171.

Title 11. CIVIL SERVICE.

Note: For certain discriminatory practices in employment and otherwise, prohibited and Division Against Discrimination in the State Department of Education, established, see 1945, c. 169, amended 1947, c. 155; for delay in qualifying of members of police and fire departments by reason of military service not to affect rights, benefits, etc., see 1946, c. 87; for supervision of Civil Service Commission over apprentice and on the job training programs for veterans, provided for, see 1946, c. 162.

Subtitle 1. CIVIL SERVICE COMMISSION.

Chapter 1. THE COMMISSION.

R. S. 11:1-1 amended 1944, c. 65, s. 1; 1948, c. 89, ss. 1, 4.

R. S. 11:1-2 " 1944, c. 65, s. 2; 1948, c. 89, ss. 2, 4.

R. S. 11:1-6 " 1944, c. 65, s. 3; 1948, c. 89, ss. 3, 4.

R. S. 11:1-9 " 1944, c. 65, s. 4.

Chapter 2. THE CHIEF EXAMINER AND SECRETARY.

R. S. 11:2-1 amended 1944, c. 65, s. 5.

R. S. 11:2-3 " 1944, c. 65, s. 6.

R. S. 11:2-4 repealed 1944, c. 65, s. 7.

R. S. 11:2-5 amended 1944, c. 65, s. 8.

R. S. 11:2-6 " 1944, c. 65, s. 9.

Chapter 2A. (new) CONTROL OF COMMISSION OVER CIVIL SERVICE EMPLOYEES, GENERALLY.

Right of appeal from suspension, fining or demotion for more than thirty days in one year or five days at one time, suppl., 1938, c. 76.

Sec. 1 of above amended 1946, c. 184.

Subtitle 2. STATE SERVICE.

Chapter 4. PURPOSE, CONSTRUCTION AND APPLICATION OF SUBTITLE.

R. S. 11:4-4 amended 1948, c. 121, s. 1.

R. S. 11:4-5 **Note:** 1913, c. 139 and 1918, c. 234 repealed, 1944, c. 20, s. 20.

Additional Legislation.

Legal assistants, Attorney General, under Civil Service, 1939, c. 101; repealed 1944, c. 20, s. 20.

State Treasurer, certain employees under Civil Service, suppl., 1946, c. 198.

Economic development, certain employees under civil service, 1948, c. 435.

Chapter 5. DUTIES OF COMMISSION.

Note: For specific statutory maxima and minima of salaries and salary increases for State employees, abolished, salary ranges to be established by Civil Service Commission, see 1945, c. 86.

R. S. 11:5–1 amended 1944, c. 65, s. 10.

Chapter 6. CHIEF EXAMINER AND SECRETARY; POWERS AND DUTIES.

R. S. 11:6–2 amended 1947, c. 201, s. 1.

Chapter 7. CLASSIFICATION OF POSITIONS.

Additional Legislation.

Adjustments of compensation after allocation of positions under new compensation plan, suppl., 1944, c. 65, s. 11.

Position, classified or unclassified, determination of, provided for, suppl., 1948, c. 121, ss. 2-4, 9.

Chapter 9. TESTS; EMPLOYMENT AND RE-EMPLOYMENT LISTS.

Note: For provision for discontinuance, etc., of competitive examinations, see 1944, c. 64, amended 1945, c. 15, 1946, c. 156; for provision for continuance until June 30, 1949, of provisional and temporary employees pending appointments from eligible lists, see 1948, c. 57.

Chapter 10. VACANCY IN POSITIONS.

Additional Legislation.

Discrimination against eligibles certified for appointment in competitive class in civil service, record, report, etc., suppl., 1939, c. 322.

Sec. 1 of above amended 1947, c. 123.

Chapter 11. TEMPORARY AND EMERGENCY APPOINTMENTS; TRANSFERS.

Note: For provision for discontinuance, etc., of competitive examinations, see 1944, c. 64, amended 1945, c. 15, 1946, c. 156; for provision for continuance until June 30, 1949, of provisional and temporary employees pending appointments from eligible lists, see 1948, c. 57.

Chapter 12. WORKING TESTS.

R. S. 11:12–1 amended 1946, c. 228, s. 1.

R. S. 11:12–2 " 1946, c. 228, s. 2.

Chapter 14. HOURS OF WORK AND LEAVES OF ABSENCE.

Additional Legislation.

Leave records, forms for, certificates of, transfers, provided for, suppl., 1947, c. 201, ss. 2-4.

Chapter 15. SUSPENSION; DEMOTION; REMOVAL.

Note: For appeal from suspension, fining or demotion for more than thirty days in one year or five days at one time, see 1938, c. 76, amended 1946, c. 184.

Chapter 16. CERTIFICATION OF PAYROLLS.

R. S. 11:16–1 amended 1947, c. 201, s. 5.

Subtitle 3. COUNTIES, MUNICIPALITIES AND SCHOOL DISTRICTS.

Chapter 20. ADOPTION OF SUBTITLE BY COUNTY, MUNICIPALITY OR SCHOOL DISTRICT.

R. S. 11:20–1 amended 1947, c. 28.

Chapter 20A. (new) EMPLOYEES SUBJECT TO CIVIL SERVICE WITHOUT ADOPTION OF SUBTITLE.

Consolidated school districts, employees of, included in classified civil service, in certain cases, 1947, c. 272.

Chapter 21. APPOINTMENTS, PROMOTIONS, REMOVALS AND DISCHARGE IN GENERAL.

Note: For appeal from suspension, fining or demotion for more than thirty days in one year or five days at one time, see 1938, c. 76, amended 1946, c. 184; for provision for discontinuance, etc., of competitive examinations, see 1944, c. 64, amended 1945, c. 15, 1946, c. 156.

R. S. 11:21–9 amended 1948, c. 345.

Additional Legislation.

Civil service status, police and firemen appointed between time of petition for and adoption of civil service law, provided for, 1948, c. 257.

Chapter 22. CLASSES OF CIVIL SERVICE.

R. S. 11:22-2 amended 1946, c. 34; 1948, c. 47; 1948, c. 121, s. 5.

R. S. 11:22-4 " 1948, c. 121, s. 10.

R. S. 11:22-20 " 1947, c. 200.

R. S. 11:22-25 repealed 1948, c. 121, s. 11.

R. S. 11:22-26 " 1948, c. 121, s. 11.

R. S. 11:22-27 " 1948, c. 121, s. 11.

R. S. 11:22-28 " 1948, c. 121, s. 11.

Additional Legislation.

Competitive examinations, discontinuance, etc., provided for, suppl., 1944, c. 64.

Sec. 1 of above amended 1946, c. 156, s. 1.

Sec. 2 " " " 1946, c. 156, s. 2.

Sec. 4 " " " 1945, c. 15; 1946, c. 156, s. 3.

Provisional and temporary employees, continued, pending appointments from eligible lists, until June 30, 1949, 1948, c. 57.

City district courts, certain employees included in classified service upon judge's certification, suppl., 1948, c. 165.

Local assistance boards employees, certain, included in classified service upon certification of governing body, suppl., 1948, c. 466.

Position, classified or unclassified, determination of, provided for, suppl., 1948, c. 121, ss. 6-9.

Chapter 24A. (new) HOURS OF WORK, ATTENDANCE AND LEAVES OF ABSENCE.

Regulations as to holidays, hours of work, attendance, sick and other leaves of absence, suppl., 1939, c. 232.

Sec. 3 of above amended 1943, c. 200.

Leaves of absence without pay, granting of, etc., provided for, suppl., 1946, c. 148.

Chapter 25. APPEAL TO COMMISSION OR SUPREME COURT JUSTICE FOR VIOLATION OF SUBTITLE.

Note: For appeal from suspension, fining or demotion for more than thirty days in one year or five days at one time, see 1938, c. 76, amended 1946, c. 184.

Subtitle 4. VETERANS.

Chapter 27. PREFERENCES.

R. S. 11:27–1	amended	1946, c. 227, s. 1; 1947, c. 63.
R. S. 11:27–2	repealed	1946, c. 227, s. 2.
R. S. 11:27–3	amended	1946, c. 227, s. 3.
R. S. 11:27–4	"	1946, c. 227, s. 4.
R. S. 11:27–5	"	1946, c. 227, s. 5.

Title 12. COMMERCE AND NAVIGATION.

Chapter 2. DEPARTMENT AND BOARD OF COMMERCE AND NAVIGATION.

Note: For beach-front protection and dredging and removal of obstructions from streams, see 1940, c. 52, amended 1946, c. 258; for transfer of functions, powers and duties to State Department of Conservation, see 1945, c. 22; for transfer of functions, powers and duties to the Department of Conservation and Economic Development, see 1948, c. 448.

R. S. 12:2–1 to 12:2–5 repealed 1945, c. 22, s. 44.

R. S. 12:2–16 " 1945, c. 22, s. 44.

Chapter 3. RIPARIAN LANDS.

Note: For State's interest in island shoals and reefs in tidal waters, disposal of, provided for, see 1946, c. 299; for municipal riparian lands, certain, not needed for public use and purportedly dedicated as a public street, sale of, provided for, see 1947, c. 322.

Chapter 4. NAVIGATION.

R. S. 12:4–7 amended 1947, c. 37.

Chapter 5. WATER-FRONT AND HARBOR FACILITIES.

Note: For beach-front protection and dredging and removal of obstructions from streams, see 1940, c. 52, amended 1946, c. 258.

Chapter 6. INLAND WATERWAYS.

R. S. 12:6–17 repealed 1946, c. 314.

R. S. 12:6–18 " 1946, c. 314.

Additional Legislation.

Shrewsbury and Manasquan Rivers and tributaries, improvement of, authorized, suppl., 1946, c. 313.

Chapter 6A. (new) BEACH FRONT REPAIR AND DREDGING OF STREAMS.

Beach-front protection and dredging and removal of obstructions from streams, suppl., 1940, c. 52.

Sec. 1 of above amended 1946, c. 258, s. 1.

Sec. 2 " " " 1946, c. 258, s. 2.

Sec. 3 " " " 1946, c. 258, s. 3.

Chapter 8. PILOTS.

Additional Legislation.

Appointment of temporary branch and temporary deputy pilots, authorized, in certain cases, 1942, c. 349.

Chapter 9. HARBOR MASTERS.

R. S. 12:9–1 repealed 1948, c. 448, ss. 121, 122, 123.

R. S. 12:9–10 " 1948, c. 448, ss. 121, 122, 123.

Chapter 10. PORT WARDENS.

R. S. 12:10–1 repealed 1948, c. 448, ss. 121, 122, 123.

Chapter 12. PORT RARITAN DISTRICT.

Note: For transfer of powers and duties to Department of Economic Development, see 1944, c. 85, amended 1945, c. 128.

R. S. 12:12–1 to 12:12–10 repealed 1944, c. 85, s. 52.

Title 13. CONSERVATION AND DEVELOPMENT—PARKS AND RESERVATIONS.

Note: For legal aid to police officers and firemen in suits arising from incidents in line of duty, provided for, see 1946, c. 67, amended 1947, c. 103.

Chapter 1. DEPARTMENT AND BOARD OF CONSERVATION AND DEVELOPMENT.

Note: For transfer of certain functions, powers and duties to State Department of Conservation, see 1945, c. 22; for transfer of functions, powers and duties to Department of Conservation and Economic Development, see 1948, c. 448.

R. S. 13:1–1 repealed 1945, c. 22, s. 44.

R. S. 13:1–2 " 1945, c. 22, s. 44.

R. S. 13:1–10 " 1945, c. 22, s. 44.

Chapter 1A. (new) STATE DEPARTMENT OF CONSERVATION.

State Department of Conservation; establishment, organization, function, powers and duties, 1945, c. 22.

State's interest in island shoals and reefs in tidal waters, disposal of, provided for, 1946, c. 299.

Chapter 1B. (new) DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT.

Department of Conservation and Economic Development Act of 1948, 1948, c. 448.

Chapter 4. EDISON STATE PARK.

Note: For transfer of functions, powers and duties to State Department of Conservation, see 1945, c. 22.

R. S. 13:4–1 repealed 1945, c. 22, s. 44.

R. S. 13:4–4 " 1945, c. 22, s. 44.

R. S. 13:4–6 " 1945, c. 22, s. 44.

Chapter 5. HIGH POINT PARK.

Note: For transfer of functions, powers and duties to State Department of Conservation, see 1945, c. 22.

R. S. 13:5–1 to 13:5–3 repealed 1945, c. 22, s. 44.

R. S. 13:5–12 " 1945, c. 22, s. 44.

Chapter 9. STATE FOREST FIRE SERVICE.

Article 1. General Provisions.

R. S. 13:9–26 amended 1948, c. 38.

Article 3. (new) Closing of Forests, etc., for Fire Protection.

Note: For open seasons, fishing, hunting or trapping, extension or change, certain cases, authorized, see 1948, c. 39.

Additional Legislation.

Closing of forests for fire protection, suspension of hunting, fishing or trapping seasons, suppl., 1948, c. 11.

Chapter 11. STATE MUSEUM.

Note: For transfer of functions, powers, duties, etc., of State Museum to Division of the State Museum in the Department of Education, see 1945, c. 50.

R. S. 13:11–1 repealed 1945, c. 50, s. 22.

Chapter 12. MORRIS CANAL.

R. S. 13:12–6 amended 1948, c. 448, ss. 14, 122, 123.

R. S. 13:12–8 " 1948, c. 448, ss. 15, 122, 123.

Chapter 13. DELAWARE AND RARITAN CANAL.

Note: For transfer of certain functions, powers and duties of Department of Conservation and Development to State Department of Conservation, see 1945, c. 22.

Additional Legislation.

Use of canal for industrial water supply and recreational purposes, provided for, suppl., 1944, c. 172.

Title 14. CORPORATIONS, GENERAL.

Note: For actions in right of corporations by stockholders or voting trust certificate holders, regulated, see 1945, c. 131.

Chapter 2. FORMATION.

R. S. 14:2–3 amended 1944, c. 215, s. 1.

Chapter 3. POWERS.

Additional Legislation.

Actions in right of corporations by stockholders or voting trust certificate holders, regulated, suppl., 1945, c. 131.

Chapter 7. DIRECTORS AND OFFICERS; REMEDIES OF OR AGAINST DIRECTORS, OFFICERS AND STOCKHOLDERS.

R. S. 14:7–2 amended 1947, c. 299.

Chapter 8. STOCK AND DIVIDENDS.

R. S. 14:8–3 amended 1943, c. 176.

Additional Legislation.

Nonredeemable preferred or special stocks, retirement of, provided for, suppl., 1943, c. 175.

Chapter 9. BENEFICIAL PROVISIONS FOR EMPLOYEES.

R. S. 14:9–4 amended 1948, c. 93.

Chapter 10. MEETINGS AND ELECTIONS.

R. S. 14:10–7 amended 1946, c. 61.

Chapter 11. AMENDMENTS, CHANGES OR ALTERATIONS.

R. S. 14:11–15 amended 1944, c. 215, s. 2.

Chapter 12. MERGER OR CONSOLIDATION.

R. S. 14:12–9 amended 1943, c. 170.

Chapter 14. INSOLVENCY, RECEIVERS AND REORGANIZATION.

R. S. 14:14–44 amended 1948, c. 134, s. 1; see 1948, c. 417.

R. S. 14:14–45 " 1948, c. 134, s. 2; see 1948, c. 417.

R. S. 14:14–46 " 1948, c. 134, s. 3; see 1948, c. 417.

Title 15. CORPORATIONS AND ASSOCIATIONS NOT FOR PROFIT.

Chapter 1. GENERAL PROVISIONS.

Note: For provision for incorporation of clubs or societies for social, intellectual and recreative purposes under this chapter, see 1944, c. 237; for right to examine hospital records, in compensation cases and actions for damages, provided for, see 1945, c. 286.

R. S. 15:1–2 amended 1946, c. 288, s. 1.

R. S. 15:1–5 " 1946, c. 288, s. 2.

R. S. 15:1–7 " 1946, c. 288, s. 3.

Additional Legislation.

Annual report required to be filed, fee payable, suppl., 1947, c. 100.

Chapter 8. FIRE COMPANIES.

R. S. 15:8–4 amended 1947, c. 293.

Additional Legislation.

Revival and extension of corporate existence of, and vesting of title in, certain fire companies, provided for, suppl., 1945, c. 109, ss. 1-4.

Sec. 1 of above amended 1948, c. 55, s. 1.

Chapter 10. HOSPITALS AND SIMILAR INSTITUTIONS.

Note: For right to examine hospital records in compensation cases and actions for damages, provided for, see 1945, c. 286.

Chapter 14. RELIGIOUS, CHARITABLE, EDUCATIONAL AND BENEVOLENT CORPORATIONS.

Note: For right to examine hospital records in compensation cases and actions for damages, provided for, see 1945, c. 286.

Chapter 15. SOCIAL, INTELLECTUAL AND RECREATIVE SOCIETIES OR CLUBS.

R. S. 15:15–2 (added) Incorporation of clubs or societies for social, intellectual and recreative purposes under R. S. 15:1–1 et seq. provided for, 1944, c. 237.

Chapter 17. (new) VETERANS' ORGANIZATIONS.

Annual reports to Secretary of State, provided for, 1946, c. 226.

Title 16. CORPORATIONS AND ASSOCIATIONS, RELIGIOUS.

Chapter 1. GENERAL PROVISIONS.

Additional Legislation.

Consolidation of Cathedral Church or Foundation with Church Congregation, Parish, Society, etc., in certain cases, provided for, 1944, c. 143.

Chapter 12. PROTESTANT EPISCOPAL CHURCH.

Additional Legislation.

Common trust fund, in certain cases, provided for, 1944, c. 139.

Chapter 15A. (new) RUSSIAN ORTHODOX GREEK CATHOLIC CHURCH OF NORTH AMERICA.

Incorporation and management of congregations or parishes, provided for and regulated, suppl., 1945, c. 139.

Title 17. CORPORATIONS AND INSTITUTIONS FOR FINANCE AND INSURANCE.

Subtitle 1. GENERAL PROVISIONS.

Part 1. THE DEPARTMENT OF BANKING AND INSURANCE.

Chapter 1. THE DEPARTMENT AND THE COMMISSIONER.

R. S. 17:1–1 amended 1948, c. 88, ss. 1, 13.

R. S. 17:1–2 " 1945, c. 87; 1948, c. 88, ss. 2, 13.

Additional Legislation.

"Department of Banking and Insurance Act of 1948", 1948, c. 88.

Chapter 1A. BANKING ADVISORY BOARD.

R. S. 17:1A–1 to 17:1A–12 repealed 1948, c. 67, ss. 336, 343.

Part 2. INVESTMENTS.

Chapter 2. LEGAL INVESTMENTS GENERALLY.

Note: For Port Authority bonds issued for establishment, etc., of motor truck terminals, legal investments, see 1945, c. 197; for county bridge commission bonds, etc., made legal investments, see 1948, c. 288, s. 3.

R. S. 17:2–1 amended 1947, c. 27; 1948, c. 37; repealed (as to banks and savings banks) 1948, c. 67, ss. 336, 343.

R. S. 17:2–2 to 17:2–8 repealed (as to banks and savings banks), 1948, c. 67, ss. 336, 343.

Additional Legislation.

Investments in securities of Federal Home Loan Banks, suppl., 1938, c. 222; repealed (as to banks and savings banks), 1948, c. 67, ss. 336, 343.

Veterans loans guaranteed by Administrator of Veterans Affairs made legal investments, 1945, c. 257.

International Bank for Reconstruction and Development, obligations of, made legal investments for certain financial institutions, fiduciaries and others, 1947, c. 308.

Chapter 3. MORTGAGES HELD BY INSOLVENT INSTITUTIONS.

R. S. 17:3–1 to 17:3–3 repealed (as to banks and savings banks), 1948, c. 67, ss. 336, 343.

Part 3. (new) LIQUIDATIONS AND DISSOLUTIONS.

Chapter 3A. (new) DESTRUCTION OF RECORDS.

Records, etc., certain corporations in liquidation and dissolution, destruction authorized, 1948, c. 266.

Subtitle 2. FINANCIAL INSTITUTIONS.

Part 1. BANKS, TRUST COMPANIES, BANKERS, SAVINGS BANKS AND CLEARING HOUSE ASSOCIATIONS.

Chapter 4. BANKS AND TRUST COMPANIES.

Note: For veterans' loans see 1944, c. 126; 1945, c. 185; 1946, c. 121; 1946, c. 134, amended 1947, c. 189; for requiring purchase of insurance incidental to certain financial transactions from a designated agent or broker, a misdemeanor, see 1948, c. 298.

R. S. 17:4-1 to 17:4-13 repealed 1948, c. 67, ss. 336, 343.

R. S. 17:4-14 amended 1946, c. 315; repealed 1948, c. 67, ss. 336, 343.

R. S. 17:4-15 to 17:4-26 repealed 1948, c. 67, ss. 336, 343.

R. S. 17:4-27 amended 1942, c. 282; 1942, c. 341; repealed 1948, c. 67, ss. 336, 343.

R. S. 17:4-28 to 17:4-31 repealed 1948, c. 67, ss. 336, 343.

R. S. 17:4-31.1 amended 1945, c. 208; repealed 1948, c. 67, ss. 336, 343.

R. S. 17:4-31.2 to 17:4-102 repealed 1948, c. 67, ss. 336, 343.

R. S. 17:4-103 amended 1942, c. 336.

R. S. 17:4-104 to 17:4-125 repealed 1948, c. 67, ss. 336, 343.

Additional Legislation.

Photographic copies, etc., of certain records, etc., substituted for originals, suppl., 1941, c. 39; repealed 1948, c. 67, ss. 336, 343.

Sec. 1 of above amended 1942, c. 89; repealed 1948, c. 67, ss. 336, 343.

Branch offices and agencies, establishment and maintenance, in certain cases, authorized, suppl., 1944, c. 30; repealed 1948, c. 67, ss. 336, 343.

Dissolved banks and trust companies, liquidation of assets, in certain cases, provided for, 1944, c. 176, s. 1.

Sec. 1 of above repealed 1948, c. 67, ss. 336, 343.

Branch office of bank or trust company on Federal Military Reservations, establishment and maintenance provided for, suppl., 1946, c. 317; repealed 1948, c. 67, ss. 336, 343.

Chapter 5. PRIVATE BANKERS.

Note: For requiring purchase of insurance incidental to certain financial transactions from a designated agent or broker, a misdemeanor, see 1948, c. 298.

R. S. 17:5–1 to 17:5–11 repealed 1948, c. 67, ss. 336, 343.

Chapter 6. SAVINGS BANKS.

Note: For credit unions excepted from chapter, see 1938, c. 293, amended 1941, c. 245, 1941, c. 421, 1946, c. 285, 1948, c. 225; for requiring purchase of insurance incidental to certain financial transactions from a designated agent or broker, a misdemeanor, see 1948, c. 298.

Article 1. Formation.

R. S. 17:6–1 to 17:6–16 repealed 1948, c. 67, ss. 336, 343.

Article 2. Powers and Restrictions.

R. S. 17:6–17 to 17:6–20 repealed 1948, c. 67, ss. 336, 343.

R. S. 17:6–21 amended 1944, c. 147, s. 1; repealed 1948, c. 67, ss. 336, 343.

R. S. 17:6–21.1 repealed 1944, c. 147, s. 2; 1948, c. 67, ss. 336, 343.

R. S. 17:6–22 to 17:6–24 " 1948, c. 67, ss. 336, 343.

Additional Legislation.

Photographic copies, etc., of certain records, etc., substituted for originals, suppl., 1941, c. 41; repealed 1948, c. 67, ss. 336, 343.

Article 3. Managers and Officers.

R. S. 17:6–25 to 17:6–33 repealed 1948, c. 67, ss. 336, 343.

Article 4. Reports and Examinations.

R. S. 17:6–34 to 17:6–43 repealed 1948, c. 67, ss. 336, 343.

Article 5. Deposits and Dividends.

R. S. 17:6–44 to 17:6–51 repealed 1948, c. 67, ss. 336, 343.

Article 6. Investments.

Note: For exemption from taxation of certain veterans' loans held by savings banks, see 1945, c. 80.

R. S. 17:6-52 repealed 1948, c. 67, ss. 336, 343.
R. S. 17:6-53 " 1948, c. 67, ss. 336, 343.
R. S. 17:6-54 amended 1944, c. 104, s. 1; 1946, c. 58; repealed 1948, c. 67, ss. 336, 343.
R. S. 17:6-55 " 1945, c. 179; repealed 1948, c. 67, ss. 336, 343.
R. S. 17:6-56 repealed 1948, c. 67, ss. 336, 343.
R. S. 17:6-57 amended 1946, c. 311, s. 1; repealed 1948, c. 67, ss. 336, 343.
R. S. 17:6-58 repealed 1948, c. 67, ss. 336, 343.
R. S. 17:6-58.1 (added) Industrial securities as investments, suppl., 1938, c. 162, s. 6, amended 1946, c. 311, s. 2.
R. S. 17:6-59 to 17:6-63 repealed 1948, c. 67, ss. 336, 343.

Additional Legislation.

Determination of legality of investments, provided for, suppl., 1944, c. 104, s. 2.

Veterans loans, when legal investments, suppl., 1945, c. 81.

Article 7. Membership in Federal Reserve Bank.

R. S. 17:6-64 repealed 1948, c. 67, ss. 336, 343.
R. S. 17:6-65 " 1948, c. 67, ss. 336, 343.

Article 8. Federal Deposit Insurance.

R. S. 17:6-66 to 17:6-68.1 repealed 1948, c. 67, ss. 336, 343.

Article 9. Extension of Charter and Change of Name.

R. S. 17:6-69 to 17:6-71 repealed 1948, c. 67, ss. 336, 343.

Additional Legislation.

Waiver of certain provisions upon extension of corporate existence, suppl., 1939, c. 25; repealed 1948, c. 67, ss. 336, 343.

Article 10. Merger or Consolidation.

R. S. 17:6-72 amended 1944, c. 22, s. 1; repealed 1948, c. 67, ss. 336, 343.
R. S. 17:6-73 repealed 1948, c. 67, ss. 336, 343.
R. S. 17:6-74 amended 1944, c. 22, s. 2; repealed 1948, c. 67, ss. 336, 343.
R. S. 17:6-75 to 17:6-77 repealed 1948, c. 67, ss. 336, 343.

Article 10A. (new) Conversion Into a Trust Company.

Additional Legislation.

Certain savings banks, conversion into trust companies, authorized, suppl., 1947, c. 258; repealed 1948, c. 67, ss. 336, 343.

Article 11. Insolvency.

R. S. 17:6–78 to 17:6–82 repealed 1948, c. 67, ss. 336, 343.

Article 12. Dissolution.

R. S. 17:6–83 to 17:6–86 repealed 1948, c. 67, ss. 336, 343.

Chapter 6A. (new) SAVINGS ASSOCIATIONS.

Mutual savings association, conversion into savings bank, authorized, 1947, c. 268; repealed 1948, c. 67, ss. 336, 343.

Chapter 7. CLEARING HOUSE ASSOCIATIONS.

R. S. 17:7–1 to 17:7–18 repealed 1948, c. 67, ss. 336, 343.

Chapter 8. ISSUANCE OF PREFERRED AND DEPOSITORS' COMMON STOCK; REORGANIZATIONS.

R. S. 17:8–1 amended 1944, c. 25, s. 1; repealed 1948, c. 67, ss. 336, 343.

R. S. 17:8–2 to 17:8–16 repealed 1948, c. 67, ss. 336, 343.

Chapter 9. DEPOSITS GENERALLY.

R. S. 17:9–1 to 17:9–8.2 repealed 1948, c. 67, ss. 336, 343.

R. S. 17:9–10 to 17:9–16 " 1948, c. 67, ss. 336, 343.

Additional Legislation.

Security for deposits, in banks, trust companies and savings banks, for bankrupt estates, required, suppl., 1940, c. 37; repealed 1948, c. 67, ss. 336, 343.

Banks, trust companies, savings banks and bankers authorized to act as depositories of Federal funds and as financial agents of Federal Government, suppl., 1941, c. 106; repealed 1948, c. 67, ss. 336, 343.

Escheat of unclaimed bank deposits, provided for, 1945, c. 199.

Sec. 2 of above amended 1946, c. 78, s. 1; 1947, c. 91, s. 1.

Sec. 3 " " " 1947, c. 91, s. 3.

Sec. 6 " " " 1946, c. 78, s. 5.

Sec. 7 " " " 1946, c. 78, s. 6; 1947, c. 91, s. 8.

Sec. 8 " " " 1946, c. 78, s. 8; 1947, c. 91, s. 9.

Sec. 9 " " " 1946, c. 78, s. 9.

Extended to include unclaimed moneys represented by certified checks, corporate deposits, etc., suppl., 1947, c. 91, ss. 2, 4-7.

Unclaimed bank deposits, escheat of, in certain cases, 1947, c. 92.

Additional reports, proceedings, etc., as to certain unclaimed bank deposits, required, suppl., 1946, c. 78, ss. 2, 3.

Escheat of certain unclaimed bank deposits less than fifty dollars and report and payment thereof to State Treasurer provided for, suppl., 1946, c. 78, s. 4.

Destruction, etc., of records, etc., of unclaimed bank deposits, subject to escheat or escheated, prohibited, suppl., 1946, c. 78, s. 7.

Part 1A. (new) BANKING AND BANKING INSTITUTIONS.

Chapter 9A. (new) THE BANKING ACT OF 1948 WITH SUPPLEMENTS, ETC.

The Banking Act of 1948 (Revision), 1948, c. 67.

Sec. 19 of above amended 1948, c. 408, ss. 1, 3.

Sec. 115 " " " 1948, c. 408, ss. 2, 3.

Sec. 180 " " " 1948, c. 405, ss. 1, 2.

Sec. 188 " " " 1948, c. 406, ss. 1, 3.

Sec. 189 " " " 1948, c. 406, ss. 2, 3.

Part 2. LOAN BUSINESS AND COMPANIES; BUILDING AND LOAN ASSOCIATIONS; CREDIT UNIONS.

Chapter 10. SMALL LOAN BUSINESS.

Note: For credit unions excepted from chapter, see 1938, c. 293, amended 1941, c. 254, 1941, c. 421, 1946, c. 285, 1948, c. 225; for requiring purchase of insurance incidental to certain financial transactions from a designated agent or broker, a misdemeanor, see 1948, c. 298.

R. S. 17:10–2 amended 1948, c. 71, ss. 1, 9, 10.

R. S. 17:10–13 " 1948, c. 71, ss. 2, 9, 10.

R. S. 17:10-14 amended 1948, c. 71, ss. 3, 9, 10.

R. S. 17:10-16 " 1948, c. 71, ss. 4, 9, 10.

R. S. 17:10-17 " 1948, c. 71, ss. 5, 9, 10.

R. S. 17:10-18 " 1948, c. 71, ss. 6, 9, 10.

R. S. 17:10-19 " 1948, c. 71, ss. 7, 9, 10.

R. S. 17:10-20 " 1948, c. 71, ss. 8, 9, 10.

Chapter 11. PROVIDENT LOAN ASSOCIATIONS.

Note: For requiring purchase of insurance incidental to certain financial transactions from a designated agent or broker, a misdemeanor, see 1948, c. 298.

R. S. 17:11-1 amended 1948, c. 421, s. 1.

R. S. 17:11-4 " 1948, c. 421, s. 2.

Chapter 12. BUILDING AND LOAN ASSOCIATIONS.

Note: For Savings and Loan Act (1946), see 1946, c. 56, amended 1947, c. 90, 1947, c. 300; for requiring purchase of insurance incidental to certain financial transactions from a designated agent or broker, a misdemeanor, see 1948, c. 298.

Article 3. Directors, Officers and Employees.

R. S. 17:12-29 amended 1945, c. 144.

R. S. 17:12-30 " 1945, c. 143.

Article 4A. (new) Supervision by Department of Banking and Insurance.

Additional Legislation.

Rules and regulations as to bookkeeping and accounting practices, adoption and compliance with, provided for, suppl., 1945, c. 146.

Article 6. Investments and Reserves.

R. S. 17:12-45 amended 1945, c. 142.

R. S. 17:12-46 " 1944, c. 82.

Additional Legislation.

Veterans loans, when proper investments, suppl., 1945, c. 25.

Article 12. Dissolution and Liquidation.

R. S. 17:12-82 amended 1945, c. 141.

R. S. 17:12-83 " 1945, c. 140.

Chapter 12A. (new) SAVINGS AND LOAN ASSOCIATIONS AND BUILDING AND LOAN ASSOCIATIONS.

Savings and Loan Act (1946), 1946, c. 56.

Sec. 13 of above amended 1948, c. 95.

Sec. 27 " " " 1948, c. 70, s. 1.

Sec. 39 " " " 1948, c. 401, ss. 1, 2.

Sec. 78 " " " 1947, c. 90.

Sec. 79 " " " 1947, c. 300, s. 1.

Sec. 83 " " " 1948, c. 59.

Transmission of funds, money orders and travel checks, suppl., 1948, c. 69.

Chapter 13. CREDIT UNIONS.

Article 7. Investments and Dividends.

R. S. 17:13–22 see 1947, c. 308.

Article 9. (new) Credit Unions, Incorporation and Regulation.

Additional Legislation.

Incorporation and regulation of credit unions, 1938, c. 293.

Sec. 2 of above amended 1946, c. 285; 1948, c. 225, s. 1.

Sec. 17 " " " 1948, c. 225, s. 2.

Part 5. FOREIGN INSTITUTIONS.

Chapter 16. REGULATION OF BUSINESS IN STATE.

R. S. 17:16–1 amended 1941, c. 190, s. 1 (1941, c. 190, repealed 1948, c. 67, ss. 336, 343); repealed 1948, c. 67, ss. 336, 343.

R. S. 17:16–2 " 1941, c. 190, s. 2 (1941, c. 190, repealed 1948, c. 67, ss. 336, 343); repealed 1948, c. 67, ss. 336, 343.

R. S. 17:16–3 " 1941, c. 190, s. 3 (1st) (1941, c. 190, repealed 1948, c. 67, ss. 336, 343); 1944, c. 209; repealed 1948, c. 67, ss. 336, 343.

R. S. 17:16–3.1 (added) Issuance of certificate of authority to transact business in State prohibited where applicant originally probated will or obtained administration of estate of resident decedent in another State; affidavit required, suppl., 1939, c. 123, s. 1; repealed 1948, c. 67, ss. 336, 343.

R. S. 17:16–3.2 (added) Revocation of certificate of authority to transact business in State directed where holder probated will or applied for administration of estate of resident decedent in another State, suppl., 1939, c. 123, s. 2, amended 1941, c. 190, s. 3 (2nd) (1941, c. 190, repealed 1948, c. 67, ss. 336, 343); repealed 1948, c. 67, ss. 336, 343.

R. S. 17:16–4 to 17:16–19 repealed 1948, c. 67, ss. 336, 343.

Part 7. (new) FINANCE COMPANIES, ETC.

Chapter 16B. (new) SALES FINANCE COMPANIES.

Retail installment sales, $3,000.00 or less; sales finance companies regulated and licensing provided for, 1948, c. 419.

Subtitle 3. INSURANCE.

Note: For renewal of reinstatement of certain licenses, registration certificates or permits to practice profession or engage in occupation, for veterans, provided for, see 1946, c. 51.

Part 1. INSURANCE COMPANIES GENERALLY.

Note: For assessment life insurance company, conversion into mutual life insurance company, authorized, see 1947, c. 84.

Chapter 17. FORMATION.

R. S. 17:17–1 amended 1947, c. 312; 1948, c. 243.

R. S. 17:17–2 " 1945, c. 224, s. 1.

R. S. 17:17–3 " 1945, c. 224, s. 2.

R. S. 17:17–4 " 1945, c. 224, s. 3; 1947, c. 80, s. 1.

R. S. 17:17–6 " 1947, c. 80, s. 2.

R. S. 17:17–7 " 1945, c. 224, s. 4.

Chapter 17A. (new) STOCK OWNERSHIP AND COMMON MANAGEMENT OF INSURANCE COMPANIES.

Stock ownership, interlocking directorates, common management, regulated, 1948, c. 157.

Chapter 18. POWERS, DUTIES AND LIMITATIONS.

R. S. 17:18–3 amended 1943, c. 174; 1945, c. 226, s. 1.

Additional Legislation.

Payment of taxes, etc., in other States and territories, authorized, 1945, c. 186.

Chapter 22. BROKERS AND AGENTS.

R. S. 17:22-1 to 17:22-5 repealed 1944, c. 175, s. 26.

R. S. 17:22-6 amended 1947, c. 248.

Additional Legislation.

Insurance agents, licenses required, suppl., 1941, c. 118.

Sec. 1 of above repealed 1944, c. 175, s. 26.

Licensing, regulation and supervision of insurance agents, brokers and solicitors, suppl., 1944, c. 175, ss. 1-25, 27.

Sec. 9 of above amended 1945, c. 82; 1946, c. 20.

Sec. 13 " " " 1946, c. 66.

Sec. 14 " " " 1945, c. 224, s. 6.

Sec. 15 " " " 1946, c. 291, s. 1.

Sec. 18 " " " 1948, c. 256.

Sec. 21 " " " 1948, c. 462, ss. 1, 9.

Sec. 23 " " " 1946, c. 291, s. 2.

Sec. 24 " " " 1946, c. 291, s. 3; 1948, c. 146, ss. 1, 2.

License for sale of insurance of companies not authorized to do business in State, issuance in certain cases, provided for, suppl., 1948, c. 462, ss. 2, 7, 9.

Chapter 23. REPORTS AND EXAMINATIONS.

R. S. 17:23-1 amended 1947, c. 321.

R. S. 17:23-3 repealed 1944, c. 175, s. 26.

Chapter 24. INVESTMENTS.

R. S. 17:24-1 amended 1945, c. 226, s. 2; 1946, c. 116; 1947, c. 358, s. 1.

R. S. 17:24-2 " 1947, c. 358, s. 2.

R. S. 17:24-10 " 1945, c. 23.

Chapter 26. AMENDMENTS, CHANGES AND ALTERATIONS.

Additional Legislation.

Mutual life insurance corporations, amendment of charters or certificates of incorporation, provided for, suppl., 1943, c. 14.

Chapter 28. POLICY FORM AND PROVISIONS.

Note: For required policy and certificate provisions and reserves; assessment life, accident and health insurance, see 1938, c. 322, amended 1939, c. 353, 1941, c. 420.

R. S. 17:28–1 amended 1943, c. 159; 1944, c. 153.

Chapter 29. REBATES AND UNFAIR DISCRIMINATION.

R. S. 17:29–1 to 17:29–6 repealed 1944, c. 27, s. 27.

R. S. 17:29–8 " 1944, c. 27, s. 27.

R. S. 17:29–9 " 1944, c. 27, s. 27.

Chapter 29A. (new) RATES.

Making and applying of insurance rates and licensing of rating organizations, provided for, 1944, c. 27, ss. 1-26, 28.

Sec. 25 of above amended 1947, c. 360.

Chapter 29B. (new) TRADE PRACTICES REGULATED.

Unfair methods of competition and unfair or deceptive acts or practices, defined and prohibited; procedure to compel compliance with trade regulations, provided for, 1947, c. 379.

Chapter 32. FOREIGN COMPANIES.

R. S. 17:32–6 repealed 1944, c. 175, s. 26.

R. S. 17:32–7 " 1945, c. 132, s. 15.

R. S. 17:32–11 " 1944, c. 175, s. 26.

R. S. 17:32–12 amended 1944, c. 153, s. 2; repealed 1945, c. 132, s. 15.

Chapter 33. FEES AND PENALTIES.

R. S. 17:33–1 amended 1945, c. 224, s. 5.

R. S. 17:33–2 " 1943, c. 148, s. 12.

Part 2. LIFE INSURANCE.

Note: For deductions from salaries of employees of board of education for hospital service or group insurance plans, see 1940, c. 47, amended 1942, c. 218.

Chapter 34. LIFE INSURANCE COMPANIES GENERALLY.

Note: For assessment life insurance company, conversion into mutual life insurance company, authorized, see 1947, c. 84.

Article 1. Participating or Nonparticipating.

R. S. 17:34–1 repealed 1945, c. 228.

R. S. 17:34–2 " 1945, c. 228.

Article 2. Directors, Trustees, Officers and Agents.

R. S. 17:34–3 amended 1948, c. 377, ss. 1, 3.

Additional Legislation.

Mutualized stock life insurance corporations, election of directors, in certain cases, provided for, suppl., 1943, c. 16.

Sec. 1 of above amended 1948, c. 377, ss. 2, 3.

Mutual life insurance corporations, election of directors, in certain cases, provided for, suppl., 1943, c. 15.

Article 5. Policies.

R. S. 17:34–15 amended 1943, c. 148, s. 3.

R. S. 17:34–17 " 1943, c. 148, s. 4.

R. S. 17:34–19 " 1943, c. 148, s. 5.

R. S. 17:34–22 " 1943, c. 148, s. 6.

R. S. 17:34–23 " 1943, c. 148, s. 7.

R. S. 17:34–24 " 1943, c. 148, s. 8; 1948, c. 455.

R. S. 17:34–25 " 1943, c. 148, s. 10.

R. S. 17:34–25.1 " 1943, c. 148, s. 11.

Additional Legislation.

Standard Nonforfeiture Law (1943), suppl., 1943, c. 148, s. 1.

Standard Valuation Law (1943), suppl., 1943, c. 148, s. 2.

Reserves, additional, for certain life insurance policies, provided for, suppl., 1946, c. 119.

Article 6. Insurable Interest and Beneficiaries.

R. S. 17:34–30 amended 1944, c. 221.

Article 7. Group Insurance.

R. S. 17:34–31 amended 1944, c. 73; 1945, c. 187, s. 1; 1946, c. 16, s. 1.

R. S. 17:34–32 " 1943, c. 148, s. 9; 1945, c. 187, s. 2; 1946, c. 16, s. 2.

Article 8. Acquiring Stock for Policyholders; Mutualization.

R. S. 17:34–41 amended 1943, c. 13.

Article 10. (new) Unclaimed Funds.

Additional Legislation.

Reports, advertisement, payments to State Treasurer, etc., 1946, c. 154.

Chapter 35. ASSESSMENT LIFE INSURANCE COMPANIES.

Article 1. Domestic Companies.

R. S. 17:35–8 amended 1945, c. 178.

Additional Legislation.

Assessment life insurance company, conversion into mutual life insurance company, authorized, suppl., 1947, c. 84.

Article 3. (new) Life, Accident and Health Insurance.

Additional Legislation.

Life, accident and health insurance policies and certificates issued by assessment life, health and accident insurance companies and associations and transaction of business by such companies and associations, regulated, suppl., 1938, c. 232.

Sec. 1 of above amended 1944, c. 101; 1945, c. 227.

Part 3. FIRE INSURANCE.

Chapter 36. FIRE INSURANCE COMPANIES GENERALLY.

R. S. 17:36–1 repealed 1948, c. 462, ss. 8, 9.

R. S. 17:36–3 to 17:36–5 " 1944, c. 171, s. 13.

R. S. 17:36–7 " 1944, c. 171, s. 13.

Additional Legislation.

Standard forms of policies, endorsements and supplemental contracts, provided for, 1944, c. 171.

Sec. 5 of above amended 1947, c. 203.

Part 4. HEALTH AND ACCIDENT INSURANCE.

Note: For regulation of assessment, health and accident insurance companies and associations, see 1938, c. 232, amended 1944, c. 101, 1945, c. 227

Chapter 38. UNIFORM POLICY PROVISIONS.

R. S. 17:38–1 amended 1944, c. 100; 1945, c. 225.

R. S. 17:38–12 " 1946, c. 310.

Additional Legislation.

Standard provisions in group health and accident policies, filing of forms, etc., approval, etc., suppl., 1939, c. 305.

Sec. 2 of above amended 1944, c. 72, s. 1; 1948, c. 31; 1948, c. 440, s. 1.

Sec. 4 " " " 1944, c. 72, s. 2.

Sec. 5 " " " 1944, c. 72, s. 3; 1948, c. 440, s. 2.

Sec. 6 " " " 1945, c. 188.

Part 5. FRATERNAL ASSOCIATIONS.

Chapter 43. INSURANCE OF CHILDREN.

R. S. 17:43–1 amended 1946, c. 33.

Part 6. MUTUAL BENEFIT ASSOCIATIONS.

Note: For regulation of assessment, health and accident insurance companies and associations, see 1938, c. 232, amended 1944, c. 101, 1945, c. 227.

Chapter 45. AUTHORITY, REGULATIONS AND RESTRICTIONS.

Increased death benefit payments and increased assets, permitted and required, suppl., 1948, c. 467.

Part 9. (new) HOSPITAL AND MEDICAL SERVICE CORPORATIONS, ETC.

Chapter 48. (new) HOSPITAL SERVICE CORPORATIONS.

Note: For deductions from salaries of employees of board of education for hospital service or group insurance plans, authorized, see 1940, c. 47, amended 1942, c. 218.

Chapter 48A. (new) MEDICAL SERVICE CORPORATIONS.

Medical service corporations, organization, regulation, etc., suppl., 1940, c. 74.

Sec. 1 of above amended 1944, c. 102, s. 1.

Sec. 2 " " " 1944, c. 102, s. 2.

Sec. 3 " " " 1944, c. 102, s. 2a.

Sec. 5 " " " 1944, c. 102, s. 3.

Sec. 6 " " " 1944, c. 102, s. 4.

Sec. 7 " " " 1944, c. 102, s. 5.

Sec. 8 " " " 1944, c. 102, s. 6.

Sec. 11 " " " 1944, c. 102, s. 7.

Sec. 20 " " " 1944, c. 102, s. 8.

Sec. 22 " " " 1944, c. 102, s. 9.

Sec. 23 " " " 1946, c. 259.

Part 11. (new) RECIPROCAL INSURANCE AND INTERINSURANCE CONTRACTS.

Chapter 50. (new) EXCHANGE OF RECIPROCAL OR INTERINSURANCE CONTRACTS.

Exchange of reciprocal or interinsurance contracts, authorized and regulated, licenses and penalties, provided for, suppl., 1945, c. 161.

Sec. 7 of above amended 1948, c. 218.

Title 18. EDUCATION.

Chapter 2. STATE BOARD OF EDUCATION.

Note: For illegal dismissal, officers and employees, recovery of compensation, provided for, see 1948, c. 241.

R. S. 18:2-1 amended 1945, c. 51, s. 1; 1945, c. 211, ss. 1, 2.

R. S. 18:2-4 " 1945, c. 51, s. 2; 1947, c. 148, s. 1.

R. S. 18:2-9 " 1945, c. 51, s. 3; 1948, c. 27, s. 1.

Additional Legislation.

Inspection of records and furnishing of information, rules to be prescribed by State board, suppl., 1944, c. 217.

Chapter 3. COMMISSIONER OF EDUCATION.

Note: For requirement of teachers' certificates in certain schools under management of Department, Institutions and Agencies, see 1946, c. 100.

Article 1. Appointment; Assistants; Office.

R. S. 18:3-2 amended 1945, c. 51, s. 5.

R. S. 18:3-3 " 1945, c. 51, s. 6.

R. S. 18:3-4 " 1945, c. 51, s. 7.

R. S. 18:3-5 " 1945, c. 51, s. 8.

R. S. 18:3-6 " 1945, c. 51, s. 9.

Article 2. Powers and Duties.

R. S. 18:3-9 amended 1945, c. 51, s. 12.

R. S. 18:3-15 " 1944, c. 168.

Additional Legislation.

Functions, powers and duties of Commissioner and State Board, prescribed, suppl., 1945, c. 51, ss. 10, 11.

Grants, conveyances, etc., acceptance, authorized, suppl., 1948, c. 141.

Chapter 4. COUNTY SUPERINTENDENTS OF SCHOOLS.

R. S. 18:4-1 amended 1947, c. 148, s. 2.

R. S. 18:4-2 " 1944, c. 177.

R. S. 18:4-4 " 1946, c. 29.

Additional Legislation.

Substitute or successor, to superintendent, how designated, etc., suppl., 1946, c. 265.

Chapter 4A. (new) PUBLIC SCHOOL SYSTEM IN GENERAL.

Note: For tenure of office, etc., and pension rights of employees, see 1943, c. 187.

Tenure of office, etc., re-employment and pension rights, employees in war service, 1944, c. 226.

Chapter 5. SCHOOL DISTRICTS IN GENERAL.

Note: For leave of absence for school employees for military service, see 1941, c. 119, amended 1942, c. 327; for deductions from salaries, etc., of employees, provided for, see 1943, c. 69; 1943, c. 102; for establishment and administration of ration bank accounts, etc., see 1943, c. 142; for time of war service not to be counted in determining maximum age limits for appointment or election to State office, position, etc., see 1944, c. 98, amended 1946, c. 206; for tenure of office, etc., re-employment and pension rights of employees in war service, see 1944, c. 226; for deductions for group, accident and sickness insurance premiums from compensation of school district officers, employees, etc., authorized, see 1946, c. 7, amended 1947, c. 143; for school district employees, certain municipalities, not eligible to join Teachers' Pension and Annuity Fund, membership in Retirement System, provided for, see 1946, c. 135.

Article 2. Districts Where Municipality Is Divided.

R. S. 18:5–3 amended 1947, c. 148, s. 3.

Article 5. Consolidation of Districts.

Note: For consolidated school districts, employees of, included in classified civil service, in certain cases, see 1947, c. 272.

R. S. 18:5–14 to 18:5–17 repealed 1947, c. 86, s. 29.

Additional Legislation.

Apportionment of membership of boards of education of consolidated school districts among the constituent districts, suppl., 1938, c. 144.

1938, c. 144 repealed 1947, c. 86, s. 29.

Consolidated school districts, revision of law, suppl., 1947, c. 86.

Article 7. District Property; Acquisition, Use and Disposition in General.

Note: For burial grounds, etc., acquisition for municipal or school purposes, see 1948, c. 80.

R. S. 18:5–27 amended 1946, c. 126, s. 1.

R. S. 18:5–28 " 1946, c. 126, s. 2; 1948, c. 196.

Additional Legislation.

Conveyance of certain lands held for more than 30 years in certain cases, authorized, 1948, c. 427.

Article 10. Public Playgrounds and Recreation Places.

R. S. 18:5–46 amended 1948, c. 62.

Article 12. Officers, Teachers and Employees, in General.

Note: For tenure of service for superintendents of schools in school districts in first-class counties, see 1938, c. 288, amended 1948, c. 470.

R. S. 18:5–50.1 repealed 1946, c. 145, s. 1.

Additional Legislation.

Tenure of office, etc., and pension rights, employees in war service, 1943, c. 187.

School employees, tenure, and pension rights preserved while in military service, suppl., 1941, c. 134, repealed 1944, c. 226, s. 4.

Illegal dismissal, officers and employees, recovery of compensation, provided for, suppl., 1948, c. 241.

Article 14. Custodians of School Moneys.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158, amended 1942, c. 39, ss. 8 and 12 repealed 1944, c. 112, Art. 8, s. 10, ss. 1 to 16 and 18 to 34 repealed 1947, c. 151.

R. S. 18:5–53 amended 1947, c. 148, s. 4.

R. S. 18:5–62 repealed 1944, c. 55.

R. S. 18:5–63 " 1944, c. 55.

Article 16. Pension Funds of School District Employees in Counties of First Class.

R. S. 18:5–75 amended 1946, c. 194.

Article 18. Limitations on Issuance of Bonds.

R. S. 18:5–84 amended 1946, c. 260, ss. 1, 9.

R. S. 18:5–85 " 1946, c. 260, ss. 2, 9.

R. S. 18:5–86 " 1946, c. 260, ss. 3, 9; 1947, c. 153.

R. S. 18:5–87 " 1946, c. 260, ss. 4, 9.

R. S. 18:5–88 " 1946, c. 260, ss. 5, 9.

Chapter 6. SCHOOL DISTRICTS IN CITIES, AND IN TOWNSHIPS, INCORPORATED TOWNS AND BOROUGHS ACCEPTING THIS CHAPTER.

Note: For act limiting school debt and appropriations in certain school districts, see 1939, c. 365, amended 1947, c. 150, repealed 1947, c. 151.

R. S. 18:6-2 amended 1946, c. 262, s. 1.

R. S. 18:6-3 " 1946, c. 262, s. 2; see 1948, c. 228.

R. S. 18:6-12 " 1947, c. 148, s. 5.

R. S. 18:6-13 " 1947, c. 148, s. 6.

R. S. 18:6-31 " 1947, c. 148, s. 7.

R. S. 18:6-38 " 1947, c. 148, s. 8.

R. S. 18:6-41 " 1947, c. 148, s. 9.

R. S. 18:6-49 " 1943, c. 201, s. 1.

R. S. 18:6-50 " 1943, c. 201, s. 2.

Chapter 7. SCHOOL DISTRICTS IN TOWNSHIPS, INCORPORATED TOWNS AND BOROUGHS AND IN CITIES ACCEPTING THIS CHAPTER.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158, amended 1942, c. 39, ss. 8 and 12 repealed 1944, c. 112, Art. 8, s. 10, ss. 1 to 16 and 18 to 34 repealed 1947, c. 151; for act limiting school debt and appropriations in certain school districts, see 1939, c. 265, amended 1947, c. 150, repealed 1947, c. 151.

Article 1. Definitions; Application of Chapter.

R. S. 18:7-3 see 1948, c. 228.

Article 2. Membership of Boards of Education in General.

R. S. 18:7-5 amended 1947, c. 135, s. 1.

R. S. 18:7-6 " 1947, c. 135, s. 2.

R. S. 18:7-7 " 1947, c. 135, s. 3.

R. S. 18:7-8 " 1947, c. 135, s. 4.

R. S. 18:7-9 " 1947, c. 135, s. 5.

R. S. 18:7-10 " 1947, c. 134.

R. S. 18:7-11 " 1947, c. 148, s. 10.

Article 3. Election of Members of Boards of Education; Annual School Elections; Special Elections.

Note: For distribution of printed matter, etc., in connection with certain school elections, by pupils, regulated, see 1948, c. 228.

R. S. 18:7–27 amended 1947, c. 148, s. 11; 1948, c. 287, s. 1.

R. S. 18:7–28 " 1947, c. 148, s. 12; 1948, c. 287, s. 2.

R. S. 18:7–29 repealed 1947, c. 148, s. 13.

R. S. 18:7–30 amended 1948, c. 32, s. 1.

R. S. 18:7–31 " 1948, c. 32, s. 2.

R. S. 18:7–32 " 1948, c. 32, s. 3.

R. S. 18:7–35 " 1947, c. 2; 1947, c. 145.

R. S. 18:7–47 " 1948, c. 32, s. 4.

Additional Legislation.

School elections registration, certain cases, regulated, suppl., 1944, c. 3.

Voting machines, use of in annual school elections, authorized and regulated, suppl., 1947, c. 146.

Article 5. Organization, Powers and Functions of Boards in General.

R. S. 18:7–68 amended 1947, c. 148, s. 14.

R. S. 18:7–70 " 1947, c. 148, s. 15.

R. S. 18:7–71 " 1947, c. 148, s. 16.

R. S. 18:7–73 " 1945, c. 133; 1948, c. 162, s. 1.

R. S. 18:7–76 " 1948, c. 162, s. 2.

R. S. 18:7–77 repealed 1947, c. 148, s. 17.

Additional Legislation.

Assessment for special benefit on district real estate, payment authorized, suppl., 1948, c. 150.

Article 5A. (new) Budgets.

Additional Legislation.

Budgets, preparation, advertisement, hearing on, etc., provided for, suppl., 1943, c. 201, ss. 3 and 4.

Article 7. Bonds and Other Obligations.

R. S. 18:7–88 repealed 1947, c. 152.

R. S. 18:7–94 amended 1942, c. 319.

Article 8. Notes or Temporary Bonds in Anticipation of Bond Issue.

R. S. 18:7–100 amended 1947, c. 148, s. 18.

Article 10. Certain Districts Comprising More Than One Municipality.

R. S. 18:7–112 amended 1943, c. 201, s. 5.

R. S. 18:7–113 " 1943, c. 201, s. 6.

R. S. 18:7–114 " 1943, c. 201, s. 7.

Chapter 8. REGIONAL BOARDS OF EDUCATION.

Additional Legislation.

Regional board, when to assume control of regional district, etc., provided for, suppl., 1946, c. 266.

Districts uniting with regional boards, composition of board, suppl., 1948, c. 433.

Chapter 10. STATE SCHOOL MONEYS, AND APPORTIONMENT THEREOF.

Note: For establishment, etc., of veterans education revolving account, see 1946, c. 64.

Article 1. School Fund.

R. S. 18:10–15 amended 1946, c. 88, ss. 1, 12.

R. S. 18:10–16 " 1946, c. 88, ss. 2, 12.

R. S. 18:10–17 repealed 1946, c. 88, ss. 10, 12.

Article 2. School Tax.

R. S. 18:10–18 amended 1945, c. 164, s. 1; repealed 1946, c. 88, ss. 11, 12.

R. S. 18:10–19 to 18:10–21 repealed 1946, c. 88, ss. 11, 12.

R. S. 18:10–22 to 18:10–28 " 1946, c. 88, ss. 10, 12.

R. S. 18:10–29, 1933, c. 155 repealed 1946, c. 88, ss. 10, 12.

1934, c. 14 " 1946, c. 88, ss. 10, 12.

1934, c. 183 " 1946, c. 88, ss. 10, 12.

Additional Legislation.

Annual State appropriations for schools and distribution and apportionment thereof, provided for, suppl., 1943, c. 181; repealed 1946, c. 88, ss. 10, 12.

Article 2A. (new) State Public School Account.

Additional Legislation.

State Public School Account, constitution and distribution as State aid for schools, suppl., 1946, c. 63.

Sec. 8 of above amended 1948, c. 19.

Article 2B. (new) Additional State Aid for Schools.

Additional Legislation.

Additional State aid for schools, apportionment of, suppl., 1948, c. 66.

Article 3. Tax on Railroad and Canal Property.

R. S. 18:10–31 amended 1943, c. 177.

R. S. 18:10–33 " 1946, c. 88, ss. 3, 12.

R. S. 18:10–34 repealed 1946, c. 88, ss. 10, 12.

R. S. 18:10–35 amended 1946, c. 88, ss. 4, 12.

R. S. 18:10–37 repealed 1946, c. 88, ss. 10, 12.

R. S. 18:10–38 " 1946, c. 88, ss. 10, 12.

Article 4. Interest of Surplus Revenue of Counties.

R. S. 18:10–39 amended 1946, c. 88, ss. 5, 12.

Article 5. Apportionment to Districts of State School Moneys and Interest of Surplus Revenue.

R. S. 18:10–40 to 18:10–44 repealed 1946, c. 88, ss. 10, 12.

R. S. 18:10–46 " 1946, c. 88, ss. 10, 12.

R. S. 18:10–47 " 1946, c. 88, ss. 10, 12.

Additional Legislation.

Apportionment of State school moneys for first year of regional school districts, suppl., 1939, c. 58, repealed 1946, c. 88, ss. 10, 12.

Article 6. Other State Moneys and Appropriations.

R. S. 18:10–49 amended 1946, c. 88, ss. 6, 12.

Chapter 11. SCHOOLHOUSES, FACILITIES AND ACCOMMODATIONS.

R. S. 18:11–2 amended 1946, c. 88, ss. 7, 12.

R. S. 18:11–11 " 1948, c. 56.

R. S. 18:11–14 " 1947, c. 148, s. 19.

Chapter 12. TEXTBOOKS AND SUPPLIES; LIBRARIES.

R. S. 18:12–3 amended 1947, c. 136; 1948, c. 347.

Chapter 13. TEACHERS.

Note: For leave of absence for school employees for military service, see 1941, c. 119, amended 1942, c. 327; for requirement of teachers' certificates in certain schools under management of Department Institutions and Agencies, see 1946, c. 100; for illegal dismissal, officers and employees, recovery of compensation, provided for, see 1948, c. 241.

Article 1. Boards of Examiners.

R. S. 18:13–1 amended 1947, c. 144.

Article 2. Employment, Tenure, Resignation, and Dismissal of Teachers and Principals.

Note: For tenure of office, etc., re-employment and pension rights of employees in war service, see 1943, c. 187; 1944, c. 226.

R. S. 18:13–9.2 amended 1947, c. 148, s. 20.

R. S. 18:13–9.3 " 1947, c. 148, s. 21.

R. S. 18:13–13 " 1944, c. 180; 1947, c. 131, ss. 1, 2; 1948, c. 176.

R. S. 18:13–22 repealed 1946, c. 88, ss. 10, 12.

Additional Legislation.

Tenure of service for superintendents of schools; school districts; first-class counties, suppl., 1938, c. 288.

Title of above amended 1948, c. 470, s. 1.

Sec. 1 " " " 1948, c. 470, s. 2.

Equality of compensation between male and female teachers, provided for, suppl., 1942, c. 256.

Sec. 1 of above amended 1945, c. 42.

Article 3. Pension and Annuity Fund.

Note: For pension rights of employees in war service, see 1943, c. 187; 1944, c. 226; for Board of Trustees of the Teachers' Pension and Annuity Fund transferred to the Division of Budget and Accounting in the Department of the Treasury, see 1948, c. 92.

A. PREAMBLE AND DEFINITIONS.

R. S. 18:13-25 amended 1944, c. 146, s. 1; 1946, c. 145, s. 2.

C. BOARD OF TRUSTEES; ANNUAL CONVENTION OF RETIREMENT SYSTEM.

R. S. 18:13-30 amended 1945, c. 21.

R. S. 18:13-31 " 1946, c. 210.

D. MEMBERSHIP.

R. S. 18:13-39 amended 1944, c. 185, s. 1.

R. S. 18:13-41 " 1944, c. 185, s. 2; 1947, c. 245, s. 1.

E. SERVICE CREDITABLE.

R. S. 18:13-43 amended 1946, c. 145, s. 3.

R. S. 18:13-48 " 1945, c. 57.

R. S. 18:13-49 " 1946, c. 145, s. 5.

Additional Legislation.

Former members, requirements and privileges upon rejoining system, suppl., 1946, c. 145, ss. 4, 15.

F. SUPERANNUATION RETIREMENT.

R. S. 18:13-52 amended 1943, c. 179; 1945, c. 299, s. 1; 1946, c. 145, s. 6; 1946, c. 153, s. 1.

R. S. 18:13-54 " 1948, c. 192, ss. 1, 6.

R. S. 18:13-55 " 1946, c. 153, s. 2; 1948, c. 192, ss. 2, 6.

R. S. 18:13-56 " 1948, c. 192, ss. 3, 6.

G. DISABILITY RETIREMENT.

R. S. 18:13-57 amended 1946, c. 145, s. 7.

R. S. 18:13-59 " 1946, c. 153, s. 3; 1947, c. 346; 1948, c. 192, ss. 4, 6.

J. BENEFITS OF TEACHERS RETIRED PRIOR TO 1919.

R. S. 18:13-70 amended 1948, c. 192, ss. 5, 6.

L. FUNDS CREATED.

R. S. 18:13-72 amended 1946, c. 145, s. 8.

M. FUNDS DERIVED FROM MEMBERS' CONTRIBUTIONS.

R. S. 18:13–77 amended 1945, c. 299, s. 2; 1946, c. 153, s. 4.

R. S. 18:13–78 " 1944, c. 146, s. 2; 1946, c. 145, s. 9.

Additional Legislation.

Periodic adjustment of deductions and annuities, provided for, suppl., 1946, c. 235.

Additional contribution to fund by certain members, provided for, suppl., 1946, c. 270.

Special Reserve Fund, defined, etc., suppl., 1946, c. 145, ss. 11, 15.

Terminated interest accrual resumed upon return of member to active service upon compliance with certain conditions, suppl., 1947, c. 245, s. 2.

N. FUNDS DERIVED FROM CONTRIBUTIONS FROM SCHOOL APPORTIONMENT FUND.

R. S. 18:13–90 amended 1946, c. 145, s. 10.

O. COLLECTION OF MEMBERS' CONTRIBUTIONS.

R. S. 18:13–94 amended 1944, c. 113, s. 1; 1946, c. 145, s. 12.

R. S. 18:13–95 " 1944, c. 113, s. 2.

Q. ADMINISTRATION.

R. S. 18:13–102 see 1947, c. 308.

R. S. 18:13–105 amended 1946, c. 145, s. 13.

R. S. 18:13–106 " 1943, c. 180.

Additional Legislation.

Advisory Committee, constitution, etc., provided for, suppl., 1946, c. 145, ss. 14, 15.

Article 5. Teachers' Institutes and Conventions.

R. S. 18:13–119 repealed 1946, c. 88, ss. 10, 12.

Chapter 14. PUPILS AND CONDUCT OF SCHOOLS IN GENERAL.

Article 1. Admission and Attendance of Pupils in General.

R. S. 18:14–1 amended 1947, c. 138.

R. S. 18:14–2 " 1945, c. 172.

R. S. 18:14–7 " 1944, c. 210.

Additional Legislation.

Free education to children of non-resident farm laborers, suppl., 1943, c. 91.

Sec. 2 of above repealed 1946, c. 88, ss. 10, 12.

Instruction beyond twelfth grade, charge of tuition fees for, furnishing in another district, provided for, suppl., 1946, c. 296.

Evening high school courses, payment of tuition for in another district, provided for, suppl., 1946, c. 213.

School busses, warning lights, markings, etc., required, suppl., 1948, c. 133.

Transportation contractor, compensation for expenditures necessitated by law, etc., authorized, 1948, c. 131.

Article 2. Compulsory Education.

Note: For employment and age certificates, issuance, etc., see 1940, c. 153, amended 1941, c. 139; for State Commission on Student Service established, powers, etc., see 1942, c. 23, amended 1943, c. 44, 1943, c. 195; for county attendance officers, membership in State Employees' Retirement System, provided for, see 1946, c. 191.

R. S. 18:14–45 repealed 1947, c. 148, s. 22.

R. S. 18:14–46 " 1946, c. 88, ss. 10, 12.

R. S. 18:14–47 amended 1944, c. 106.

R. S. 18:14–48 " 1946, c. 88, ss. 8, 12; see 1946, c. 191.

Article 4. Promotion of Health and Prevention of Disease.

R. S. 18:14–56 amended 1947, c. 148, s. 23.

R. S. 18:14–65 " 1947, c. 148, s. 24.

Additional Legislation.

School nurses, certificates by State Board of Examiners required, fees, prior appointees unaffected, suppl., 1947, c. 133.

Article 5. Subnormal and Physically Handicapped Children.

R. S. 18:14–70 amended 1948, c. 191, ss. 1, 5.

Additional Legislation.

Special classes in hospitals, etc., pursuant to R. S. 18:14–70, attendance, credits, etc., provided for, suppl., 1948, c. 191, ss. 2-5.

Article 7. Conduct of Schools.

A. IN GENERAL.

R. S. 18:14–80 amended 1944, c. 212.

R. S. 18:14–82 " 1943, c. 212; 1944, c. 107.

Additional Legislation.

Courses in United States history, prescribed, suppl., 1945, c. 261.

Commodore John Barry Day established, school observance required, 1947, c. 109.

Distribution of printed matter, etc., in connection with certain school elections, by pupils, regulated, 1948, c. 228.

B1. (new) ACCIDENT INSURANCE FOR PUPILS.

Additional Legislation.

Accident insurance for pupils engaging in athletic contests and physical education programs, Boards of Education authorized to maintain, suppl., 1947, c. 130.

Article 8. County Supervisor of Child Study.

R. S. 18:14–113 amended 1946, c. 88, ss. 9, 12.

Chapter 14A. (new) SPECIAL SCHOOLS AND COURSES GENERALLY.

Veterans education and training programs, establishment and maintenance, provided for, 1946, c. 64.

Sec. 6 of above amended 1947, c. 141, s. 1.

Sec. 17 " " " 1947, c. 141, s. 2; 1948, c. 147.

Chapter 15. SPECIAL SCHOOLS AND COURSES IN SCHOOL DISTRICTS OR IN COUNTIES.

Article 1A. (new) Nursery Schools and Nursery Classes.

Additional Legislation.

Nursery school and nursery departments in school districts, provided for, suppl., 1943, c. 172.

Article 2. Intermediate Schools.

R. S. 18:15–4 amended 1947, c. 148, s. 25.

R. S. 18:15–5 " 1947, c. 148, s. 26.

Article 5. Vocational Schools.

R. S. 18:15–46 amended 1946, c. 99; 1948, c. 15, s. 1.

Additional Legislation.

Board members, terms continued, 1948, c. 15, s. 2.

Article 6. Continuation Schools.

R. S. 18:15–59 to 18:15–80 repealed 1947, c. 148, s. 27.

Article 8. Public Evening Schools.

R. S. 18:15–94 amended 1947, c. 148, s. 28.

Article 10. Classes for Foreign-Born Residents.

R. S. 18:15–104 repealed 1946, c. 88, ss. 10, 12.

R. S. 18:15–105 " 1946, c. 88, ss. 10, 12.

Chapter 16. PARTICULAR STATE SCHOOLS.

Note: For requirement of teachers' certificates in certain schools under management of Department, Institutions and Agencies, see 1946, c. 100.

Article 1. School for the Deaf.

R. S. 18:16–2 amended 1947, c. 148, s. 29.

Article 2. Manual Training and Industrial School for Colored Youth.

R. S. 18:16–8 amended 1947, c. 148, s. 30; 1948, c. 27, s. 2.

R. S. 18:16–10 " 1948, c. 27, s. 3.

Article 3. Teachers' Training Schools and Courses.

R. S. 18:16–20 amended 1947, c. 148, s. 31.

R. S. 18:16–27 repealed 1944, c. 140, s. 2.

R. S. 18:16–29 amended 1947, c. 148, s. 32.

Additional Legislation.

Work for needy students provided for in lieu of loans for tuition in normal schools and teachers' colleges, 1944, c. 140, s. 1.

Purchase of land and improvement thereof for State teachers college in Passaic County, authorized, 1948, c. 14.

Article 4. (new) Tenure in Office, Position or Employment.

Additional Legislation.

Tenure of certain persons employed in teaching capacities, supervisors, registrars, etc., in certain State educational institutions, provided for, suppl., 1946, c. 124.

Chapter 20. LAWS AFFECTING PRIVATE SCHOOLS AND COLLEGES.

R. S. 18:20–1 amended 1946, c. 289.

R. S. 18:20–4 repealed 1947, c. 262, s. 22.

Additional Legislation.

Private trade and technical schools, registration, approval examination, control, etc., by Commissioner of Education, suppl., 1942, c. 113.

Sec. 1 of above amended 1942, c. 323.

Chapter 20A. (new) CHILD CARE CENTERS.

Private child care centers, registration and regulation of, provided for, suppl., 1946, c. 303, ss. 1-9, 12.

Chapter 21. CERTIFICATES OF PRELIMINARY ACADEMIC EDUCATION.

R. S. 18:21–1 amended 1946, c. 243.

Chapter 22. PUBLIC HIGHER EDUCATION.

Article 1. State Board of Regents.

R. S. 18:22–1 to 18:22–14 repealed 1945, c. 51, s. 15.

Article 1A. (new) Public Higher Education In General.

Additional Legislation.

Disbursement of State moneys to denominational (religious), etc., institutions, prohibited, suppl., 1945, c. 51, s. 4.

Article 2. Rutgers University (State Agricultural College; Rutgers Scientific School).

A. DESIGNATION.

Additional Legislation.

State University of New Jersey; designation of State College for Benefit of Agriculture and Mechanics Arts, Agricultural Experiment Station, New Jersey Agricultural Experiment Station, New Jersey College for Women and certain departments, Rutgers College, as; management and use of facilities for public higher education, and membership by employees in State Employees' Retirement System, provided for, 1945, c. 49.

State University of New Jersey, incorporation of University of Newark into, provided for, 1946, c. 217.

The Paterson College of Rutgers University, established as a division of The State University, 1947, c. 139.

Integration of facilities and buildings of State Teachers Colleges and The State University, Commissioner of Education authorized to provide for, 1947, c. 140.

B. FEDERAL AID.

R. S. 18:22–23 repealed 1945, c. 212, ss. 2, 1.

R. S. 18:22–24 " 1945, c. 212, ss. 2, 1.

R. S. 18:22–25 " 1945, c. 212, ss. 2, 1.

J. (new) INSTITUTE OF MANAGEMENT AND LABOR.

Additional Legislation.

Institute of Management and Labor Relations, in State University, provided for, 1947, c. 307.

K. (new) GRADUATE SCHOOL OF SOCIAL WORK.

Additional Legislation.

New Jersey School of Social Work, in State University, provided for, 1948, c. 195.

Chapter 23. STATE PUBLIC SCHOOL FUND AND FEDERAL FUNDS.

R. S. 18:23–1 to 18:23–18 repealed 1946, c. 88, ss. 10, 12.

Chapter 24. (new) DIVISION OF THE STATE LIBRARY, ARCHIVES AND HISTORY AND DIVISION OF THE STATE MUSEUM.

Division of the State Library, Archives and History and Division of the State Museum, established; functions, powers, duties, etc., provided for, 1945, c. 50.

Sec. 10 of above amended 1945, c. 215.

Federal grants for public or school libraries, application for, acceptance of, provided for, 1948, c. 107.

Chapter 25. (new) LAW AGAINST DISCRIMINATION.

Division Against Discrimination in State Department of Education, established; functions, powers and duties provided for, and certain discriminatory practices prohibited, suppl., 1945, c. 169, ss. 1–27

Sec. 8 of above amended 1947, c. 155, s. 1.

Sec. 8A " " repealed 1947, c. 155, s. 2

Title 19. ELECTIONS.

Note: For distribution of printed matter, etc., in connection with certain school elections, by pupils, regulated, see 1948, c. 228.

Subtitle 1. ANY ELECTION.

Chapter 1. DEFINITIONS AND APPLICATION.

R. S. 19:1–1 amended 1947, c. 168, s. 1; 1948, c. 438, s. 1.

Chapter 2. TIME FOR HOLDING.

R. S. 19:2–1 amended 1946, c. 11, s. 1 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 1.

R. S. 19:2–2 repealed 1946, c. 11, s. 16.

Additional Legislation.

Holding of primaries for general election in May, war time, provided for, suppl., 1944, c. 141; repealed 1945, c. 7, s. 21; repealed 1948, c. 2, ss. 30, 33.

Date and time for holding primary elections for general elections, fixed during war time, 1945, c. 7, s. 1; amended 1946, c. 10, s. 1; repealed 1948, c. 2, ss. 30, 31, 33.

Chapter 3. OFFICES AND PUBLIC QUESTIONS.

R. S. 19:3–2 amended 1948, c. 438, s. 2.

R. S. 19:3–3 " 1946, c. 11, s. 2 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 2.

Chapter 4. THE ELECTORATE.

R. S. 19:4–1 amended 1948, c. 438, s. 3.

R. S. 19:4–6 " 1948, c. 2, s. 3.

Chapter 5. PARTY ORGANIZATIONS.

R. S. 19:5–1 amended 1948, c. 438, s. 4.

R. S. 19:5–3 " 1946, c. 11, s. 3 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 4.

R. S. 19:5–4 " 1948, c. 216, ss. 1, 3.

R. S. 19:5–5 see 1946, c. 152.

R. S. 19:5–6 amended 1948, c. 216, ss. 2, 3.

Chapter 6. ELECTION OFFICIALS.

Article 1. District Boards of Registry and Election.

R. S. 19:6–3 amended 1948, c. 2, s. 5.

R. S. 19:6–7 " 1948, c. 2, s. 6.

R. S. 19:6–8 " 1948, c. 2, s. 7.

R. S. 19:6–10 " 1946, c. 11, s. 4.

Article 2. County Boards of Election.

R. S. 19:6–17 amended 1948, c. 438, s. 5.

R. S. 19:6–22 " 1948, c. 2, s. 8.

Article 4. Board of State Canvassers.

Note: For Board of State Canvassers in the Department of State, see 1948, c. 445, s. 10.

Chapter 8. POLLING PLACES; BALLOT BOXES; EQUIPMENT.

R. S. 19:8–2 amended 1946, c. 11, s. 5 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 9.

R. S. 19:8–4 " 1946, c. 11, s. 6 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 10.

Chapter 9. ELECTION SUPPLIES.

R. S. 19:9–2 amended 1946, c. 11, s. 7 (1946, c. 11 repealed 1948, c. 2, s. 32); 1947, c. 168, s. 2; 1948, c. 2, s. 11.

Subtitle 2. GENERAL ELECTIONS.

Chapter 12. CERTIFICATES AND NOTICES.

R. S. 19:12–1 amended 1946, c. 11, s. 8 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 12.

R. S. 19:12–2 " 1946, c. 11, s. 9 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 13.

R. S. 19:12–3 " 1946, c. 11, s. 10 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 14.

R. S. 19:12–5 " 1946, c. 11, s. 11 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 15.

R. S. 19:12–6 " 1946, c. 11, s. 12 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 16.

R. S. 19:12–7 " 1945, c. 184.

Chapter 13. NOMINATION OF CANDIDATES

R. S. 19:13–5	amended	1948, c. 438, s. 6.
R. S. 19:13–9	"	1948, c. 2, s. 17.
R. S. 19:13–11	"	1948, c. 2, s. 18.
R. S. 19:13–13	"	1948, c. 2, s. 19.
R. S. 19:13–15	"	1944, c. 157.
R. S. 19:13–20	"	1945, c. 263; 1948, c. 261.
R. S. 19:13–22	"	1948, c. 2, s. 20.

Chapter 14. BALLOTS.

R. S. 19:14–4	amended	1947, c. 104, s. 1.
R. S. 19:14–6	"	1947, c. 104, s. 2.
R. S. 19:14–11	repealed	1947, c. 104, s. 9.
R. S. 19:14–12	amended	1948, c. 2, s. 21.
R. S. 19:14–14	"	1947, c. 104, s. 3.
R. S. 19:14–17	repealed	1947, c. 104, s. 9.
R. S. 19:14–21	amended	1946, c. 261, s. 1; 1947, c. 168, s. 3.
R. S. 19:14–23	"	1947, c. 168, s. 4.
R. S. 19:14–25	"	1946, c. 261, s. 2; 1947, c. 168, s. 5.
R. S. 19:14–27	"	1947, c. 53.

Additional Legislation.

Use of names of candidates for President and Vice-President instead of those of Presidential Electors, provided for, suppl., 1944, c. 16.

Chapter 15. BALLOTING.

R. S. 19:15–7	repealed	1944, c. 230, s. 4.
R. S. 19:15–13 to 19:15–16	"	1944, c. 230, s. 4.
R. S. 19:15–27	amended	1947, c. 104, s. 4.
R. S. 19:15–28	"	1947, c. 104, s. 5.
R. S. 19:15–35	repealed	1944, c. 230, s. 4.
R. S. 19:15–36	"	1944, c. 230, s. 4.

Chapter 16. COUNTING BALLOTS BY DISTRICT BOARDS.

R. S. 19:16–1 repealed 1947, c. 104, s. 9.

R. S. 19:16–3 amended 1947, c. 104, s. 6.

R. S. 19:16–4 " 1947, c. 104, s. 7.

Chapter 17. RETURNS BY DISTRICT BOARDS.

R. S. 19:17–1 amended 1945, c. 76, s. 1.

R. S. 19:17–3 " 1945, c. 76, s. 2; 1947, c. 168, s. 6.

Chapter 18. DISPOSITION OF BALLOT BOXES, ELECTION RECORDS AND EQUIPMENT.

R. S. 19:18–1 amended 1947, c. 168, s. 7.

R. S. 19:18–7 " 1945, c. 76, s. 3.

Subtitle 3. PRIMARY ELECTIONS.

Chapter 23. PRIMARY FOR GENERAL ELECTION.

Article 1. Notice of Elections.

R. S. 19:23–1 amended 1946, c. 11, s. 13 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 22.

Article 2. Registry Book—Municipalities Not Having Permanent Registration.

R. S. 19:23–3 repealed 1947, c. 104, s. 9.

R. S. 19:23–4 " 1947, c. 104, s. 9.

Article 3. Nomination of Candidates.

Note: For certification of names for nomination and printing of primary ballots, official and samples, certain second-class counties, regulated, see 1945, c. 68, amended 1945, c. 290, 1948, c. 2.

R. S. 19:23–7 amended 1948, c. 438, s. 7.

R. S. 19:23–8 " 1945, c. 285; 1948, c. 438, s. 8.

R. S. 19:23–14 " 1948, c. 2, s. 23.

R. S. 19:23–17 " 1944, c. 231.

R. S. 19:23–22 " 1948, c. 2, s. 24.

Additional Legislation.

Date for filing nominating petitions, fixed during war time, 1945, c. 7, s. 2, amended 1946, c. 10, s. 2; repealed 1948, c. 2, ss. 30, 31, 33.

Article 3A. (new) Certification of Nominations and Furnishing of Ballots in Certain Second-class Counties.

Additional Legislation.

Certification of names for nomination and printing of primary ballots, official and samples, certain second-class counties, regulated, suppl., 1945, c. 68.

Sec. 1 of above amended 1948, c. 2, s. 25.

Sec. 2 " " " 1945, c. 290, s. 1.

Sec. 3 " " " 1945, c. 290, s. 2.

Article 4. OFFICIAL BALLOTS.

Note: For certification of names for nomination and printing of primary ballots, official and samples, certain second-class counties, regulated, see 1945, c. 68, amended 1945, c. 290, 1948, c. 2.

R. S. 19:23-25 amended 1947, c. 104, s. 8.

R. S. 19:23-26 repealed 1947, c. 104, s. 9.

Additional Legislation.

Printing of designations or slogans on ballots prohibited, certain cases, suppl., 1944, c. 8, s. 3.

Article 5. SAMPLE BALLOTS.

Note: For certification of names for nomination and printing of primary ballots, official and samples, certain second-class counties, regulated, see 1945, c. 68, amended 1945, c. 290, 1948, c. 2.

R. S. 19:23-30 amended 1946, c. 261, s. 3; 1947, c. 168, s. 8.

R. S. 19:23-32 " 1947, c. 168, s. 9.

R. S. 19:23-33 " 1946, c. 261, s. 4; 1947, c. 168, s. 10.

R. S. 19:23-34 " 1946, c. 261, s. 5; 1947, c. 168, s. 11.

R. S. 19:23-35 " 1946, c. 261, s. 6; 1947, c. 168, s. 12.

R. S. 19:23-36 " 1946, c. 261, s. 7; 1947, c. 168, s. 13.

Article 7. Conduct of Primary in General.

R. S. 19:23-40 amended 1946, c. 11, s. 14 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 26.

Article 8. Registry and Poll Books.

R. S. 19:23-43 repealed 1947, c. 104, s. 9.

R. S. 19:23-44 " 1947, c. 104, s. 9.

Article 10. Canvass of Votes; Certification of Results.

R. S. 19:23-50 amended 1945, c. 76, s. 4.

R. S. 19:23-53 " 1945, c. 76, s. 5; 1947, c. 168, s. 14.

Chapter 24. PRIMARY FOR DELEGATES AND ALTERNATES TO NATIONAL CONVENTIONS.

R. S. 19:24-1 amended 1946, c. 11, s. 15 (1946, c. 11 repealed 1948, c. 2, s. 32); 1948, c. 2, s. 27.

R. S. 19:24-2 " 1948, c. 2, s. 28.

R. S. 19:24-4 " 1948, c. 2, s. 29.

R. S. 19:24-5 " 1944, c. 8, s. 1.

Chapter 25. PETITION INDORSING CANDIDATE FOR PRESIDENT.

R. S. 19:25-1 repealed 1944, c. 8, s. 2.

R. S. 19:25-2 " 1944, c. 8, s. 2.

Chapter 26. ANY PRIMARY.

R. S. 19:26-3 repealed 1947, c. 104, s. 9.

Subtitle 4. SPECIAL ELECTIONS AND FILLING VACANCIES.

Chapter 27. GENERAL PROVISIONS.

R. S. 19:27-4 amended 1948, c. 438, s. 9.

R. S. 19:27-14 " 1947, c. 168, s. 15.

Additional Legislation.

Filling certain vacancies in representation in House of Representatives, regulated, suppl., 1945, c. 206.

Subtitle 5. RECOUNTS AND CONTESTS—ANY ELECTION.

Chapter 29. CONTEST OF NOMINATIONS OR ELECTIONS—ANY ELECTION.

R. S. 19:29-2 amended 1947, c. 6.

Subtitle 6. REGISTRATION OF VOTERS.

Chapter 30. MUNICIPALITIES NOT HAVING PERMANENT REGISTRATION.

Note: For requirement of permanent registration in all municipalities, see 1943, c. 218.

R. S. 19:30–1 repealed 1947, c. 347, s. 5.

R. S. 19:30–2 amended 1947, c. 168, s. 16; repealed 1947, c. 347, s. 5.

R. S. 19:30–3 to 19:30–10 repealed 1946, c. 11, s. 16.

Chapter 31. MUNICIPALITIES HAVING PERMANENT REGISTRATION.

R. S. 19:31–2 amended 1947, c. 168, s. 17.

R. S. 19:31–6 " 1945, c. 36, s. 1; 1947, c. 168, s. 18.

R. S. 19:31–7 " 1945, c. 36, s. 2.

R. S. 19:31–11 " 1944, c. 251; 1945, c. 75; 1946, c. 149.

R. S. 19:31–13 " 1945, c. 117.

R. S. 19:31–14 " 1947, c. 277, s. 1.

R. S. 19:31–15 " 1945, c. 18; 1947, c. 168, s. 19.

R. S. 19:31–16 " 1947, c. 168, s. 20.

R. S. 19:31–17 " 1947, c. 168, s. 21.

R. S. 19:31–18 " 1947, c. 347, s. 1.

R. S. 19:31–20 " 1947, c. 168, s. 22.

R. S. 19:31–21 " 1945, c. 77.

Additional Legislation.

Moving permits, monthly reports of issuance, required, suppl., 1940, c. 54.

Sec. 1 of above amended 1947, c. 310.

Permanent registration in all municipalities after July 1, 1943, provided for, suppl., 1941, c. 273, s. 1.

Sec. 1 of above amended 1943, c. 218.

New election districts, ascertainment of permanent registrations, provided for, suppl., 1947, c. 277, s. 2.

Registry lists, certification, transmission, printing, furnishing copies, investigations by chiefs of police, filing, provided for, suppl., 1947, c. 347, ss. 2-5.

Registration, change of residence, commissioner to notify commissioner of county where last registered, etc., provided for, suppl., 1947, c. 414.

Chapter 31A. (new) SIGNATURE COMPARISON RECORDS; FORM AND USE.

Signature comparison record act, suppl., 1941, c. 177 (amended 1943, c. 219), repealed 1944, c. 230, s. 4.

Form, use, etc., of signature comparison record, provided for suppl., 1944, c. 230, ss. 1-3.

Subtitle 7. ENFORCEMENT OF ELECTION LAW.

Chapter 32. SUPERINTENDENT OF ELECTIONS.

R. S. 19:32-1 amended 1944, c. 45.

R. S. 19:32-2 " 1945, c. 56, s. 11; 1945, c. 304.

R. S. 19:32-16 " 1945, c. 40.

R. S. 19:32-17 " 1945, c. 19.

R. S. 19:32-18 " 1948, c. 438, s. 10.

R. S. 19:32-19 " 1948, c. 438, s. 11.

Additional Legislation.

Superintendent of elections in second class counties, procedure for appointment, term, compensation, provided for, suppl., 1947, c. 167.

Chapter 33. REMOVAL OF NAMES FROM REGISTERS BY COURTS.

R. S. 19:33-1 amended 1945, c. 270.

Chapter 34. CRIMES AND PENALTIES—ENFORCEMENT.

R. S. 19:34-6 amended 1948, c. 438, s. 12.

R. S. 19:34-7 " 1948, c. 438, s. 13.

R. S. 19:34-11 " 1948, c. 438, s. 14.

R. S. 19:34-12 " 1948, c. 438, s. 15.

R. S. 19:34-13 " 1948, c. 438, s. 16.

R. S. 19:34-15 " 1948, c. 438, s. 17.

R. S. 19:34-28 " 1948, c. 438, s. 18.

R. S. 19:34-38 " 1948, c. 438, s. 19.

Subtitle 8. WAR TIME VOTING.

Note: For war time voting legislation, see Subtitle 16 (new), this Title.

Subtitle 10. NONBINDING COUNTY OR MUNICIPAL REFERENDA.

Chapter 37. PROCEDURE AND EFFECT.

R. S. 19:37–2 amended 1947, c. 69.

Subtitle 12. CAMPAIGN EXPENDITURES.

Chapter 41. CAMPAIGN CONTRIBUTIONS.

R. S. 19:41–3 see 1946, c. 152.

R. S. 19:41–4 " 1946, c. 152.

Additional Legislation.

Contributions, time and purpose of receipt and disbursement by committee, regulated, suppl., 1946, c. 152.

Subtitle 13. PUBLIC ELECTION EXPENSES.

Chapter 45. LIABILITY FOR.

R. S. 19:45–6 amended 1944, c. 152; 1946, c. 261, s. 8.

R. S. 19:45–7 " 1944, c. 178; 1947, c. 168, s. 23; 1948, c. 183.

Subtitle 15. VOTING MACHINES; PROCEDURE.

Chapter 48. VOTING MACHINES.

R. S. 19:48–4 amended 1945, c. 56, s. 1; 1947, c. 168, s. 24.

R. S. 19:48–6 " 1945, c. 56, s. 2; 1947, c. 168, s. 25.

R. S. 19:48–7 " 1945, c. 56, s. 3.

Additional Legislation.

Voting machines in first- and second-class counties, provided for, suppl., 1944, c. 7.

Sec. 5 of above amended 1947, c. 168, s. 26.

Sec. 6 " " " 1945, c. 122.

Sec. 9 " " " 1947, c. 168, s. 27.

Sec. 11 " " " 1947, c. 168, s. 28.

Voting machines for municipal elections in certain first- and second-class counties, provided for, suppl., 1945, c. 59.

Sec. 3 of above amended 1947, c. 168, s. 29.

Chapter 49. BALLOTS.

R. S. 19:49–2 amended 1944, c. 127; 1945, c. 70; 1946, c. 17; 1948, c. 240.

R. S. 19:49–3 " 1945, c. 56, s. 4.

R. S. 19:49–4 " 1947, c. 79.

Chapter 50. INSTRUCTION CONCERNING VOTING MACHINES.

R. S. 19:50–1 amended 1945, c. 56, s. 5; 1947, c. 78.

R. S. 19:50–2 " 1945, c. 56, s. 6.

R. S. 19:50–3 " 1944, c. 128; 1945, c. 56, s. 7.

Chapter 51. NUMBER OF REGISTERED VOTERS IN A DISTRICT.

R. S. 19:51–1 amended 1945, c. 56, s. 8.

Chapter 52. PROCEDURE AT POLLING PLACE.

R. S. 19:52–1 amended 1945, c. 56, s. 9.

R. S. 19:52–6 " 1943, c. 80.

R. S. 19:52–7 " 1945, c. 56, s. 10.

Additional Legislation.

Voting authorities, form and use of, provided, suppl., 1944, c. 213.

Subtitle 16. (new) ABSENTEE VOTING—MILITARY SERVICE.

Chapter 54. (new) IN NATIONAL EMERGENCY.

1942, c. 18 repealed 1945, c. 12, s. 1.

Chapter 55. (new) IN TIME OF WAR.

1944, c. 9 repealed 1945, c. 12, s. 2.

1944, c. 95 expired

1944, c. 208 "

1945, c. 7 repealed 1948, c. 2, s. 30.

1946, c. 10 " 1948, c. 2, s. 31.

1945, c. 11 " 1948, c. 1, s. 27.

Chapter 56. (new) MILITARY SERVICE VOTING.

Military service voting act (1948), suppl., 1948, c. 1.

Title 20. EMINENT DOMAIN.

Chapter 1. CONDEMNATION IN GENERAL.

Additional Legislation.

Entry into possession in advance of ascertainment of compensation for property taken by State or other public body, provided for, 1942, c. 14.

Sec. 1 of above amended 1947, c. 353.

Title 21. EXPLOSIVES AND FIREWORKS.

Subtitle 1. EXPLOSIVES.

Chapter 1A. (new) 1941 EXPLOSIVES ACT.

Manufacture, storage, sale, transportation, etc., regulated, 1941, c. 27.

Sec. 17 of above amended 1948, c. 210, s. 1.

Sec. 27 " " " 1946, c. 109, s. 1; 1947, c. 390, s. 1.

Sec. 33 " " " 1946, c. 109, s. 2.

Sec. 41 " " " 1946, c. 109, s. 3.

Sec. 51 " " " 1948, c. 210, s. 2.

Sec. 53 " " " 1946, c. 109, s. 4; 1947, c. 390, s. 2.

Sec. 84 " " " 1946, c. 109, s. 5.

Sec. 100 " " " 1948, c. 210, s. 3.

Sec. 101 " " " 1948, c. 210, s. 4.

Subtitle 2. FIREWORKS.

Chapter 3. SALE AND PUBLIC DISPLAY.

R. S. 21:3-5 amended 1946, c. 81.

New Jersey State Library

Title 22. FEES AND COSTS.

Chapter 1A. (new) FEES AND COSTS IN CIVIL AND CRIMINAL COURTS.

Fees and costs in the Supreme, Superior and County Courts, 1948, c. 366.

Chapter 1B. (new) FEES AND COSTS—COUNTY CLERKS' OFFICES.

Fees and costs in county clerks' offices provided for, 1948, c. 411.

Chapter 2. IN CIVIL CAUSES AND PROCEEDINGS IN THE COURTS.

R. S. 22:2–7	repealed	1948, c. 366, ss. 29, 30.
R. S. 22:2–10 to 22:2–13	"	1948, c. 366, ss. 29, 30.
R. S. 22:2–16	"	1948, c. 366, ss. 29, 30.
R. S. 22:2–17	amended	1945, c. 276.
R. S. 22:2–17.2	repealed	1948, c. 366, ss. 29, 30.
R. S. 22:2–37	amended	1948, c. 190.
R. S. 22:2–44	"	1946, c. 178.
R. S. 22:2–46	"	1946, c. 180.
R. S. 22:2–50	"	1943, c. 202.

Additional Legislation.

Fees for probate of wills, certain cases, waived, 1944, c. 188.

Subpœna, etc., issuance under R. S. 2:23–4, without fee, provided for, suppl., 1946, c. 250.

Chapter 4. FEES OF CERTAIN STATE AND COUNTY OFFICERS.

Note: For fees on issuance of commission to notary public payable to, and accountable by, Secretary of State, see 1944, c. 243.

R. S. 22:4–1 amended 1947, c. 101.

R. S. 22:4–4 " 1948, c. 274.

R. S. 22:4–7 " 1948, c. 273, s. 1.

R. S. 22:4–8 " 1948, c. 273, s. 2.

R. S. 22:4–9 " 1948, c. 273, s. 3.

R. S. 22:4–14 " 1948, c. 366, ss. 23, 30.

R. S. 22:4–15 " 1948, c. 366, ss. 24, 30.

R. S. 22:4–16 " 1948, c. 366, ss. 25, 30.

R. S. 22:4–18 " 1948, c. 366, ss. 26, 30.

Additional Legislation.

Service of subpœna, etc., issued under R. S. 2:23–4, without fee, provided for, suppl., 1946, c. 251.

Fees, county clerk, etc., certain second-class counties, recording by photography, etc., fixed, suppl., 1948, c. 308.

Title 23. FISH AND GAME, WILD BIRDS AND ANIMALS.

Note: For closing of forests for fire protection, suspension of hunting, fishing or trapping seasons, see 1948, c. 11.

Chapter 1. DEFINITIONS AND CONSTRUCTION.

R. S. 23:1–1 amended 1948, c. 448, ss. 39, 122, 123.

Chapter 2. BOARD OF FISH AND GAME COMMISSIONERS, ITS OFFICERS, EMPLOYEES AND DEPUTIES.

Note: For transfer of functions, powers and duties to State Department of Conservation, see 1945, c. 22; for transfer of functions, powers and duties to the Department of Conservation and Economic Development, see 1948, c. 448.

R. S. 23:2–1 repealed 1945, c. 22, s. 44.

R. S. 23:2–8 amended 1948, c. 448, ss. 42, 122, 123.

Additional Legislation.

Open seasons, fishing, hunting or trapping, extension or change, certain cases, authorized, suppl., 1948, c. 39.

Chapter 3. LICENSES AND PERMITS.

R. S. 23:3–1 amended 1945, c. 116; 1948, c. 226, s. 1.

R. S. 23:3–4 " 1947, c. 163, ss. 1, 3; 1948, c. 226, s. 2.

R. S. 23:3–6 " 1947, c. 159, s. 1.

R. S. 23:3–7 " 1947, c. 64; 1947, c. 159, s. 2.

R. S. 23:3–8 " 1947, c. 159, s. 3.

R. S. 23:3–9 " 1947, c. 159, s. 4.

R. S. 23:3–10 " 1947, c. 159, s. 5; 1948, c. 151.

R. S. 23:3–11 " 1947, c. 163, ss. 2, 3.

R. S. 23:3–13 " 1947, c. 159, s. 6.

R. S. 23:3–14 " 1947, c. 159, s. 7.

R. S. 23:3–15 " 1947, c. 159, s. 8.

R. S. 23:3–16 " 1947, c. 159, s. 9.

R. S. 23:3–18 " 1947, c. 159, s. 10.

R. S. 23:3–19 " 1947, c. 159, s. 11.

R. S. 23:3–20 " 1947, c. 159, s. 12.

R. S. 23:3–22	amended	1948, c. 123; 1948, c. 448, ss. 43, 122, 123.
R. S. 23:3–23	"	1946, c. 83, s. 1.
R. S. 23:3–27	"	1946, c. 83, s. 2.
R. S. 23:3–28	"	1948, c. 113, s. 1.
R. S. 23:3–29	"	1948, c. 113, s. 2.
R. S. 23:3–32	"	1948, c. 113, s. 3.
R. S. 23:3–36	"	1948, c. 113, s. 4.
R. S. 23:3–40	repealed	1946, c. 49.
R. S. 23:3–42	amended	1948, c. 174, s. 1.
R. S. 23:3–47	"	1948, c. 174, s. 2.
R. S. 23:3–49	"	1948, c. 144.

Additional Legislation.

Issuance of buttons, etc., with hunting and fishing licenses discontinued during war, suppl., 1942, c. 161; repealed 1948, c. 226, s. 3.

Chapter 4. GAME, WILD BIRDS AND ANIMALS.

R. S. 23:4–1	amended	1944, c. 163, s. 1; 1945, c. 107; 1947, c. 164; 1948, c. 448, ss. 44, 122, 123.
R. S. 23:4–2	"	1948, c. 448, ss. 45, 122, 123.
R. S. 23:4–8	"	1944, c. 78.
R. S. 23:4–9	"	1948, c. 448, ss. 46, 122, 123.
R. S. 23:4–11	"	1948, c. 448, ss. 47, 122, 123.
R. S. 23:4–12	"	1944, c. 163, s. 2; 1948, c. 448, ss. 48, 122, 123.
R. S. 23:4–13	"	1946, c. 50; 1948, c. 448, ss. 49, 122, 123.
R. S. 23:4–16	"	1946, c. 171.
R. S. 23:4–23	"	1946, c. 48.
R. S. 23:4–25	"	1946, c. 103; 1947, c. 319; 1948, c. 448, ss. 50, 122, 123.
R. S. 23:4–26	"	1948, c. 448, ss. 51, 122, 123.
R. S. 23:4–27	"	1943, c. 207; 1948, c. 448, ss. 52, 122, 123.
R. S. 23:4–29	"	1948, c. 448, ss. 53, 122, 123.
R. S. 23:4–30	"	1948, c. 448, ss. 54, 122, 123.

R. S. 23:4–39	amended	1948, c. 209; 1948, c. 448, ss. 55, 122, 123.
R. S. 23:4–41	"	1948, c. 448, ss. 56, 122, 123.
R. S. 23:4–42	"	1947, c. 239, ss. 1, 4; 1948, c. 448, ss. 57, 122, 123.
R. S. 23:4–43	"	1947, c. 239, ss. 2, 4; 1948, c. 448, ss. 58, 122, 123.
R. S. 23:4–44	"	1947, c. 239, ss. 3, 4; 1948, c. 448, ss. 59, 122, 123.
R. S. 23:4–45	"	1948, c. 448, ss. 60, 122, 123.
R. S. 23:4–48	"	1948, c. 448, ss. 61, 122, 123.
R. S. 23:4–50	"	1948, c. 448, ss. 62, 122, 123.
R. S. 23:4–53	"	1948, c. 448, ss. 63, 122, 123.
R. S. 23:4–54	"	1948, c. 448, ss. 64, 122, 123.
R. S. 23:4–55	"	1946, c. 165; 1948, c. 448, ss. 65, 122, 123.
R. S. 23:4–58.1	"	1948, c. 448, ss. 66, 122, 123.
R. S. 23:4–60	"	1945, c. 65; 1947, c. 334; 1948, c. 201.

Chapter 5. FISH.

R. S. 23:5–1	amended	1946, c. 47; 1947, c. 48; 1948, c. 448, ss. 67, 122, 123.
R. S. 23:5–3	"	1948, c. 448, ss. 68, 122, 123.
R. S. 23:5–7	"	1946, c. 74; 1948, c. 448, ss. 69, 122, 123.
R. S. 23:5–10	"	1948, c. 448, ss. 70, 122, 123.
R. S. 23:5–11	"	1948, c. 448, ss. 71, 122, 123.
R. S. 23:5–15	"	1946, c. 166.
R. S. 23:5–17	"	1948, c. 448, ss. 72, 122, 123.
R. S. 23:5–35	"	1948, c. 154, s. 1.

Additional Legislation.

Protection of striped bass and licensing of use of nets for taking, regulated, 1938, c. 318.

Title	of above		amended	1948, c. 35, s. 1.
Sec. 1	"	"	"	1947, c. 68; 1948, c. 35, s. 2.
Sec. 2	"	"	"	1948, c. 35, s. 3.
Sec. 3	"	"	"	1948, c. 35, s. 4.
Sec. 4	"	"	repealed	1948, c. 35, s. 6.
Sec. 5	"	"	"	1948, c. 35, s. 6.
Sec. 6	"	"	"	1948, c. 35, s. 6.
Sec. 8	"	"	amended	1948, c. 35, s. 5.

Uniform regulations on net fishing and licenses to net, 1941, c. 211.

Title of above amended 1942, c. 294, s. 1.

Sec. 1 " " " 1948, c. 175, s. 1.

Sec. 2 " " " 1948, c. 175, s. 2; 1948, c. 472.

Sec. 11 " " " 1942, c. 294, s. 2.

Crabs, size limited, suppl., 1948, c. 154, s. 2.

Chapter 6. FISH AND GAME; PERMITTING UNLAWFUL CONTRIVANCES ON PROPERTY.

R. S. 23:6–1 amended 1948, c. 448, ss. 73, 122, 123.

Chapter 7. TRESPASS; POSTING OF PROPERTY.

R. S. 23:7–1 amended 1948, c. 229, s. 1.

R. S. 23:7–3 " 1947, c. 303; 1948, c. 229, s. 2.

Chapter 8. GAME FARMS AND FISH HATCHERIES; GAME REFUGES; FISH CULTURAL OPERATIONS.

R. S. 23:8–9 amended 1948, c. 448, ss. 74, 122, 123.

R. S. 23:8–10 " 1948, c. 448, ss. 75, 122, 123.

R. S. 23:8–11 " 1948, c. 448, ss. 76, 122, 123.

Chapter 9. LOCAL AND SPECIAL PROVISIONS.

Article 6A. (new) Atlantic, Cape May, Cumberland, Gloucester and Salem Counties.

Note: For 1942, c. 55, amended to extend territorial, etc., effect, see Article 6B infra.

Article 6B. (new) Atlantic, Burlington, Cape May, Cumberland, Gloucester and Salem Counties.

Additional Legislation.

Hunting, etc., certain birds or animals while snow on ground, prohibited, 1942, c. 55.

Title of above amended 1943, c. 131, s. 1.

Sec. 1 " " " 1943, c. 131, s. 2; 1946, c. 75.

Article 11. Mullica River and Tributaries.

Additional Legislation.

Erection, etc., of net or fishing device near fishery, certain cases, prohibited, 1944, c. 111.

Article 15A. (new) Shrewsbury and Navesink Rivers.

Additional Legislation.

Ice fishing in Navesink and Shrewbury Rivers, regulated, 1947, c. 297.

Article 20. (new) Greenwood Lake.

Additional Legislation.

Reciprocal use of New York and New Jersey fishing licenses, provided for, suppl., 1943, c. 93.

Chapter 10. PROCEDURE FOR COLLECTION OF PENALTIES; FORFEITURES.

R. S. 23:10–1	amended	1948, c. 448, ss. 77, 122, 123.
R. S. 23:10–2	"	1948, c. 448, ss. 78, 122, 123.
R. S. 23:10–3	"	1948, c. 448, ss. 79, 122, 123.
R. S. 23:10–5	"	1948, c. 448, ss. 80, 122, 123.
R. S. 23:10–6	"	1948, c. 448, ss. 81, 122, 123.
R. S. 23:10–7	"	1948, c. 448, ss. 82, 122, 123.
R. S. 23:10–8	"	1948, c. 448, ss. 83, 122, 123.
R. S. 23:10–9	"	1948, c. 448, ss. 84, 122, 123.
R. S. 23:10–13	"	1948, c. 448, ss. 85, 122, 123.
R. S. 23:10–15	"	1948, c. 448, ss. 86, 122, 123.
R. S. 23:10–19	"	1948, c. 448, ss. 87, 122, 123.
R. S. 23:10–20	"	1948, c. 448, ss. 88, 122, 123.
R. S. 23:10–21	"	1948, c. 200; 1948, c. 448, ss. 89, 122, 123.

Title 24. FOOD AND DRUGS.

Subtitle 1. FOOD AND DRUGS.

Chapter 10. DAIRY PRODUCTS.

R. S. 24:10–16 amended 1942, c. 284.

Additional Legislation.

Delivery of milk and cream, hours of, regulated, 1945, c. 294.

Chapter 10A. (new) DRINKING DEVICES.

Straws, tubes, etc., for drinking out of containers, sanitary condition of service, etc., to public, regulated, 1946, c. 107.

Chapter 11A. (new) FLOUR AND BREAD ENRICHMENT.

Flour and bread enrichment act (1946), suppl., 1946, c. 86, ss. 1-13, 15.

Chapter 13. OLEOMARGARINE; IMITATION BUTTER AND CHEESE.

R. S. 24:13–4 amended 1948, c. 36.

Subtitle 2. NARCOTIC DRUGS.

Chapter 18. UNIFORM NARCOTIC DRUG LAW.

R. S. 24:18–2 amended 1944, c. 26; 1948, c. 125.

R. S. 24:18–7 " 1947, c. 124.

Title 26. HEALTH AND VITAL STATISTICS.

Note: For licensing superintendents or operators of water treatment, sewerage treatment and water supply, plants and systems, provided for, see 1946, c. 295, amended 1947, c. 126.

Chapter 1. DEFINITIONS.

R. S. 26:1–1 amended 1947, c. 177, ss. 64, 69.

Chapter 1A. (new) STATE DEPARTMENT OF HEALTH—REORGANIZED.

State Department of Health, organizations, functions, powers, activities and duties, consolidation of, suppl., 1947, c. 177, ss. **1-63, 65-69.**

Sec. 2 of above amended 1948, c. 444, ss. 1, 27.

Sec. 3 " " " 1948, c. 444, ss. 2, 27.

State Department of Health Act of 1948, suppl., 1948, c. 444.

Chapter 2. STATE DEPARTMENT OF HEALTH.

Article 1. Organization and Departmental Personnel.

R. S. 26:2–1 to 26:2–6 repealed 1947, c. 177, ss. 65, 69.

R. S. 26:2–7 amended 1942, c. 309; repealed 1947, c. 177, ss. 65, 69.

R. S. 26:2–8 to 26:2–14 repealed 1947, c. 177, ss. 65, 69.

Article 2. Powers and Duties.

R. S. 26:2–15 to 26:2–55 repealed 1947, c. 177, ss. 65, 69.

I. FEDERAL GRANTS FOR PUBLIC HEALTH WORK, MATERNAL AND CHILD WELFARE.

R. S. 26:2–60 amended 1944, c. 70, s. 1.

R. S. 26:2–61 " 1944, c. 70, s. 2.

L. (new) HOSPITALS FOR VENEREAL DISEASES.

Additional Legislation.

Maintenance and operation by department, provided for, suppl., 1944, c. 70, s. 3.

Chapter 2A. (new) HUMAN BLOOD AND ITS DERIVATIVES.

Program of collection, processing, storage and distribution, etc., of human blood and its derivatives to be established, etc., by Department of Health, 1945, c. 301.

Chapter 2B. (new) REHABILITATION OF ALCOHOLICS, ETC.

Program for prevention and treatment of alcoholism, authorized, suppl., 1948, c. 453.

Chapter 3. LOCAL BOARDS OF HEALTH.

Article 1. Organization and Personnel.

R. S. 26:3-17	repealed	1947, c. 181, ss. 9, 10.
R. S. 26:3-18	"	1947, c. 181, ss. 9, 10.
R. S. 26:3-19	amended	1947, c. 181, ss. 1, 10.
R. S. 26:3-20	"	1947, c. 181, ss. 2, 10.
R. S. 26:3-21	"	1947, c. 181, ss. 3, 10.
R. S. 26:3-22	"	1947, c. 181, ss. 4, 10.
R. S. 26:3-25	repealed	1947, c. 181, ss. 9, 10.
R. S. 26:3-26	amended	1947, c. 181, ss. 6, 10.
R. S. 26:3-27	"	1947, c. 181, ss. 7, 10.

Additional Legislation.

Licensed health officers and inspectors, maximum salaries payable within five years of appointment, suppl., 1947, c. 181, ss. 5, 10.

Injunction to restrain violations by local boards, Chancery may issue on application by State Department, suppl., 1947, c. 181, ss. 8, 10.

Article 2. General Powers and Duties.

R. S. 26:3-31	amended	1946, c. 211.
R. S. 26:3-33	see	1946, c. 255.
R. S. 26:3-41	amended	1943, c. 115, s. 1.
R. S. 26:3-42	"	1943, c. 115, s. 2.
R. S. 26:3-43	"	1943, c. 115, s. 3.

Additional Legislation.

Codes, regulating plumbing, etc., licensing plumbers, etc., incorporation in ordinance by reference, permitted, suppl., 1948, c. 275.

Article 6. (new) Regional Health Commissions.

Note: For licensed health officers and inspectors, maximum salaries payable within five years of appointment, see 1947, c. 181, s. 5.

Chapter 3B. (new) NUISANCES AFFECTING HEALTH.

Certain nuisances affecting health, etc., maintenance of, prohibited, suppl., 1945, c. 192.

Chapter 3C. (new) SANITATION.

Standard plumbing code, establishment, etc., in certain counties and municipalities, provided for, 1946, c. 255.

Title of above amended 1947, c. 125.

Chapter 4. COMMUNICABLE DISEASES.

Note: For test for syphilis before marriage license issued, see 1938, c. 126, amended 1941, c. 427.

R. S. 26:4–27	amended	1945, c. 104, s. 1.
R. S. 26:4–28	"	1945, c. 104, s. 2.
R. S. 26:4–36	"	1945, c. 104, s. 3.
R. S. 26:4–37	"	1945, c. 104, s. 4.
R. S. 26:4–41	"	1945, c. 103.
R. S. 26:4–48	"	1945, c. 104, s. 5.
R. S. 26:4–111	repealed	1947, c. 177, ss. 65, 69.
R. S. 26:4–114	"	1947, c. 177, ss. 65, 69.
R. S. 26:4–115	"	1947, c. 177, ss. 65, 69.

Additional Legislation.

Free distribution of typhoid vaccine and other biological products, authorized 1942, c. 148.

Title of above amended 1947, c. 323, s. 1.

Sec. 1 " " " 1947, c. 323, s. 2.

Defendants in criminal proceedings, inmates of penal and correctional institutions, examination, treatment, etc., for venereal diseases, required, suppl., 1945, c. 101.

Migrant labor, examinations for venereal diseases, provided for, suppl., 1945, c. 102.

Quarantines and commitments, etc., for venereal diseases, medical treatment, when not required, suppl., 1945, c. 104, s. 6.

Chapter 4A. (new) PUBLIC SWIMMING POOLS AND PLACES.

Life saving and resuscitation personnel and appliances required, 1946, c. 172.

Sec. 1 of above amended 1947, c. 241.

Chapter 6. DISPOSAL OF DEAD BODIES.

Note: For notice of death to, and powers and duties of, county physicians thereupon, failures to report deaths, disturbance of bodies, etc., made misdemeanors, see 1947, c. 403; for notice of death to, and powers and duties of, coroners, where no medical examiner or county physician, failures to report deaths, disturbance of bodies, etc., made misdemeanors, see 1947, c. 404.

R. S. 26:6–7 amended 1945, c. 253.

Additional Legislation.

Monthly record of burials of deceased veterans required to be furnished by State Department of Health to Superintendents of Soldiers' Burials or Boards of Chosen Freeholders, suppl., 1945, c. 202, s. 1; amended 1946, c. 232, s. 1.

Records of internment of certain deceased veterans required to be furnished by Superintendents, etc., of cemeteries, etc., or undertakers, to Superintendents of Soldiers' Burials or Boards of Chosen Freeholders, suppl., 1945, c. 202, s. 2; amended 1946, c. 232, s. 2.

Chapter 8. REGISTRATION OF VITAL STATISTICS.

Article 2. Administrative Personnel.

R. S. 26:8–13 amended 1948, c. 205, s. 1.

R. S. 26:8–17 " 1948, c. 205, s. 2.

Article 3. General Powers and Duties.

R. S. 26:8–25 amended 1948, c. 126, ss. 1, 2.

Article 4. Birth Certificates.

R. S. 26:8–38 amended 1946, c. 26.

Article 5. Marriage Licenses and Certificates of Marriage.

R. S. 26:8–45 amended 1948, c. 322, ss. 1, 3.

R. S. 26:8–46 " 1948, c. 322, ss. 2, 3.

Article 6. Correction or Amendment of Marriage, Birth, Stillbirth or Death Certificates.

Note: For adjustment of birth or marriage records upon change of name, see 1945, c. 283.

Article 7. Fees.

R. S. 26:8–56 amended 1948, c. 285, s. 1.

R. S. 26:8–60 " 1948, c. 285, s. 2.

Chapter 9. MOSQUITO EXTERMINATION.

R. S. 26:9–13 amended 1948, c. 383, s. 1.

Additional Legislation.

Commissioners, terms continued, suppl., 1948, c. 383, s. 2.

Appointments to county mosquito extermination commission certain second-class counties by county judges, provided for, suppl., 1948, c. 387.

Title 27. HIGHWAYS.

Subtitle 1. STATE HIGHWAY DEPARTMENT AND COMMISSIONER.

Chapter 1. CONSTITUTION AND GENERAL POWERS.

Note: For provision of lands for eastern approach to Delaware—New Jersey Crossing by Commissioner authorized, see 1946, c. 18; for "no passing" zones, establishment, etc., by State Highway Commissioner, authorized, see 1948, c. 170; for "no parking" zones, establishment, etc., by State Highway Commissioner, authorized, see 1948, c. 342.

R. S. 27:1-1 amended 1948, c. 91, ss. 1, 10.

R. S. 27:1-3 " 1948, c. 91, ss. 2, 10.

R. S. 27:1-4 " 1948, c. 91, ss. 3, 10.

R. S. 27:1-7 " 1948, c. 91, ss. 4, 10.

R. S. 27:1-11 " 1944, c. 159.

R. S. 27:1-14 " 1948, c. 91, ss. 5, 10.

R. S. 27:1-15 " 1948, c. 91, ss. 6, 10.

R. S. 27:1-16 " 1948, c. 91, ss. 7, 10.

Additional Legislation.

Appointment, tenure, etc., of general solicitor to department, 1939, c. 75, repealed 1944, c. 20, s. 20.

"State Highway Department Act of 1948", 1948, c. 91.

Subtitle 3. STATE HIGHWAYS.

Chapter 6. STATE HIGHWAY ROUTES.

Route 100, S-100 added 1938, c. 50; amended 1946, c. 57, s. 1; freeway 1946, c. 57, s. 2, amended 1947, c. 261.

Route 25A added 1939, c. 198; amended 1945, c. 58.

Route Bayonne to Bayonne Naval Supply Base and Dry Dock added 1941, c. 32; amended, freeway, 1947, c. 325.

Route Trenton-Morrisville bridge to Route 26, 1943, c. 28; freeway, suppl., 1947, c. 15.

Lincoln Tunnel approach highway, 1943, c. 52.

Route No. 29 southeasterly through Trenton, 1944, c. 37; see 1947, c. 157.

Route No. 44 to Route No. 48, 1944, c. 47.

Route intersection of Absecon boulevard and Brigantine boulevard to city of Brigantine, 1945, c. 1.

Route county highway No. 17 on a map of Cape May county added 1945, c. 20.

Route junction of East and West boulevards, township of North Bergen to Fort Lee, 1946, c. 42.

Route No. 4—Pennsauken Township to Delaware River bridge, Camden, freeway, added, 1946, c. 113.

Routes Nos. 44, 45 and 47—Westville, extended to Delaware River bridge, Camden, 1946, c. 114; freeway, suppl., 1947, c. 58.

Route No. 25 to foot of Market and Federal streets, Camden, added, 1946, c. 115.

Route No. 6 to Cape May and Trenton, parkway, added, 1946, c. 117.

Route No. 51 to Route No. 42, Gloucester County, added, 1946, c. 128.

Route No. 48 to Route No. 56, Atlantic county, added, 1946, c. 139.

Route—North Field road, West Orange, to Route No. 25A, freeway, added, 1946, c. 176.

Route No. extending Route 25 from Pennsauken to Delaware River bridge, 1947, c. 55.

Route No. extending route added by 1946, c. 114, from Timber Creek to Route No. 42, 1947, c. 56.

Route from Alpine to vicinity of George Washington bridge, spur to Route 1 in Fort Lee, parkway, 1947, c. 74.

Route No. 300—From Route No. 100 in Middlesex county to Delaware River at Deepwater, added; freeway, 1947, c. 259.

Route No. Crown Point road in Westville, at intersection with Route No. 47 to Route Nos. 45 and 44, added, 1947, c. 260.

Route—Route 25 to Route 35, all in Woodbridge township, added; parkway, 1947, c. 328.

Route No. Intersection of Routes 10 and 6 to Route 6A, added, 1947, c. 329.

Route No. from Route No. 26 at Clarksville to Route No. 37 at White Horse, added, 1948, c. 43.

Route No. Absecon Blvd., from Route No. 56 at junction of Kuehnle Ave., Atlantic City to junction with Delaware Ave., 1948, c. 51.

Route No. 43, White Horse Pike, reconstruction, etc., as a dual highway, 1948, c. 75.

Route No. 43, lighting provided for, 1948, c. 76.

Route No. from Route No. 49 in vicinity of Dennisville to Route No. 47 in vicinity of Marshalville, added, 1948, c. 167.

Route No. spur from Route No. S-3, vicinity of Broad Street to westerly end of Clifton Avenue in Clifton, added 1948, c. 221.

Route No. extending Route No. 21 from Newark to vicinity of Grand and Marshal Street in Paterson, 1948, c. 235.

Route No. 29A to include sixty foot right-of-way between Byram Station and end of improved concrete roadway, below Frenchtown, 1948, c. 296.

Route No. Route No. 29 to Delaware river bridge in Lambertville, added, 1948, c. 407.

Route No. From trans-Bayonne freeway through Jersey City to approach of the Holland Tunnel, added, 1948, c. 451.

Route No. From intersection Route No. 1 with Route No. 25 skyway to intersection of Route No. 100, Route No. 3 and Lincoln Tunnel approach, added, 1948, c. 452.

Chapter 7. ACQUISITION, CONSTRUCTION AND MAINTENANCE BY STATE.

Additional Legislation.

Lands acquired subject to restrictions, release of restrictions provided for, 1946, c. 294.

Chapter 7A. (new) FREEWAYS AND PARKWAYS.

Freeways and parkways, establishment, construction, maintenance, etc., provided for, suppl., 1945, c. 83.

Title of above amended 1948, c. 461, s. 1.

Sec. 1 " " " 1948, c. 461, s. 2.

Sec. 3 " " " 1948, c. 461, s. 3.

Sec. 4 " " " 1948, c. 461, s. 4.

Sec. 8 " " " 1948, c. 461, s. 5.

Chapter 11. FINANCES.

Note: For General State Fund to be sole State Fund, etc., see 1945, c. 33.

Subtitle 4. STATE AID ROADS.

Chapter 13. STATE AID TO COUNTIES AND MUNICIPALITIES.

Additional Legislation.

State Aid Road Fund Account, provided for, 1943, c. 45.

State aid moneys heretofore allotted to counties and municipalities, payment and retention for said purpose, investment, etc., provided for, 1946, c. 241.

Chapter 14. STATE AID TO COUNTIES.

R. S 27:14-1 amended 1946, c. 207.

R. S. 27:14-24 " 1948, c. 111.

Chapter 15. STATE AID TO MUNICIPALITIES

R. S. 27:15-1 amended 1944, c. 110, s. 1; 1946, c. 196 (1946, c. 196 repealed 1947, c. 62, ss. 17, 18); 1947, c. 62, ss. 1, 18.

R. S. 27:15-2 repealed 1947, c. 62, ss. 16, 18.

R. S. 27:15-3 " 1947, c. 62, ss. 16, 18.

R. S. 27:15-4 amended 1944, c. 110, s. 2; repealed 1947, c. 62, ss. 16, 18.

R. S. 27:15-5 repealed 1947, c. 62, ss. 16, 18.

R. S. 27:15-6 " 1947, c. 62, ss. 16, 18.

R. S. 27:15-9 repealed 1947, c. 62, ss. 16, 18.

R. S. 27:15-10 amended 1944, c. 110, s. 3; repealed 1947, c. 62, ss. 16, 18.

R. S. 27:15-11 " 1944, c. 110, s. 4; repealed 1947, c. 62, ss. 16, 18.

R. S. 27:15-12 to 27:15-15 repealed 1947, c. 62, ss. 16, 18.

Additional Legislation.

Diversion, moneys appropriated for maintenance, roads and streets, to new construction, reconstruction, etc., towns, townships and boroughs in first-class counties, 1939, c. 380; repealed 1948, c. 124, s. 2.

Cost of construction of curbed and guttered streets; division of, fixed; suppl., 1942, c. 261; repealed 1947, c. 62, s. 16.

State program of financial aid for road purposes revised, suppl., 1947, c. 62, ss. 2-18.

Sec. 15 of above amended 1948, c. 460.

Certain moneys appropriated for maintenance, roads and streets, use for new construction, etc.; authorized, certain municipalities, 1948, c. 124.

Subtitle 4A. (new) STATE AID FOR ROADS AND BRIDGES.

Chapter 15A. (new) EXTRAORDINARY REPAIRS, ETC.

State aid to counties for repairing or replacing roads or bridges damaged or destroyed under abnormal conditions, provided for, 1946, c. 301.

Sec. 1 of above amended 1947, c. 127.

Subtitle 5. COUNTY AND MUNICIPAL ROADS.

Chapter 16. COUNTY ROADS; GENERALLY.

R. S. 27:16–54 amended 1947, c. 39.

Chapter 19. COUNTY BRIDGES AND VIADUCTS.

R. S. 27:19–26 amended 1946, c. 318, s. 1.

R. S. 27:19–27 " 1946, c. 318, s. 2.

R. S. 27:19–28 " 1946, c. 318, s. 3; 1948, c. 288, s. 2.

R. S. 27:19–31 " 1946, c. 318, s. 4.

R. S. 27:19–32 " 1946, c. 318, s. 5.

R. S. 27:19–33 " 1946, c. 318, s. 6.

R. S. 27:19–34 " 1946, c. 318, s. 7.

R. S. 27:19–36 " 1946, c. 318, s. 8.

R. S. 27:19–38 " 1946, c. 318, s. 9.

R. S. 27:19–39 " 1946, c. 318, s. 10.

Additional Legislation.

Covenants of State as to bonds, provided for, suppl., 1946, c. 318, s. 11.

Title of above amended 1948, c. 288, s. 1.

County Bridge Commission's bonds, etc., made legal investments, suppl., 1948, c. 288, s. 3.

Subtitle 6. (new) TURNPIKES.

Chapter 23. (new) NEW JERSEY TURNPIKE AUTHORITY.

New Jersey Turnpike Authority Act of 1948, 1948, c. 454.

Title 28. HISTORIC MEMORIALS, MONUMENTS AND SITES.

Chapter 1. HISTORIC SITES COMMISSION.

Note: For transfer of functions, powers and duties to State Department of Conservation, see 1945, c. 22.

R. S. 28:1–1 to 28:1–3 repealed 1945, c. 22, s. 44.

R. S. 28:1–12 " 1945, c. 22, s. 44.

Chapter 2. CERTAIN MEMORIALS, MONUMENTS AND SITES.

Note: For transfer of functions, powers and duties of Grover Cleveland Birthplace Association and New Jersey Veterans of All Wars Association to State Department of Conservation, see 1945, c. 22.

R. S. 28:2–2 to 28:2–6 repealed 1945, c. 22, s. 44.

R. S. 28:2–10 amended 1946, c. 127, s. 1.

R. S. 28:2–11 " 1946, c. 127, s. 2.

R. S. 28:2–15 repealed 1945, c. 22, s. 44.

R. S. 28:2–16 " 1945, c. 22, s. 44.

Title 29. HOTELS.

Chapter 1. FIRE PROTECTION.

R. S. 29:1–1 to 29:1–7 repealed 1948, c. 340, ss. 37, 40.

Additional Legislation.

Registration and inspection of hotels, etc., as to safety, etc., standards, etc., provided for, 1948, c. 340.

Title 30. INSTITUTIONS AND AGENCIES.

Note: For lien in favor of State and county institutions for care and treatment of patients, see 1938, c. 239, amended 1946, c. 306, amended 1947, c. 274; for release of inmates from penal and correctional institutions for induction into armed forces of the United States, see 1945, c. 54; for report of death of certain persons in institutions required, see 1946, c. 275, repealed 1947, c. 404; 1946, c. 304, repealed 1947, c. 403.

Subtitle 1. STATE DEPARTMENTS AND INSTITUTIONS GOVERNED THEREBY.

Chapter 1. ORGANIZATION, JURISDICTION AND POWER IN GENERAL.

R. S. 30:1-2 amended 1948, c. 87, ss. 1, 7.

R. S. 30:1-7 " 1948, c. 60, s. 1; see 1947, c. 257.

R. S. 30:1-8 " 1948, c. 87, ss. 2, 7.

R. S. 30:1-11 " 1948, c. 87, ss. 3, 7.

Additional Legislation.

Certain schools under management of Department, teachers' certificates, required, 1946, c. 100.

Department of Institutions and Agencies designated to receive Federal funds for hospitals and to carry out purposes of laws providing such funds, 1947, c. 83.

Chapter 3. ADVISORY BOARD, CONSTRUCTION FUND, AND DIVISION OF ARCHITECTURE.

R. S. 30:3-1 repealed 1948, c. 87, ss. 6, 7.

R. S. 30:3-2 " 1948, c. 87, ss. 6, 7.

R. S. 30:3-3 " 1948, c. 87, ss. 6, 7.

Chapter 4. MANAGEMENT, CONTROL AND OPERATION OF INSTITUTIONS IN GENERAL.

Note: For inmates of penal and correctional institutions, examination, treatment, etc., for venereal diseases, required, see 1945, c. 101.

Article 1. In General.

Additional Legislation.

Inmates of penal and correctional institutions, attendance at bedside or funeral of dying or deceased relative, permitted, suppl., 1948, c. 414.

Article 3. Commitment and Admissions.

R. S. 30:4–29 amended 1944, c. 52.

Additional Legislation.

Examination into the validity, review and discharge of liens, provided for, suppl., 1946, c. 306, s. 2.

Article 3A. (new) Lien for Maintenance.

Additional Legislation.

Lien in favor of State and county institutions upon property of persons receiving care and treatment therein, provided for, suppl., 1938, c. 239.

Sec. 1 of above amended 1946, c. 306, s. 1; 1947, c. 274, s. 1.

Sec. 2 " " " 1947, c. 274, s. 2.

Sec. 4 " " " 1947, c. 274, s. 3.

Sec. 6 " " " 1947, c. 274, s. 4.

Article 4. Confinement and Transfer of Inmates.

R. S. 30:4–85 amended 1948, c. 203.

Additional Legislation.

Inmates of county penal institutions, transfer to State correctional institutions, provided for, suppl., 1948, c. 204.

Article 5. Institutional Labor.

R. S. 30:4–98 amended 1948, c. 291, s. 1; 1948, c. 398, s. 1.

R. S. 30:4–100 " 1948, c. 291, s. 2; 1948, c. 398, s. 2.

Article 8. Parole or Discharge.

R. S. 30:4–106.1 repealed 1948, c. 84, s. 38.

R. S. 30:4–106.2 " 1948, c. 84, s. 38.

R. S. 30:4–113 amended 1948, c. 86.

Additional Legislation.

State Parole Board, established, powers, duties, etc.; parole system, provided for, 1948, c. 84.

Article 12. Particular Institutions.

A. STATE PRISON.

R. S. 30:4–136 amended 1948, c. 60, s. 2.

R. S. 30:4–142 repealed 1948, c. 84, s. 38.

R. S. 30:4–143 amended 1946, c. 312, s. 1.

B. NEW JERSEY REFORMATORY.

R. S. 30:4–146 amended 1948, c. 60, s. 3.

D. WOMEN'S REFORMATORY.

R. S. 30:4–154 amended 1946, c. 312, s. 2.

R. S. 30:4–155 " 1946, c. 312, s. 3

F. STATE TUBERCULOSIS SANATORIUM.

R. S. 30:4–159 amended 1946, c. 253.

K. (new) CHILD TREATMENT CENTERS.

Additional Legislation.

Arthur Brisbane Child Treatment Center established; admitting and receiving patients, provided for, suppl., 1947, c. 252, ss. 1-11.

Chapter 4A. (new) DIAGNOSTIC CENTER.

Diagnostic Center, establishment and administration of, and commitment and admission, etc., thereto, provided for, suppl., 1946, c. 118.

Sec. 1 of above amended 1947, c. 238.

Subtitle 2. STATE BOARD OF CHILDREN'S GUARDIANS.

Chapter 5. ASSISTANCE TO AND CARE, CUSTODY, GUARDIANSHIP, ETC., OF CHILDREN.

R. S. 30:5–7 amended 1944, c. 194, s. 1.

R. S. 30:5–8 " 1947, c. 128.

R. S. 30:5–33 " 1944, c. 194, s. 2; 1945, c. 264.

R. S. 30:5–37 " 1944, c. 194, s. 3.

R. S. 30:5–44 " 1944, c. 194, s. 4.

Additional Legislation.

Claims for reimbursement for financial assistance, compromise, provided for, 1943, c. 89.

State Board of Children's Guardians, name changed to State Board of Child Welfare, suppl., 1947, c. 257, ss. 1-2.

Subtitle 3. BLIND, DEAF AND DUMB AND FEEBLE-MINDED PERSONS.

Chapter 6. RELIEF OF BLIND, DEAF AND DUMB AND FEEBLE-MINDED.

R. S. 30:6–3 amended 1944, c. 241, s. 1; 1946, c. 168, s. 1.

R. S. 30:6–5 " 1946, c. 168, s. 3.

R. S. 30:6–6 repealed 1944, c. 241, s. 5.

R. S. 30:6–7 " 1944, c. 241, s. 5.

R. S. 30:6–11 amended 1944, c. 241, s. 2.

R. S. 30:6–12 repealed 1944, c. 241, s. 5.

R. S. 30:6–13 amended 1944, c. 241, s. 3.

R. S. 30:6–14 " 1946, c. 168, s. 4.

R. S. 30:6–16 " 1944, c. 241, s. 4.

Additional Legislation.

Investigation of applications for assistance and temporary orders for assistance, provided for, suppl., 1946, c. 168, s. 2.

Subtitle 4. SOLDIERS' HOMES.

Chapter 6A. HOMES FOR DISABLED SOLDIERS, SAILORS AND MARINES AND THEIR WIVES AND WIDOWS.

R. S. 30:6A–14 amended 1943, c. 129; 1946, c. 225, s. 1.

R. S. 30:6A–16 " 1946, c. 225, s. 2.

Subtitle 5. OTHER INSTITUTIONS IN GENERAL.

Chapter 7. NEW JERSEY FIREMEN'S HOME.

Note: Board of Managers of the N. J. Firemen's Home an agency in the Department of Institutions and Agencies, see 1948, c. 87, s. 4.

R. S. 30:7–1 amended 1948, c. 87, ss. 4, 7.

R. S. 30:7–2 " 1948, c. 87, ss. 5, 7.

Subtitle 6. COUNTY AND MUNICIPAL INSTITUTIONS.

Note: For lien in favor of State and county institutions for care and treatment of patients, see 1938, c. 239, amended 1946, c. 306, 1947, c. 274.

Chapter 8. PENAL INSTITUTIONS.

Note: For inmates of penal and correctional institutions, examination, treatment, etc., for venereal diseases, required, see 1945, c. 101.

Article 2. County Penal Institutions in General.

Note: For inmates of county penal institutions transfer to State correctional institutions, provided for, see 1948, c. 204.

R. S. 30:8–15 amended 1945, c. 44.

Article 4. County Jails in Care, Custody and Control of Boards of Chosen Freeholders.

R. S. 30:8–20 amended 1945, c. 149.

Additional Legislation.

Compensation of guards, keepers and industrial officers in jails, detention houses and penitentiaries; first class counties, 1938, c. 54.

Sec. 1 of above amended 1947, c. 212, s. 1.

Jail keepers in certain counties of the second and fifth class, compensation same as court attendants, in certain cases, suppl., 1947, c. 278.

Article 6. County Workhouse.

R. S. 30:8–43 amended 1948, c. 17.

Chapter 9. ASYLUMS AND HOSPITALS

Note: For right to examine hospital records in compensation cases and actions for damages, provided for, see 1945, c. 286; for veterans; certain, care and treatment in county hospitals, provided for, see 1946, c. 73.

Article 1A. (new) County Hospitals.

Additional Legislation.

County hospitals, in certain counties, authorized, 1947, c. 34.

Article 2. City and Municipal Hospitals in General.

R. S. 30:9–17 amended 1945, c. 173.

Additional Legislation.

Medical director, assistants, etc., appointment, salary, etc., for hospitals and medical centers, certain first-class cities and counties, suppl., 1941, c. 52.

Sec. 1 of above amended 1943, c. 56.

Retirement system and pension fund benefits, suppl., 1943, c. 58.

Article 4. Institutions for Communicable Diseases.

R. S. 30:9–29 amended 1945, c. 181.

R. S. 30:9–38 " 1946, c. 223, ss. 1, 3.

R. S. 30:9–40 " 1945, c. 43.

R. S. 30:9–50 " 1942, c. 328.

R. S. 30:9–57 " 1948, c. 42.

R. S. 30:9–58 " 1945, c. 252.

R. S. 30:9–63 " 1947, c. 254, s. 1.

R. S. 30:9–66 " 1947, c. 254, s. 2.

Additional Legislation.

Abolition of appointed Board of Managers and control of institution by Board of Chosen Freeholders or committee, certain counties, provided for, suppl., 1946, c. 223, ss. 2, 3.

Subtitle 7. PRIVATE INSTITUTIONS.

Chapter 11. NURSING HOMES OR HOSPITALS.

Note: For right to examine hospital records in compensation cases and actions for damages, provided for, see 1945, c. 286.

R. S. 30:11–1 amended 1947, c. 340, s. 1.

R. S. 30:11–3 " 1947, c. 340, s. 3.

R. S. 30:11–4 " 1947, c. 340, s. 4.

R. S. 30:11–5 repealed 1947, c. 340, s. 5.

Additional Legislation.

Private nursing homes and hospitals, licensing and regulation of, definitions, suppl., 1947, c. 340, s. 2.

Private nursing homes and hospitals, licensing and regulation of, inspections, approvals of plans, provided for, suppl., 1947, c. 340, s. 6.

Private nursing homes and hospitals, licensing and regulation of, hospital licensing board, composition, duties, and powers, provided for, suppl., 1947, c. 340, ss. 7, 8, 9.

Title 32. INTERSTATE AND PORT AUTHORITIES AND COMMISSIONS.

Note: For legal aid to police officers and firemen in suits arising from incidents in line of duty, provided for, see 1946, c. 67, amended 1947, c. 103.

Subtitle 1. THE PORT OF NEW YORK AUTHORITY.

Note: For instruments issued by Port of New York Authority, certain of such made negotiable, see 1947, c. 45.

Chapter 1. COMPACT OF APRIL 30, 1921, WITH SUPPLEMENTARY AND AMENDATORY LAWS.

Note: For retirement on pension, municipal employees transferring to Port of New York Authority service, see 1948, c. 250.

Article 2A. (new) Air Terminals.

Additional Legislation.

Air terminals, financing and effectuation of, provided for, 1947, c. 43.

Sec. 8 of above amended 1947, c. 330, ss. 1, 4; 1948, c. 214, ss. 1, 3.

Sec. 10 " " " 1947, c. 330, ss. 2, 4; 1948, c. 214, ss. 2, 3.

Sec. 15 " " " 1947, c. 330, ss. 3, 4.

Article 2B. (new) Marine Terminals.

Additional Legislation.

Marine terminals, financing and development of, provided for, 1947, c. 44.

Sec. 1 of above amended 1948, c. 212, ss. 1, 2, 4.

Sec. 4 " " " 1948, c. 212, ss. 3, 4.

Article 2C. (new) Rehousing Areas.

Additional Legislation.

Rehousing of residents of areas acquired by Port of New York Authority, provided for, 1948, c. 97.

Article 3. Arthur Kill Bridges.

A. OUTERBRIDGE CROSSING; CONSTRUCTION.

Note: For repayment to States of New York and New Jersey of certain moneys advanced for Outerbridge Crossing in cash or bonds, provided for, see 1946, c. 54.

C. GOETHALS BRIDGE; CONSTRUCTION.

Note: For repayment to States of New York and New Jersey of certain moneys advanced for Goethals Bridge in cash or bonds, provided for, see 1946, c. 54.

E. ARTHUR KILL BRIDGES; FINANCING.

Note: For repayment to States of New York and New Jersey of certain moneys advanced for Arthur Kill Bridges in cash or bonds, provided for, see 1946, c. 54.

Article 5. Bayonne Bridge.

Note: For repayment to States of New York and New Jersey of certain moneys advanced for Bayonne Bridge in cash or bonds, provided for, see 1946, c. 54.

Article 6A. (new) REFINANCING.

Additional Legislation.

Repayment to States of New York and New Jersey of certain moneys advanced in connection with construction, etc., of Outerbridge Crossing, Goethals Bridge and Bayonne Bridge in cash or bonds, issuance, terms, etc., of bonds, provided for, 1946, c. 54.

Article 7. General Reserve Fund.

Note: For principal and interest of bonds issued to repay States of New York and New Jersey for certain advances secured by general reserve fund, see 1946, c. 54; for pledge of general reserve fund to provide funds to establish, maintain, etc., a motor bus terminal, authorized, see 1946, c. 95.

1931, c. 5, title amended 1945, c. 197, s. 1.

R. S. 32:1–141 1931, c. 5, s. 1 " 1945, c. 197, s. 2.

Additional Legislation.

Establishment, acquisition, rehabilitation, etc., of motor truck terminals and issuance of bonds and acquisition of property therefor, provided for, suppl., 1945, c. 197, ss. 3-5

Chapter 2. OTHER LAWS RELATING TO THE PORT OF NEW YORK AUTHORITY.

Article 4A. (new) Motor Bus Terminal.

Additional Legislation.

Motor bus terminal, establishment, maintenance, operation and financing of, provided for, 1946, c. 95.

Article 5. Bonds as Legal Investments.

Additional Legislation.

Series F and FF Bonds, etc., legal investments, 1939, c. 189; repealed (as to banks and savings banks), 1948, c. 67, ss. 336, 343.

Subtitle 2. DELAWARE RIVER JOINT COMMISSION [CAMDEN-PHILADELPHIA BRIDGE]

Chapter 3. COMPACT.

R. S. 32:3–1,	1931, c. 391	see	1948, c. 443.
R. S. 32:3–2,	1931, c. 391, Art. I	amended	1948, c. 443, ss. 1(1), 2-4.
R. S. 32:3–3,	1931, c. 391, Art. II	"	1948, c. 443, ss. 1(2), 2-4.
R. S. 32:3–5,	1931, c. 391, Art. IV	"	1948, c. 443, ss. 1(3), 2-4.
R. S. 32:3–13,	1931, c. 391, Art. XII	"	1948, c. 443, ss. 1(4), 2-4.

Additional Legislation.

Supplementary compact, authorized, suppl., 1948, c. 443, ss. 1(5), 2-4.

Chapter 5A. (new) PROMOTION OF COMMERCE AND FACILITIES.

Campaign to promote increased commerce on Delaware River, directed, 1947, c. 282.

Subtitle 4. DELAWARE RIVER BRIDGES.

Chapter 8. COMPACT CREATING THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION.

R. S. 32:8–10		amended	1947, c. 283, ss. 1, 2, 3 and 5.
R. S. 32:8–11		"	1947, c. 283, ss. 1, 2, 3 and 5.

Chapter 9. ACQUISITION OF TOLL BRIDGES AND MAINTENANCE THEREOF AS FREE BRIDGES.

Additional Legislation.

Receipts appropriated to Commission, 1946, c. 298.

Chapter 10. BRIDGE POLICE; OFFENSES ON BRIDGES.

R. S. 32:10–2 amended 1945, c. 198.

Chapter 11A. BRIDGE ACROSS DELAWARE RIVER AT OR NEAR YARDLEY.

R. S. 32:11A–1 to 32:11A–8 repealed 1947, c. 283, ss. 4, 5.

Subtitle 4A. (new) DELAWARE–NEW JERSEY CROSSING.

Chapter 11B. (new) DELAWARE—NEW JERSEY CROSSING.

Delaware–New Jersey Crossing, consent to construction and operation as toll crossing by State of Delaware, provision of eastern approach to and exemption from taxation, provided for, 1946, c. 18.

Delaware river crossing bonds, issued by State of Delaware, legal investments, 1948, c. 179.

Subtitle 5. COUNTY INTERSTATE BRIDGES AND TUNNELS.

Chapter 13A. GLOUCESTER COUNTY TUNNEL.

R. S. 32:13A–4 amended 1947, c. 388.

Subtitle 6. PALISADES INTERSTATE PARK.

Note: For exemption of lands of Palisades Interstate Park Commission, compensation to municipalities for loss of tax revenue therefrom, provided for, see 1947, c. 73.

Title 33. INTOXICATING LIQUORS.

Chapter 1. ALCOHOLIC BEVERAGE LAW.

Note: For Department of Alcoholic Beverage Control continued as the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, see 1948, c. 439.

R. S. 33:1-4 amended 1944, c. 216; 1945, c. 229.

R. S. 33:1-12 " 1946, c. 272.

R. S. 33:1-12.1 repealed 1943, c. 47.

R. S. 33:1-22 amended 1946, c. 316.

R. S. 33:1-25 " 1943, c. 46.

R. S. 33:1-26 " 1943, c. 152.

R. S. 33:1-35 " 1943, c. 37.

R. S. 33:1-39 " 1943, c. 154.

R. S. 33:1-44 " 1948, c. 20, s. 1.

R. S. 33:1-45 " 1948, c. 20, s. 2.

R. S. 33:1-46 " 1948, c. 20, s. 3.

R. S. 33:1-47 " 1948, c. 20, s. 4.

R. S. 33:1-47.1 " 1945, c. 259; 1948, c. 20, s. 5.

R. S. 33:1-81 " 1946, c. 246.

Additional Legislation.

Licensees not to limit amount of off premises sales; to post notice of disposal of stock of advertised brands, suppl., 1939, c. 171, repealed 1943, c. 153.

Licenses effective on expiration of licenses previously issued, renewals, suppl., 1939, c. 281.

Sec. 1 of above amended 1944, c. 187.

Club licenses, issuance, certain cases, provided for, suppl., 1945, c. 55.

New plenary retail consumption, seasonal retail consumption, plenary retail distribution, licenses, limitation of number in municipalities, provided for, suppl., 1946, c. 147.

Retail consumption licenses, limitation on number of new, certain cases, suppl., 1947, c. 94.

Secretaries to municipal boards of alcoholic beverage control, authorized, suppl., 1947, c. 269.

Off premises sales by retail consumption licensees, certain cases, regulated, suppl., 1948, c. 98.

Chapter 4. (new) COMMISSION ON ALCOHOLISM AND PROMOTION OF TEMPERANCE.

Commission constituted, functions, powers, duties, etc., **1945, c. 94.**

Title 34. LABOR AND WORKMEN'S COMPENSATION.

Note: For discrimination, on account of race, creed or color, against persons to be employed on war or defense work prohibited, see 1942, c. 114, amended 1945, c. 174; for certain discriminatory practices in employment and otherwise, prohibited and Division Against Discrimination in the State Department of Education, established, see 1945, c. 169, amended 1947, c. 155; for deliveries of milk and cream regulated, see 1945, c. 294; for transfer of functions to Department of Labor and Industry, see 1948, c. 446.

Chapter 1. ORGANIZATION OF DEPARTMENT OF LABOR.

R. S. 34:1–38 amended 1946, c. 249, s. 1.

R. S. 34:1–40 " 1946, c. 249, s. 2.

R. S. 34:1–57 " 1945, c. 74, ss. 2, 1.

Additional Legislation.

Directorship of Workmen's Compensation Bureau, first encumbent provided for, suppl., 1945, c. 74, ss. 3, 1.

Chapter 1A. (new) DEPARTMENT OF LABOR AND INDUSTRY.

Department of Labor and Industry Act of 1948, 1948, c. 446.

Chapter 2. CHILD AND FEMALE LABOR; MERCANTILE ESTABLISHMENTS.

Additional Legislation.

State Commission on Student Service established, powers, etc., suppl., 1942, c. 23.

Sec. 2 of above amended 1943, c. 195, s. 1.

Sec. 3 " " " 1943, c. 195, s. 2.

Sec. 23 " " " 1943, c. 44.

Certificates of merit for service (suppl., 1942, c. 23), suppl., 1943, c. 78.

Special dispensation for minors to work over hours, provided for, 1943, c. 146.

Chapter 6. INSPECTION AND REGULATION OF FACTORIES, MINES, WORKSHOPS AND OTHER INDUSTRIES.

Article 3A. (new) High-voltage Lines.

High-voltage lines, precautions in proximity to, etc., required, 1948, c. 249.

Article 12. Home Work and Sweatshops.

Additional Legislation.

Industrial Homework Control and Licensing Law, 1941, c. 308.

Sec. 2 of above amended 1942, c. 307.

Chapter 7. ENGINEERS' AND FIREMEN'S LICENSES; BOILERS, PRESSURE VESSELS AND REFRIGERATION PLANTS.

R. S. 34:7–1 amended 1946, c. 249, s. 3.

R. S. 34:7–2 " 1946, c. 249, s. 4.

R. S. 34:7–3 " 1946, c. 249, s. 5.

R. S. 34:7–5 " 1946, c. 249, s. 6.

R. S. 34:7–6 " 1946, c. 249, s. 7.

R. S. 34:7–14 " 1946, c. 92, s. 1.

R. S. 34:7–15 " 1946, c. 92. s. 2.

R. S. 34:7–16 " 1946, c. 92, s. 3.

R. S. 34:7–19 " 1946, c. 92, s. 4.

R. S. 34:7–24 " 1946, c. 92, s. 5.

R. S. 34:7–26 " 1946, c. 92, s. 6.

Chapter 8. EMPLOYMENT AGENCIES.

R. S. 34:8–2 amended 1944, c. 203.

Chapter 9A. (new) MIGRANT LABOR.

Note: For migrant labor, examinations for venereal diseases, provided for, see 1945, c. 102.

Migrant labor act (1945), 1945, c. 71.

Chapter 13A. (new) NEW JERSEY LABOR MEDIATION ACT.

Mediation of labor disputes, regulated, 1941, c. 100.

Sec. 4 of above amended 1945, c. 32, s. 1.

Sec. 9 " " " 1945, c. 32, s. 2.

State Board of Mediation, qualification of members prescribed, suppl., 1945, c. 32, s. 3.

Chapter 13B. (new) LABOR DISPUTES IN PUBLIC UTILITIES.

Collective bargaining and settlement of labor disputes in public utilities, and seizure and operation of public utilities by the State in certain cases, provided for, 1946, c. 38.

Title of above amended 1947, c. 47, s. 1; 1947, c. 75, s. 1.

Sec. 1 " " " 1947, c. 75, s. 3.

Sec. 15 " " " 1947, c. 75, s. 9.

Sec. 17 " " " 1947, c. 75, s. 10.

Labor disputes in public utilities, compulsory arbitration, provided for, suppl., 1947, c. 47.

Title of above amended 1947, c. 75, s. 2.

Sec. 3 " " " 1947, c. 75, s. 4.

Sec. 4 " " " 1947, c. 75, s. 5.

Sec. 5 " " " 1947, c. 75, s. 6.

Sec. 7 " " " 1947, c. 75, s. 7.

Sec. 8 " " " 1947, c. 75, s. 8.

Sec. 9 " " " 1947, c. 75, s. 12.

Injunction to prohibit violation of, Chancery may issue on application by Attorney General, suppl., 1947, c. 75, s. 11.

Chapter 15. WORKMEN'S COMPENSATION.

Note: For right to examine hospital records in compensation cases and action for damages, provided for, see 1945, c. 286.

Article 2. Elective Compensation.

R. S. 34:15-10 amended 1945, c. 74, ss. 4, 1.

R. S. 34:15-12 " 1945, c. 74, ss. 5, 1, 20.

R. S. 34:15-13 " 1945, c. 74, ss. 6, 1, 20.

R. S. 34:15-14 " 1945, c. 74, ss. 7, 1.

R. S. 34:15-16 " 1945, c. 74, ss. 8, 1.

R. S. 34:15-22 " 1945, c. 74, ss. 9, 1.

R. S. 34:15-26 " 1945, c. 74, ss. 10, 1.

R. S. 34:15-31 " 1945, c. 53.

R. S. 34:15-33 " 1948, c. 468, ss. 1, 3, 4.

R. S. 34:15-34 " 1948, c. 468, ss. 2, 3, 4.

Additional Legislation.

Silicosis and Asbestosis, compensation provided for, suppl., 1944, c. 88.

Rate of compensation, in certain cases, of veterans employed in on-the-job-training, provided for, suppl., 1947, c. 364.

Silicosis and asbestosis, disability, etc., under act, excluded, suppl., 1948, c. 468, ss. 3, 4.

Article 3. Definitions and General Provisions.

R. S. 34:15–36 amended 1945, c. 74, ss. 11, 1, 20.

R. S. 34:15–37 " 1945, c. 74, ss. 12, 1, 20.

R. S. 34:15–38 " 1945, c. 74, ss. 13, 1.

R. S. 34:15–43 " 1946, c. 300, s. 1; 1948, c. 269; 1948, c. 430, ss. 1, 3.

R. S. 34:15–48 " 1947, c. 31.

Additional Legislation.

Limitation for filing petitions and instituting proceedings, certain cases, extended, suppl., 1943, c. 72.

Article 4. Claims and Determination Thereof.

R. S. 34:15–53 amended 1945, c. 74, ss. 14, 1.

R. S. 34:15–54 " 1947, c. 267.

R. S. 34:15–55.1 " 1945, c. 74, ss. 15, 1.

R. S. 34:15–64 " 1945, c. 74, ss. 16, 1.

R. S. 34:15–66 " 1945, c. 74, ss. 17, 1.

R. S. 34:15–67 " 1945, c. 97.

Article 5. Compulsory Insurance.

Note: For compliance with workmen's compensation compulsory insurance provisions, made condition of municipal license to operate theatres or other amusement businesses, see 1947, c. 296, amended 1948, c. 234.

R. S. 34:15–74 amended 1946, c. 300, s. 2; 1948, c. 430, ss. 2, 3.

R. S. 34:15–75 " 1945, c. 74, ss. 18, 1, 20.

R. S. 34:15–81 " 1948, c. 58.

R. S. 34:15–94 " 1945, c. 10, s. 1.

R. S. 34:15–95 " 1945, c. 10, s. 2; 1945, c. 74, ss. 19, 1

Chapter 16. REHABILITATION.

R. S. 34:16–6 amended 1946, c. 263.

Title 35. LEGAL ADVERTISEMENTS.

Chapter 1. LEGAL NEWSPAPERS.

Additional Legislation.

Suspension of publication, war time, certain cases, provided for, 1943, c. 105.

Chapter 2. OFFICIAL ADVERTISING.

R. S. 35:2-1 amended 1944, c. 156.

Additional Legislation.

County and municipal advertising in newspaper published outside of county or municipality, authorized, suppl., 1944, c. 83.

Title 36. LEGAL HOLIDAYS.

Chapter 1. LEGAL HOLIDAYS AND EFFECT THEREOF.

R. S. 36:1-1 amended 1946, c. 55; 1947, c. 10.

Additional Legislation.

Mother's Day and Father's Day, provided for, 1944, c. 116.

Saturday holidays during July and August for public offices of the State, counties and municipalities, provided for, suppl., 1946, c. 129.

Title 37. MARRIAGES AND MARRIED PERSONS.

Chapter 1. MARRIAGES.

R. S. 37:1–4 amended 1946, c. 185, s. 1.

R. S. 37:1–5 " 1946, c. 185, s. 2.

R. S. 37:1–6 " 1946, c. 185, s. 3.

R. S. 37:1–8 " 1946, c. 185, s. 4.

R. S. 37:1–12 " 1948, c. 285, s. 3.

R. S. 37:1–13 " 1948, c. 334, ss. 1, 2.

R. S. 37:1–15 " 1948, c. 127.

Chapter 2. MARRIED PERSONS.

Note: For mortgage to husband and wife, unless otherwise provided, held fully as joint tenants, words of survivorship not required, see 1947, c. 206.

R. S. 37:2–18 amended 1947, c. 408.

Additional Legislation.

Partnership contracts between husband and wife and others, authorized, and previous contracts validated, suppl., 1945, c. 130.

Title 38. MILITIA—SOLDIERS, SAILORS AND MARINES.

Subtitle 1. MILITIA.

Chapter 1. CLASSIFICATION OF MILITIA.

R. S. 38:1–1 amended 1942, c. 344; 1947, c. 108, s. 1.

Chapter 2. DEPARTMENTS.

R. S. 38:2–2 amended 1947, c. 105, s. 1.

R. S. 38:2–10 " 1947, c. 105, s. 2.

R. S. 38:2–17 " 1947, c. 105, s. 3.

Chapter 3. NATIONAL GUARD.

R. S. 38:3–30 amended 1947, c. 108, s. 2.

R. S. 38:3–36 " 1946, c. 224.

Chapter 7. STATE MILITARY BOARD.

R. S. 38:7–1 amended 1946, c. 234.

Chapter 8. ARMORIES.

R. S. 38:8–8 amended 1948, c. 112.

Chapter 14B. (new) STATE DEPARTMENT OF DEFENSE.

Article 1. State Department of Defense Act of 1948 with Supplements, etc.

"State Department of Defense Act of 1948", 1948, c. 82.

Subtitle 2. SOLDIERS, SAILORS AND MARINES.

Chapter 15. BONUS.

Note: For annual reports to Secretary of State by veterans' organizations provided for, see 1946, c. 226.

Chapter 16. TENURE OF OFFICE.

Note: For definition of public service in connection with rights, privileges and benefits of honorably discharged veterans, see 1945, c. 175.

Additional Legislation.

Tenure of employees, etc., of joint municipal commissions in war service, provided for, 1944, c. 249.

Policemen, firemen and motor vehicle inspectors, time spent in war service to be counted in determining seniority, etc., 1944, c. 86.

Chapter 17. BURIAL OF DECEASED SOLDIERS, SAILORS, MARINES AND NURSES.

Note: For monthly record of burials of deceased veterans required to be furnished by State Department of Health to Superintendents of Soldiers' Burials or Boards of Chosen Freeholders, see 1945, c. 202; amended 1946, c. 232.

R. S. 38:17–1 amended 1945, c. 302; 1947, c. 175, s. 1.

R. S. 38:17–2 " 1946, c. 229; 1947, c. 237; 1948, c. 166.

R. S. 38:17–9 " 1946, c. 230.

Additional Legislation.

Records of veterans' graves, maintenance, etc., provided for, suppl., 1945, c. 201.

Sec. 1 of above amended 1946, c. 233.

Chapter 18. COMPENSATION FOR BLIND SOLDIERS, SAILORS AND MARINES.

R. S. 38:18–1 amended 1945, c. 106, s. 1; 1946, c. 85, s. 1.

R. S. 38:18–2 " 1945, c. 106, s. 2; 1946, c. 85, s. 2.

R. S. 38:18–3 " 1945, c. 106, s. 3; 1946, c. 85, s. 3.

Chapter 18A. (new) COMPENSATION FOR VETERANS SUFFERING FROM PARAPLEGIA.

Veterans suffering from paraplegia traumatically contracted in active military or naval service, compensation, provided for, 1947, c. 263.

Title of above amended 1948, c. 138.

Chapter 20. EDUCATION OF WAR ORPHANS.

R. S. 38:20–1 amended 1944, c. 197.

R. S. 38:20–3 " 1945, c. 105.

Chapter 23. LEAVE OF ABSENCE FROM PUBLIC EMPLOYMENT.

Note: For public service in connection with rights, privileges and benefits of honorably discharged veterans, defined, see 1945, c. 175.

R. S. 38:23–2 amended 1945, c. 176; 1947, c. 271; 1948, c. 404, ss. 1, 2.

Additional Legislation.

Leave of absence of State, county, municipal, school district, etc., employees for military service, made obligatory, 1941, c. 119.

Title of above amended 1942, c. 327, s. 1.

Sec. 1 " " " 1942, c. 327, s. 2.

Pension and retirement fund rights of State, county, municipal, school district, etc., employees in military or naval service, saved, etc., suppl., 1942, c. 252.

Title of above amended 1942, c. 326, s. 1.

Sec. 1 " " " 1942, c. 326, s. 2; 1944, c. 87; 1948, c. 457.

Sec. 2 " " " 1942, c. 326, s. 3.

Chapter 23A. (new) SPECIAL PRIVILEGES AND EXEMPTIONS OF PERSONS IN MILITARY AND NAVAL SERVICE.

Note: For establishment and maintenance of veterans' education and training program, see 1946, c. 64, amended 1947, c. 141, 1948, c. 147, for special pardons and paroles for certain persons having served in military or naval service, provided for, procedure, etc., see 1946, c. 209.

Oaths, affidavits, acknowledgments, proofs, etc., by persons in military service, taking before commissioned officers, authorized, 1941, c. 333.

Title of above amended 1945, c. 234, s. 1.

Sec. 1 " " " 1943, c. 156; 1945, c. 234, s. 2.

Time of war service not to be counted in determining maximum age limits for appointment or election to State, county, municipal or school district, office, position, etc., 1944, c. 98.

Sec. 1 of above amended 1946, c. 206.

Definition of public service in connection with rights, privileges and benefits of honorably discharged veterans, suppl., 1945, c. 175.

Renewal or reinstatement of certain licenses, registration certificates or permits to practice profession or engage in occupation, for veterans, provided for, 1946, c. 51.

Apprentice and on the job training programs for veterans in State Departments and counties and municipalities, provided for, 1946, c. 162.

Chapter 23B. (new) VETERANS' LOANS.

Note: For exemption from taxation of certain veterans' loans held by savings banks, see 1945, c. 80.

Article 1. (new) Veterans' Loan Act (1944).

Veterans' Loan Act (1944) 1944, c. 126 (short title amended as above, 1946, c. 121, s. 18).

Title of above amended 1946, c. 121, s. 1.

Sec. 1 " " " 1946, c. 121, s. 3.

Sec. 4 of above, see 1946, c. 121, s. 4.

Sec. 5 of above amended 1945, c. 185, s. 1; 1946, c. 121, s. 5.

Sec. 6 " " " 1945, c. 185, s. 2.

Sec. 8 " " " 1945, c. 185, s. 3; 1946, c. 121, s. 6.

Sec. 9 " " " 1945, c. 185, s. 4; 1946, c. 121, s. 7.

Sec. 12 " " " 1945, c. 185, s. 5; 1946, c. 121, s. 9; 1947, c. 190, s. 1.

Sec. 13 " " " 1946, c. 121, s. 11.

Sec. 14 " " " 1945, c. 185, s. 6; 1946, c. 121, s. 12.

Sec. 15 " " repealed 1945, c. 185, s. 14.

Sec. 16 " " amended 1945, c. 185, s. 13.

Sec. 17 " " " 1947, c. 190, s. 3.

Sec. 18 " " " 1946, c. 121, s. 16; 1947, c. 190, s. 4.

Sec. 19 " " " 1946, c. 121, s. 17.

Sec. 21 " " " 1946, c. 121, s. 18.

Veterans' loans, guarantee and insurance by authority, reserves, defaults, etc., provided for, suppl., 1945, c. 185, ss. 7-12.

Title of above amended 1946, c. 121, s. 2.

Sec. 11 " " " 1946, c. 121, s. 15.

Capitalization of authority, increase of, provided for, 1946, c. 121, s. 4.

Applications for loans for purchase of household furnishings or appliances, submission and approval, provided for, 1946, c. 121, s. 8.

Loans for purchase of household furnishings and appliances, terms and security, provided for, 1946, c. 121, s. 10; amended 1947, c. 190, s. 2.

Veterans' loans, guarantee and insurance by authority, reserves, defaults, etc., provided for, suppl., 1945, c. 185, ss. 7-12; 1946, c. 121, ss. 13, 14.

Article 2. (new) Veterans' Loans in General.

Contracts, obligations, pledges, mortgages and conveyances, made by minors over eighteen years of age in connection with certain veterans' loans, made valid and enforceable, 1946, c. 134.

Title of above amended 1947, c. 189, s. 1.

Sec. 1 " " " 1947, c. 189, s. 2.

Chapter 24. STATE SERVICE OFFICER.

Note: For transfer of powers and duties to Department of Economic Development, see 1944, c. 85, amended 1945, c. 128; for records of veterans' graves, maintenance, etc., see 1945, c. 201, amended 1946, c. 233.

R. S. 38:24–1 repealed 1944, c. 85, s. 52.

R. S. 38:24–2 " 1944, c. 85, s. 52.

Chapter 25. WAR HISTORIES AND RECORDS.

R. S. 38:25–5 amended 1948, c. 153.

Chapter 25A. (new) SOUVENIRS, INSIGNIA AND EMBLEMS.

Designation of State souvenir of deceased veterans of the World War; sales regulated, 1938, c. 207.

Sec. 3 of above amended 1943, c. 85.

Subtitle 4. (new) INDUCTION INTO ARMED FORCES OF UNITED STATES.

Chapter 28. (new) INMATES OF PENAL AND CORRECTIONAL INSTITUTIONS.

Release of inmates from penal and correctional institutions for induction into armed forces of the United States, provided for, 1945, c. 54.

Title 39. MOTOR VEHICLES AND TRAFFIC REGULATION.

Subtitle 1. MOTOR VEHICLE AND TRAFFIC LAWS.

Chapter 2. DEPARTMENT OF MOTOR VEHICLES.

Note: For time spent in war service by motor vehicle inspectors, to be counted in determining seniority, etc., see 1944, c. 86; for Department of Motor Vehicles continued as the Division of Motor Vehicles in the Department of Law and Public Safety, see 1948, c. 439.

R. S. 39:2-2 amended 1944, c. 44.

Chapter 3. MOTOR VEHICLES.

R. S. 39:3-4 amended 1944, c. 5; see 1946, c. 45.

R. S. 39:3-13 " 1947, c. 247.

R. S. 39:3-20 " 1946, c. 46, ss. 1, 2.

R. S. 39:3-24 " 1947, c. 317.

R. S. 39:3-26 " 1945, c. 265.

R. S. 39:3-33 " 1943, c. 173; see 1946, c. 45.

R. S. 39:3-34 " 1942, c. 313; 1945, c. 222, s. 1.

R. S. 39:3-40 " 1945, c. 222, s. 2; 1947, c. 25.

R. S. 39:3-64 " 1947, c. 82, ss. 1, 2.

Additional Legislation.

Special licenses to certain minors to drive motor vehicles, in certain agricultural pursuits, provided for, suppl., 1942, c. 324.

Driving privileges, licensed drivers in war service, extended, certain cases, suppl., 1943, c. 98.

Sec. 1 of above amended 1944, c. 38; 1946, c. 3.

Registry fee refund to persons in war service, certain cases, provided for, suppl., 1944, c. 228.

Use of "Press" sign, etc., on motor vehicles, restricted, suppl., 1943, c. 101.

Temporary identification markers, use by veterans on certain motor vehicles, permitted, suppl., 1946, c. 45.

Registration of motor vehicles, without fee, of certain veterans, provided for, suppl., 1948, c. 28.

Chapter 4. TRAFFIC REGULATION.

Note: For school busses, warning lights, markings, etc., required, 1948, c. 133.

R. S. 39:4-86 amended 1948, c. 170, s. 3.

R. S. 39:4-98 " 1939, c. 211; 1942, c. 325 (1942, c. 325 repealed 1946, c. 8).

R. S. 39:4-110 " 1948, c. 422, s. 1.

R. S. 39:4-112 " 1948, c. 422, s. 2.

R. S. 39:4-138 " 1948, c. 342, s. 2.

Additional Legislation.

Right-of-way of blind persons crossing highway or intersection, 1939, c. 274.

Sec. 1 of above amended 1946, c. 208.

School busses, right-of-way and starting, suppl., 1942, c. 192.

Sec. 1 of above amended 1948, c. 132.

"No passing" zones, establishment, etc., by State Highway Commissioner, authorized, suppl., 1948, c. 170.

"No parking" zones, establishment, etc., by State Highway Commissioner, authorized, suppl., 1948, c. 342, ss. 1, 3, 4.

Chapter 5. ENFORCEMENT AND PROCEDURE.

R. S. 39:5-3 amended 1942, c. 334, s. 1.

R. S. 39:5-9 " 1942, c. 334, s. 2.

R. S. 39:5-15 " 1942, c. 334, s. 3.

R. S. 39:5-17 " 1942, c. 334, s. 4.

R. S. 39:5-21 " 1942, c. 334, s. 5.

R. S. 39:5-29 " 1942, c. 334, s. 6.

R. S. 39:5-30 " 1945, c. 256.

R. S. 39:5-36 " 1942, c. 334, s. 7.

R. S. 39:5-40 " 1942, c. 334, s. 8.

R. S. 39:5-41 " 1942, c. 334, s. 9.

R. S. 39:5-42 " 1942, c. 334, s. 10.

R. S. 39:5-44 " 1942, c. 334, s. 11.

R. S. 39:5-45 " 1942, c. 334, s. 12.

Chapter 5A. (new) APPLICATION OF SUBTITLE TO HIGHWAYS OWNED BY PUBLIC OR SEMIPUBLIC CORPORATIONS.

Motor vehicle and traffic laws, when applicable on highways of public or semipublic, nonprofit institutions or corporations, suppl., 1945, c. 284.

Subtitle 2. OTHER LAWS REGULATING MOTOR VEHICLES.

Chapter 6. FINANCIAL RESPONSIBILITY.

R. S. 39:6-20 amended 1945, c. 189.

Chapter 10. PURCHASE, SALE AND TRANSFER OF MOTOR VEHICLES.

R. S. 39:10-1 amended 1946, c. 136, s. 1.
R. S. 39:10-2 " 1946, c. 136, s. 2.
R. S. 39:10-6 " 1946, c. 136, s. 3.
R. S. 39:10-8 " 1946, c. 136, s. 4.
R. S. 39:10-9 " 1946, c. 136, s. 5.
R. S. 39:10-10 " 1946, c. 136, s. 6.
R. S. 39:10-11 " 1946, c. 136, s. 7.
R. S. 39:10-12 " 1946, c. 136, s. 8.
R. S. 39:10-13 " 1946, c. 136, s. 9.
R. S. 39:10-14 " 1946, c. 136, s. 10.
R. S. 39:10-15 " 1946, c. 136, s. 11.
R. S. 39:10-16 " 1946, c. 136, s. 12.
R. S. 39:10-17 repealed 1946, c. 136, s. 13.
R. S. 39:10-18 amended 1946, c. 136, s. 14.
R. S. 39:10-19 " 1946, c. 136, s. 15.
R. S. 39:10-20 " 1946, c. 136, s. 16.
R. S. 39:10-21 " 1946, c. 136, s. 17.
R. S. 39:10-22 " 1946, c. 136, s. 18.
R. S. 39:10-23 " 1946, c. 136, s. 19.
R. S. 39:10-24 " 1946, c. 136, s. 20.
R. S. 39:10-25 " 1946, c. 136, s. 21.

Title 40. MUNICIPALITIES AND COUNTIES.

Subtitle 1. COUNTIES AND MUNICIPALITIES, GENERALLY.

Note: For supervision of State Department of Local Government over certain municipalities, see 1938, c. 127, amended 1939, c. 364, 1941, c. 95, repealed 1947, c. 151; see 1938, c. 158, amended 1942, c. 39, ss. 8 and 12 repealed 1944, c. 112, art. 8, s. 10, ss. 1 to 16 and 18 to 34 repealed, 1947, c. 151; see 1938, c. 159, repealed 1947, c. 151; for definition of public service in connection with rights, privileges and benefits of honorably discharged veterans, see 1945, c. 175; for acts regulating internal affairs of municipalities or counties, authorized and provided for, see 1948, c. 199.

Chapter 1. BONDS AND OTHER OBLIGATIONS.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government; for personnel and powers of Funding Commission, see 1938, c. 158, amended 1942, c. 39, ss. 8 and 12 repealed 1944, c. 112, art. 8, s. 10, ss. 1 to 16 and 18 to 34 repealed, 1947, c. 151; for Federal advances or grants toward financing preparation of plans for public projects, acceptance and repayment, by appropriation or bond issue, provided for, see 1946, c. 101.

R. S. 40:1-16 amended 1947, c. 110, ss. 1, 9.

R. S. 40:1-53 " 1945, c. 221.

R. S. 40:1-57 " 1947, c. 194.

R. S. 40:1-59 " 1947, c. 110, ss. 2, 9.

R. S. 40:1-60 " 1947, c. 110, ss. 3, 9.

R. S. 40:1-63 " 1943, c. 53, s. 1; 1945, c. 26; 1948, c. 149.

R. S. 40:1-67 " 1947, c. 110, ss. 4, 9.

R. S. 40:1-69 " 1947, c. 110, ss. 5, 9.

R. S. 40:1-71 " 1944, c. 235.

R. S. 40:1-74 " 1947, c. 110, ss. 6, 9.

R. S. 40:1-75 " 1947, c. 110, ss. 7, 9.

R. S. 40:1-77 " 1946, c. 260, ss. 6, 9.

R. S. 40:1-81 " 1943, c. 53, s. 2.

R. S. 40:1-83 " 1947, c. 110, ss. 8, 9.

R. S. 40:1-90 " 1943, c. 199.

Additional Legislation.

Purchase and retirement of bonds by counties and municipalities authorized, 1940, c. 240.

Title of above amended 1944, c. 137, s. 1.

Sec. 1 " " " 1944, c. 137, s. 2; 1947, c. 112, ss. 1, 2.

Variances from limits on maturities or on amounts of annual installments of bonds fixed in R. S. 40:1–25, provided for, suppl., 1945, c. 220.

Sec. 1 of above amended 1947, c. 111, ss. 1, 2.

Bonds, etc., for financing, acquisition by municipalities of lands for self-liquidating, redevelopment housing projects deductible from gross municipal debt, suppl., 1946, c. 53.

Reserve fund for future payment of bonds may be established, approval of Division of Local Government required, suppl., 1947, c. 195.

Chapter 2. COUNTY AND MUNICIPAL BUDGETS.

Note: For diversion, road and street moneys, from maintenance to new construction, etc.; towns, townships and boroughs in first-class counties, see 1939, c. 380 (1939, c. 380 repealed, 1948, c. 124): for transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158, amended 1942, c. 39, ss. 8 and 12 repealed 1944, c. 112, art. 8, s. 10, ss. 1 to 16 and 18 to 34 repealed 1947, c. 151; for municipal airports, operation, etc., as public utility, authorized, see 1946, c. 12; for Federal advances or grants toward financing preparation of plans for public projects, acceptance and repayment, by appropriation or bond issue, provided for, see 1946, c. 101.

Article 1. General Provisions; Application and Construction.

R. S. 40:2–2 amended 1947, c. 113, ss. 1, 16.

Article 2. Adoption; Effect.

R. S. 40:2–7 amended 1947, c. 113, ss. 2, 16.

R. S. 40:2–8 " 1947, c. 113, ss. 3, 16.

R. S. 40:2–9 " 1947, c. 113, ss. 4, 16.

R. S. 40:2–10 " 1947, c. 113, ss. 5, 16.

Additional Legislation.

Debt service for school indebtedness deducted from municipal and added to school budget; certain municipalities, suppl., 1939, c. 32.

Sec. 1 of above amended 1947, c. 16.

Article 3. Form and Content.

R. S. 40:2-14 amended 1947, c. 113, ss. 6, 16.

R. S. 40:2-16 " 1947, c. 113, ss. 7, 16.

R. S. 40:2-17 " 1942, c. 317; 1947, c. 113, ss. 8, 16.

R. S. 40:2-18 " 1947, c. 113, ss. 9, 16.

R. S. 40:2-22 " 1947, c. 113, ss. 10, 16.

R. S. 40:2-23 repealed 1947, c. 113, ss. 15, 16.

R. S. 40:2-25 to 40:2-28 see 1939, c. 7, s. 2 (amended 1947, c. 115, ss. 1, 2).

Additional Legislation.

Cash surpluses, use of as anticipated miscellaneous revenue in budget, 1938, c. 25.

Sec. 1 of above amended 1947, c. 149, ss. 1, 2.

Anticipated, dedicated revenues not capable of accurate estimate, how included in budget and availability for expenditure, suppl., 1942, c. 5.

Sec. 3 of above amended 1947, c. 114, ss. 1, 2.

Budgets in certain municipalities on Atlantic Ocean, reserve for uncollected taxes, waived, certain cases, 1943, c. 184.

Sec. 1 of above amended 1943, c. 210, s. 1.

Sec. 5 " " repealed 1943, c. 210, s. 2.

Public Works Reserve, appropriation, when available for post-war capital purposes, 1945, c. 14.

Municipal budgets, application of certain utility moneys as miscellaneous revenue, upon certain conditions, authorized, suppl., 1947, c. 341.

Article 4. Operation Under Budget.

R. S. 40:2-29 amended 1945, c. 155.

R. S. 40:2-30 " 1943, c. 130.

R. S. 40:2-31 " 1946, c. 14; 1947, c. 113, ss. 11, 16.

Article 5. Borrowing.

Note: For budgets, correction, etc., in certain cases; "Special Aid Notes" issuance authorized, see 1948, c. 159.

R. S. 40:2-47 repealed 1947, c. 113, ss. 15, 16.

Article 6. Action by State Auditor.

R. S. 40:2–52 amended 1947, c. 113, ss. 12, 16.

R. S. 40:2–53 " 1947, c. 113, ss. 13, 16.

R. S. 40:2–54 repealed 1947, c. 113, ss. 15, 16.

R. S. 40:2–55 amended 1947, c. 113, ss. 14, 16.

Additional Legislation.

Budgets, correction, etc., in certain cases; "Special aid notes" issuance authorized, suppl., 1948, c. 159.

Article 9. (new) Capital Budgets.

Additional Legislation.

Capital budgets, suppl., 1938, c. 128, s. 5; amended 1947, c. 116, ss. 1, 2.

Chapter 3. SINKING FUNDS AND SINKING FUND COMMISSIONERS, IN COUNTIES, MUNICIPALITIES AND SCHOOL DISTRICTS.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158, amended 1942, c. 39, ss. 8 and 12 repealed 1944, c. 112, art. 8, s. 10, ss. 1 to 16 and 18 to 34 repealed 1947, c. 151.

R. S. 40:3–3 amended 1947, c. 117, ss. 1, 19.

R. S. 40:3–9 " 1947, c. 117, ss. 2, 19.

R. S. 40:3–10 " 1943, c. 48.

R. S. 40:3–17 " 1947, c. 117, ss. 3, 19; 1948, c. 129.

R. S. 40:3–20 " 1947, c. 117, ss. 4, 19.

R. S. 40:3–23 " 1947, c. 117, ss. 5, 19.

R. S. 40:3–24 " 1947, c. 117, ss. 6, 19.

Chapter 4. AUDITS AND AUDITORS.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158, amended 1942, c. 39; ss. 8 and 12 repealed 1944, c. 112, art. 8, s. 10, ss. 1 to 16 and 18 to 34 repealed 1947, c. 151; for additional provisions concerning fiscal administration in local governments, see 1938, c. 159, repealed 1947, c. 151.

R. S. 40:4–4 amended 1947, c. 117, ss. 7, 19.

R. S. 40:4–8 " 1947, c. 117, ss. 8, 19.

R. S. 40:4–9 " 1947, c. 117, ss. 9, 19.

R. S. 40:4–12 " 1947, c. 117, ss. 10, 19.

R. S. 40:4–13 " 1947, c. 117, ss. 11, 19.

R. S. 40:4-14 amended 1947, c. 117, ss. 12, 19.

R. S. 40:4-15 " 1947, c. 117, ss. 13, 19.

Chapter 5. PUBLIC MONEYS AND FINANCIAL STATEMENTS.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158, amended 1942, c. 39, ss. 8 and 12 repealed 1944, c. 112, art. 8, s. 10, ss. 1 to 16 and 18 to 34 repealed 1947, c. 151.

R. S. 40:5-8 amended 1947, c. 117, ss. 14, 19.

R. S. 40:5-9 " 1947, c. 117, ss. 15, 19.

R. S. 40:5-12 " 1947, c. 117, ss. 16, 19.

R. S. 40:5-13 " 1944, c. 56; 1947, c. 117, ss. 17, 19.

Chapter 8. AIRPORTS.

Note: For public airports, use of funds under "Federal Airport Act," approval of State Department of Aviation, State Treasurer to be State Agency for such Federal funds, provided for, see 1947, c. 315.

R. S. 40:8-2 amended 1947, c. 85.

Additional Legislation.

Municipal airports, operation, etc., as public utility, authorized, 1946, c. 12.

Chapter 11. OFFICERS AND EMPLOYEES.

Note: For leave of absence for county and municipal employees for military service, see 1941, c. 119, amended 1942, c. 327; for apprentice and on the job training programs for veterans in counties and municipalities, provided for, see 1946, c. 162.

R. S. 40:11-15 amended 1947, c. 231, s. 1.

R. S. 40:11-17 " 1947, c. 363, s. 1; 1948, c. 45, s. 1.

Additional Legislation.

Effect of 1940 census and reclassification of counties on salaries, number of employees, pensions, etc., 1940, c. 181.

Sec. 1 of above amended 1947, c. 363, s. 2; 1948, c. 45, s. 2.

Legal aid to police officers and firemen in suits arising from incidents in line of duty, provided for, 1946, c. 67.

Title of above amended 1947, c. 103, s. 1.

Sec. 1 " " " 1947, c. 103, s. 2.

Police and fire departments, delay in qualifying of members by reason of military service, not to affect rights, benefits, etc., provided for, 1946, c. 87.

Group insurance, payment of premiums on, by certain counties, authorized, suppl., 1947, c. 231, s. 2.

Uniformed municipal traffic and park police, certain, hours of employment, referendum, provided for, 1948, c. 341.

Chapter 11A. (new) PARKING AUTHORITIES.

Parking Authority Law, 1948, c. 198.

Chapter 12. PARKS AND PLAYGROUNDS.

R. S. 40:12–9 amended 1948, c. 61.

Chapter 14A. (new) COUNTY AND MUNICIPAL SEWERAGE AUTHORITIES.

Note: For Sanitary Sewer District Authorities, first- and second-class counties, establishment, powers, duties, etc., see 1946, c. 123, amended 1948, c. 136.

Sewerage Authorities Law (1946), suppl., 1946, c. 138.

Sec. 4 of above amended 1947, c. 391.

Subtitle 2. COUNTIES.

Part 1. COUNTIES, GENERALLY.

Note: For time of war service not to be counted in determining maximum age limits for appointment or election to State, county, municipal or school district, office, position, etc., see 1944, c. 98, amended 1946, c. 206; for standard plumbing code, establishment, etc., in certain counties, provided for, see 1946, c. 255, amended 1947, c. 125.

Chapter 20. BOARDS OF CHOSEN FREEHOLDERS.

Note: For establishment and administration of ration banks, accounts, etc., see 1943, c. 142.

R. S. 40:20–4 amended 1945, c. 121.

R. S. 40:20–16 " 1948, c. 5, s. 1.

R. S. 40:20–18 " 1948, c. 5, s. 2.

R. S. 40:20–24 " 1942, c. 299.

R. S. 40:20–72 " 1944, c. 63; 1947, c. 302, s. 1.

R. S. 40:20–73 " 1945, c. 152; 1947, c. 302, s. 2.

R. S. 40:20–74 " 1947, c. 302, s. 3.

Additional Legislation.

Compensation of boards of freeholders in certain counties, procedure in respect to fixing, prescribed, suppl., 1947, c. 302, ss. 4-9.

Chapter 21. OFFICERS AND EMPLOYEES.

Note: For deductions from salaries, etc., of employees, provided for, see 1943, c. 69; 1943, c. 102; for deductions for group, accident and sickness insurance premiums from compensation of county officers, employees, etc., authorized, see 1946, c. 7, amended 1947, c. 143; for apprentice and on the job training programs for veterans in counties, provided for, see 1946, c. 162; for notice of death to, and powers and duties of, Coroners, in counties having no Medical Examiner or County Physician, penalty for failure to report death or disturbance of body, etc., provided for, suppl., 1946, c. 275, repealed 1947, c. 404.

R. S. 40:21-24 amended 1948, c. 78, s. 1.

R. S. 40:21-57 " 1944, c. 61.

Additional Legislation.

County auditor, appointment regulated, suppl., 1944, c. 125.

Chief medical examiners, coroners, morgue keepers, second-class counties, appointment, powers, duties, etc., regulated, 1944, c. 182.

Notice of death to, and powers and duties of County Physicians, in counties having no Medical Examiner, penalty for failure to report death or disturbance of body, etc., provided for, suppl., 1946, c. 304.

1946, c. 304 repealed 1947, c. 403, s. 6.

Notice of death to, and powers and duties of, county physicians thereupon, failures to report deaths, disturbance of bodies, etc., made misdemeanors, suppl., 1947, c. 403.

Transfer and civil service status, certain employees, counties of the second class, provided for, 1948, c. 400.

Assistant county physician, deputy, appointment, compensation, suppl., 1948, c. 78, s. 2.

Chapter 22. FIRE AND POLICE.

Note: For uniformed municipal, traffic and park police, certain, hours of employment, referendum, provided for, see 1948, c. 341.

Chapter 23. GENERAL POWERS.

Note: For standard building code, preparation and interpretation by Department of Economic Development, adoption by counties, provided for, see 1946, c. 120.

R. S. 40:23-2 amended 1946, c. 24.

R. S. 40:23-6 " 1947, c. 214.

R. S. 40:23-27 " 1947, c. 106.

Additional Legislation.

Appropriations by certain counties for junior colleges authorized and validated, 1941, c. 43.

Title of above amended 1947, c. 30, s. 1.

Sec. 1 " " " 1947, c. 30, s. 2.

Leasing of unused road machinery or equipment, in certain cases, authorized, suppl., 1942, c. 320.

Acceptance of gifts, etc., for specific purposes, provided for, 1943, c. 138.

Blood banks, etc., contribution of funds for, by counties, authorized, suppl., 1946, c. 22.

Veterans, certain, care and treatment in county hospitals, provided for, suppl., 1946, c. 73.

Fees for building permits for county buildings, certain second-class counties, not required, suppl., 1948, c. 413.

Appropriations for duly incorporated children's home, etc., authorized 1948, c. 258.

Chapter 24. ORDINANCES AND RESOLUTIONS.

Additional Legislation.

Vote required for adoption of resolutions in absence of member of governing body in active military or naval service of the United States or of this State, 1942, c. 301.

Chapter 25. CONTRACTS.

Additional Legislation.

Purchases from United States Government by counties, special provisions relating to, suppl., 1945, c. 111.

Chapter 26A. (new) MONEYS UNCLAIMED IN CERTAIN OFFICES.

Unclaimed moneys in certain county offices, disposition of, provided for, 1948, c. 456.

Chapter 27. COUNTY PLANNING.

Additional Legislation.

Maps, disapproval of certain, certain second-class counties, provided for, suppl., 1948, c. 412.

Chapter 30. DRAINAGE.

Additional Legislation.

Drainage of lands by counties, provided for, suppl., 1945, c. 112.

Chapter 36A. (new) COUNTY SEWERAGE AUTHORITIES.

Note: For Sewerage Authorities Law (1946), see 1946, c. 138, amended 1947, c. 391.

Sanitary Sewer District Authorities, first- and second-class counties, establishment, powers, duties, etc., 1946, c. 123.

Sec. 54 of above amended 1948, c. 136.

Chapter 37. COUNTY PARKS.

Note: For uniformed municipal, traffic and park police, certain, hours of employment, referendum, provided for, see 1948, c. 341.

Article 1A. (new) County Park Commissions in General

Additional Legislation.

Leasing, etc., of real estate to United States Government, etc., terms, etc., provided for, 1943, c. 20.

Contracts by Park Commissions, certain counties, with municipalities, for temporary use of park lands for emergency housing, etc., for veterans, etc., authorized, suppl., 1946, c. 279.

Title of above amended 1946, c. 320, s. 1.

Sec. 1 " " " 1946, c. 320, s. 2; 1947, c. 26.

Article 5. County Parks Established By Referendum

R. S. 40:37–156 amended 1946, c. 27.

Additional Legislation.

Policemen in war service, appointment, etc., substitutes for, provided for, suppl., 1943, c. 55.

County Park Commission employees, deductions and contributions for group insurance, authorized, suppl., 1945, c. 241.

Bond issues by County Park Commissions, provided for, suppl., 1946, c. 267.

County Park Commissions, establishment, powers and duties, referendum, provided for, suppl., 1946, c. 276.

Compensation to municipalities for loss of tax revenue, where lands taken for park purposes, in certain cases, provided for, suppl., 1947, c. 382.

Title of above amended 1948, c. 271, s. 1.

Sec. 1 " " " 1948, c. 271, s. 2.

Sec. 2 " " " 1948, c. 271, s. 3.

Sec. 3 " " " 1948, c. 271, s. 4.

Part 2. ELECTIVE COUNTY OFFICERS.

Note: For effect of 1940 census and reclassification of counties on salaries, number of employees, pensions, etc., see 1940, c. 181, amended 1947, c. 363; 1948, c. 45.

Chapter 38. COUNTY CLERKS.

R. S. 40:38–1 amended 1943, c. 21.

R. S. 40:38–5 " 1944, c. 68; 1947, c. 198.

R. S. 40:38–28 " 1948, c. 278.

Additional Legislation.

Employees of County Clerk assigned for service in county courts, salaries fixed, certain second-class counties, suppl., 1944, c. 252.

County Clerks' salaries, certain counties, fixed, suppl., 1945, c. 62.

County Clerks, salaries, counties between 20,000 and 40,000 inhabitants, not on Atlantic Ocean, fixed, suppl., 1946, c. 197.

County Clerks, salaries, certain fourth-class counties, suppl., 1948, c. 303.

Vacancies, County Clerks, filling, term, etc., provided for, suppl., 1948, c. 208.

Court clerks, salaries fixed, certain second-class counties, suppl., 1948, c. 314.

Chapter 39. REGISTERS OF DEEDS AND MORTGAGES.

R. S. 40:39–2 amended 1943, c. 92.

R. S. 40:39–21 " 1948, c. 277.

Chapter 40. CORONERS.

Note: For county physicians, certain counties, notice of death to, and duties of, in certain cases, provided for, see 1946, c. 304, repealed 1947, c. 403.

Additional Legislation.

Notice of death to, and powers and duties of, coroners, in counties having no Medical Examiner or County Physician, penalty for failure to report death or disturbance of body, etc., provided for, suppl., 1946, c. 275

1946, c. 275 repealed 1947, c. 404, s. 5.

Notice of death to, and powers and duties of, coroners, where no medical examiner or county physician, failures to report deaths, disturbance of bodies, etc., made misdemeanors, suppl., 1947, c. 404.

Chapter 41. SHERIFFS AND CONSTABLES.

R. S. 40:41-2 amended 1943, c. 22, s. 1.

R. S. 40:41-3 " 1943, c. 22, s. 2.

R. S. 40:41-6 " 1944, c. 69; 1947, c. 197.

R. S. 40:41-14 " 1948, c. 206.

R. S. 40:41-35 " 1943, c. 68.

Additional Legislation.

Sheriffs' offices, employees of identification bureau, salaries fixed, certain counties, 1943, c. 191.

Sec. 1 of above amended 1947, c. 256, ss. 1, 10.

Sec. 2 " " " 1947, c. 256, ss. 2, 10.

Sec. 5 " " " 1947, c. 256, ss. 3, 10.

Sec. 6 " " " 1947, c. 256, ss. 4, 10.

Sec. 9 " " " 1947, c. 256, ss. 5, 10.

Sec. 10 " " " 1947, c. 256, ss. 6, 10.

Certain positions reclassified, suppl., 1947, c. 256, ss. 7-10.

Sheriffs' salaries, certain counties, fixed, suppl., 1945, c. 63.

Sheriffs, salaries, certain fourth-class counties, suppl., 1948, c. 302.

Sec. 1 of above amended 1948, c. 399.

Subtitle 3. MUNICIPALITIES GENERALLY.

Note: For tenure of employees, etc., of joint municipal commissions in war service, provided for, see 1944, c. 249; for time of war service not to be counted in determining maximum age limits for appointment or election to State, county, municipal or school district, office, position, etc., see 1944, c. 98, amended 1946, c. 206; for standard plumbing code, establishment, etc., in certain municipalities, provided for, see 1946, c. 255, amended 1947, c. 125.

Chapter 43. INCORPORATION; NEWLY CREATED MUNICIPALITIES; ANNEXATION; CONSOLIDATION; BOUNDARIES.

Additional Legislation.

Consolidation of borough under Local Government Board with township, terms and effect, provided for, 1945, c. 268.

Chapter 46. OFFICERS AND EMPLOYEES.

Note: For effect of 1940 census and reclassification of counties on salaries, number of employees, pensions, etc., see 1940, c. 181, amended 1947, c. 363; 1948, c. 45; for collectors, etc., of taxes, bonds, verification of accounts and safeguarding of funds, tax bill receipting machines, official tax receiving agencies, relief of sureties on bonds, etc., see 1940, c. 257, amended 1947, c. 118; for deductions from salaries, etc., of employees, provided for, see 1943, c. 69; 1943, c. 102; for deductions for group, accident and sickness insurance premiums from compensation of municipal officers, employees, etc., authorized, see 1946, c. 7, amended 1947, c. 143; for apprentice and on the job training programs for veterans in municipalities, provided for, see 1946, c. 162.

R. S. 40:46-5 amended 1948, c. 46.

R. S. 40:46-6.1 " 1945, c. 138.

R. S. 40:46-23 " 1947, c. 166, s. 1; 1948, c. 282, s. 1.

R. S. 40:46-26 " 1944, c. 99, s. 1; 1947, c. 33; 1947, c. 166, s. 2; 1948, c. 282, s. 2.

R. S. 40:46-34 " 1948, c. 163; 1948, c. 395.

Additional Legislation.

Salaries of persons holding municipal offices fixed by referendum, increase by ordinance, authorized, 1945, c. 277.

Tax assessor and assistants in certain cities of second class when provided by resolution of governing body subject to referendum, terms of fixed, suppl., 1947, c. 192.

Collectors of taxes, municipalities, grant of tenure in certain cases by referendum, provided for, 1947, c. 350.

Chapter 47. FIRE AND POLICE.

Note: For time spent in war service by policemen and firemen to be counted in determining seniority, etc., see 1944, c. 86; for delay in qualifying of members of police and fire departments by reason of military service not to affect rights, benefits, etc., see 1946, c. 87.

Article 1. Fire and Police Departments.

R. S. 40:47–3 amended 1945, c. 218.

R. S. 40:47–4 " 1945, c. 219; 1948, c. 161.

R. S. 40:47–6 " 1947, c. 292, s. 1.

R. S. 40:47–8 " 1947, c. 292, s. 2.

Additional Legislation.

Filling vacancies, designation of vacancy filled, temporary appointment for members on military leave of absence, provided for, 1943, c. 163.

Annual State appropriation to municipalities employing full time policemen, firemen, etc., provided for, 1944, c. 254.

Police forces, officers or members, qualifications of residents, in municipalities having less than 2,500 inhabitants, provided for, suppl., 1946, c. 25.

Police and firemen permanently disabled in performance of duty, award of damages to, authorized, 1948, c. 304.

Article 2. Police Departments Only.

Note: For qualifications of residents for officers or members of police force in municipalities having less than 2,500 inhabitants, provided for, see 1946, c. 25; for uniformed municipal, traffic and park police, certain, hours of employment, referendum, provided for, see 1948, c. 341.

Additional Legislation.

Awards for heroic, etc., service, record of, wearing indicia of, authorized, suppl., 1948, c. 104.

Article 3. Fire Departments Only.

B. VOLUNTEER COMPANIES.

R. S. 40:47–27 amended 1945, c. 126.

Additional Legislation.

Insurance protection for volunteer firemen by municipality or fire district, authorized, 1945, c. 47.

C. PAID DEPARTMENTS.

Additional Legislation.

Hours of duty, cities of the first class, referendum, ordinance, provided for, suppl., 1948, c. 73.

D. EXEMPT FIREMEN CERTIFICATES.

R. S. 40:47–53 amended 1944, c. 246.

F. (new) JOINT FIRE SERVICE BY MUNICIPALITIES.

Additional Legislation.

Joint fire departments, adjoining municipalities, establishment and maintenance, provided for, 1943, c. 206.

Chapter 48. GENERAL POWERS.

Note: For establishment and administration of ration bank accounts, etc., see 1943, c. 142; for acquisition, use and disposition of property, to extinguish exemption from local taxation, provided for, see 1944, c. 206; for standard building code, preparation and interpretation by Department of Economic Development, adoption by municipality, provided for, see 1946, c. 120; for public airports, use of funds under "Federal Airport Act," approval of State Department of Aviation, State Treasurer to be State Agency for such Federal funds, provided for, see 1947, c. 315; for fees for building permits for county buildings, certain second-class counties, not required, see 1948, c. 413.

R. S. 40:48–12 amended 1947, c. 117, ss. 18, 19.

Additional Legislation.

Brush, trash, garbage, etc., removal, etc., provided for, suppl., 1943, c. 71.

Appropriation for expenses of rationing boards, etc., provided for, 1943, c. 183.

Appropriations to military service, etc., organizations, authorized, suppl., 1945, c. 45.

Municipal sales tax, imposition by ordinance, certain seaside cities, authorized, suppl., 1945, c. 156.

Municipal and joint municipal Veterans' Service Bureau, establishment, maintenance, etc., authorized, suppl., 1945, c. 266.

Sec. 1 of above amended 1946, c. 39.

Federal advances or grants toward financing preparation of plans for public projects, acceptance and repayment, by appropriation or bond issue, provided for, 1946, c. 101.

Retail sales and services taxes, cities of the fourth class, authorized, subject to referendum, 1947, c. 71.

War Memorials, World War II, by municipalities, authorized, suppl., 1947, c. 335.

Theatre ticket reselling business, licensing and regulation of, authorized, suppl., 1947, c. 385.

Chapter 49. ORDINANCES AND RESOLUTIONS.

Article 2A. (new) Ordinances Enacting Building Codes.

Additional Legislation.

Ordinances enacting, amending or supplementing, by reference, provided for, 1946, c. 21.

Sec. 1 of above amended 1948, c. 276.

Article 3. Ordinances for Improvements Generally.

R. S. 40:49–6 amended 1945, c. 292.

Chapter 50. CONTRACTS.

Additional Legislation.

Contracts with United States Government or agency, without public advertisement, certain cases, authorized, 1943, c. 198.

Contracts for supplies of fuel for term exceeding fiscal year, authorized, suppl., 1945, c. 158.

Contracts for snow removal for term exceeding fiscal year, authorized, suppl., 1945, c. 160.

Chapter 52. LICENSES.

Note: For regulation of business of public scavengers, licenses, etc., villages in first-class counties, provided for, see 1946, c. 76; for licenses to use or maintain premises as barber shop from State Board of Barbers required, see 1946, c. 133, ss. 1-9, 11, 12; for theatre ticket reselling business, licensing and regulation of, authorized, see 1947, c. 385.

R. S. 40:52–1 amended 1944, c. 245; 1948, c. 425.

Additional Legislation.

Compliance with workmen's compensation compulsory insurance provisions, made condition of municipal license to operate theatres or other amusement businesses, suppl., 1947, c. 296.

Sec. 1 of above amended 1948, c. 234.

Chapter 54. LIBRARIES AND READING ROOMS.

R. S. 40:54–8 amended 1944, c. 49.

R. S. 40:54–35 " 1943, c. 24; 1947, c. 219.

Chapter 55. PLANNING, BUILDING LINES AND ZONING

R. S. 40:55–1 amended 1948, c. 464, s. 1.

R. S. 40:55–7 " 1948, c. 464, s. 2.

R. S. 40:55–12 " 1948, c. 464, s. 3.

R. S. 40:55–13 " 1948, c. 464, s. 4.

R. S. 40:55–14 " 1948, c. 464, s. 5.

R. S. 40:55–15 " 1948, c. 464, s. 6.

R. S. 40:55–19 " 1948, c. 464, s. 7.

R. S. 40:55–30 " 1948, c. 305, s. 1.

R. S. 40:55–31 " 1948, c. 305, s. 2.

R. S. 40:55–33 " 1948, c. 305, s. 3.

R. S. 40:55–35 " 1948, c. 305, s. 4.

R. S. 40:55–36 " 1948, c. 305, s. 5.

R. S. 40:55–39 " 1948, c. 305, s. 6.

R. S. 40:55–52 " 1948, c. 294.

Chapter 60. PUBLIC LANDS AND BUILDINGS.

Note: For Municipal Housing Law (1946), see 1946, c. 79, amended 1948, c. 10; see 1947, c. 242.

R. S. 40:60–3 amended 1943, c. 39.

R. S. 40:60–26 " 1944, c. 160; 1946, c. 106; 1947, c. 417; 1948, c. 245.

R. S. 40:60–32 " 1944, c. 199.

R. S. 40:60–39 " 1947, c. 305.

Additional Legislation.

Exchange of lands and rights and interests therein, authorized, 1942, c. 199.

Sec. 1 of above amended 1946, c. 157.

Building covenants, conditions and limitations on lands sold by municipality, waiver provided for, suppl., 1943, c. 33.

Title of above amended 1946, c. 140, s. 1.

Sec. 1 " " " 1946, c. 140, s. 2.

Lands, etc., not needed for public use, exchange of, provided for, 1944, c. 77.

Acquisition, use and disposition of property, to extinguish exemption from local taxation, provided for, 1944, c. 206

Plant management commissions for management and disposal of industrial plants acquired by certain municipalities, establishment, organization and powers, provided for, 1946, c. 245.

Sec. 1 of above amended 1947, c. 361.

Autobus terminals, construction, equipment, maintenance, policing, etc., provided for, 1946, c. 302.

Sale of certain municipal lands to veterans organizations, authorized, 1947, c. 87.

Leasing of certain municipal real estate to rescue squads, authorized, suppl., 1947, c. 316.

Municipal riparian lands, certain, not needed for public use and purportedly dedicated as a public street, sale of, provided for, 1947, c. 322.

Burial grounds, etc., acquisition for municipal or school purposes, provided for, 1948, c. 80.

Sale of certain municipal lands for erection of houses for paraplegic veterans, authorized, 1948, c. 246.

Chapter 61. PUBLIC PARKS AND PLAYGROUNDS.

Additional Legislation.

Public golf courses and recreational, etc., facilities, establishment, maintenance and operation, provided for, 1945, c. 282.

Chapter 62. PUBLIC UTILITIES MUNICIPALLY OWNED.

R. S. 40:62-3 amended 1948, c. 232, s. 1; 1948, c. 397.

Additional Legislation.

Water service, extension to schools or municipal buildings, certain cases, provided for, suppl., 1945, c. 37.

Rates for supply of water by certain second class cities to consumers in other municipalities subject to control, etc., of Board of Public Utility Commissioners, provided for, suppl., 1947, c. 295.

Chapter 63. SEWER, DRAINS AND DISPOSAL PLANTS.

Note: For Sewerage Authorities Law (1946), see 1946, c. 138, amended 1947, c. 391.

R. S. 40:63–19 amended 1946, c. 65.

R. S. 40:63–31 " 1948, c. 232, s. 2.

R. S. 40:63–140 to 40:63–167 repealed 1946, c 138, s. 34.

Chapter 66A. (new) GARBAGE AND GARBAGE DISPOSAL.

Incinerator Authorities Law, suppl., 1948, c. 348.

Chapter 67. STREETS, TUNNELS, BRIDGES AND VIADUCTS

Article 1. Streets.

Note: For "no passing" zones, establishment, etc., by State Highway Commissioner, authorized, see 1948, c. 170.

R. S. 40:67–1 amended 1947, c. 365.

Additional Legislation.

Conduits under streets, etc., permission to United States Government to lay, provided for, 1943, c. 209.

Chapter 68A. (new) PORT FACILITIES.

Port Authorities Law, suppl., 1948, c. 349.

Chapter 69. WATERS AND WATERCOURSES.

Note: For plant management commissions for management and disposal of industrial plants acquired by certain municipalities, establishment, organization and powers, provided for, see 1946, c. 245, amended 1947, c. 361.

Additional Legislation.

Water and water power rights and property, acquisition, operation, disposal, etc., of, authorized, 1944, c. 207.

Joint municipal flood commissions, establishment, powers, etc., suppl., 1948, c. 239.

Subtitle 4. COMMISSION FORM OF GOVERNMENT.

Part 1. MUNICIPALITIES GOVERNED BY COMMISSION GOVERNMENT, GENERALLY.

Chapter 70. DEFINITIONS; CONSTRUCTION AND APPLICATION.

R. S. 40:70–2 amended 1948, c. 21, s. 1.

Chapter 72. COMMISSIONERS.

R. S. 40:72–1 amended 1948, c. 21, s. 2.

Additional Legislation.

Commissioner as acting recorder, certain cases, provided for, suppl., 1944, c. 236.

Chapter 75. ELECTION OF COMMISSIONERS.

R. S. 40:75–3 amended 1945, c. 8; 1947, c. 406; 1948, c. 177.

R. S. 40:75–9 " 1945, c. 230, s. 1.

R. S. 40:75–22 " 1945, c. 230, s. 2; 1948, c. 21, s. 3.

Additional Legislation.

Municipal election ballots other than military service ballots, when to be printed, suppl., 1945, c. 29.

Subtitle 5. MUNICIPALITIES GOVERNED BY MUNICIPAL COUNCIL AND MUNICIPAL MANAGER.

Chapter 80. ADOPTION.

R. S. 40:80–5 amended 1948, c. 6.

Chapter 81. MUNICIPAL COUNCIL.

R. S. 40:81–2 amended 1945, c. 48.

Chapter 82. MUNICIPAL MANAGER.

R. S. 40:82–2 amended 1947, c. 218.

R. S. 40:82–3 " 1948, c. 202.

Chapter 83. OFFICERS AND EMPLOYEES.

Additional Legislation.

City engineer, tenure, certain cases, provided for, suppl., 1943, c. 190.

Assessors in certain cities operating under municipal manager form of government, tenure after fifteen consecutive years of service, provided for, 1947, c. 362.

Chapter 84. ELECTIONS.

R. S. 40:84–5 amended 1942, c. 283; 1945, c. 9; 1947, c. 407.

Additional Legislation.

Municipal election ballots other than military service ballots, when to be printed, suppl., 1945, c. 28.

Chapter 85. ABANDONMENT OF MUNICIPAL MANAGER FORM OF GOVERNMENT.

R. S. 40:85–1 amended 1945, c. 2.

Subtitle 6. BOROUGHS.

Note: For diversion, road and street moneys, from maintenance to new construction, etc.; boroughs; first-class counties, see 1939, c. 380 (1939, c. 380 repealed, 1948, c. 124).

Chapter 87. OFFICERS.

R. S. 40:87–14 amended 1948, c. 7.

R. S. 40:87–60 " 1944, c. 99, s. 2.

Chapter 88. BOROUGH COUNCIL.

Additional Legislation.

Removal of snow, ice and other obstructions from roads and streets, not dedicated, provided for, suppl., 1944, c. 35.

Subtitle 8. CITY REFERENDUM CHARTER ACTS.

Chapter 108. CITIES WITH LESS THAN 12,000 INHABITANTS.

R. S. 40:108–1 1897, c. 30, s. 3 amended 1943, c. 70, s. 2.

R. S. 40:108–1 1897, c. 30, s. 7 " 1943, c. 70, s. 1.

R. S. 40:108–1 1897, c. 30, s. 75 " 1946, c. 271.

Subtitle 10. TOWNS.

Note: For diversion, road and street moneys, from maintenance to new construction, etc.; towns; first-class counties, see 1939, c. 380 (1939, c. 380, repealed, 1948, c. 124).

Part 1. REFERENDUM ACT FOR INCORPORATION OF TOWNS (1895).

Chapter 124. ELECTIONS.

R. S. 40:124–1 amended 1948, c. 22, s. 1.

Chapter 125. OFFICERS.

R. S. 40:125–19 amended 1948, c. 22, s. 2.

Subtitle 11. TOWNSHIPS.

Note: For diversion, road and street moneys, from maintenance to new construction, etc.; townships; first-class counties, see 1939, c. 380 (1939, c. 380, repealed, 1948, c. 124).

Chapter 143. ELECTIONS.

R. S. 40:143–1 amended 1948, c. 8, s. 1.

Chapter 144. WARDS.

R. S. 40:144–1 amended 1947, c. 251, s. 1.

R. S. 40:144–2 " 1948, c. 8, s. 2.

R. S. 40:144–11 " 1947, c. 251, s. 2.

R. S. 40:144–12 " 1948, c. 8, s. 3.

Additional Legislation.

Rescission of action dividing township into wards, procedure, referendum, etc., provided for, suppl., 1948, c. 437.

Chapter 145. OFFICERS.

R. S. 40:145–13 amended 1944, c. 155; 1946, c. 282.

Additional Legislation.

Tenure in office, certain township treasurers and custodians of school moneys, provided for, 1947, c. 331.

Deputy clerk, certain townships, office, duties and compensation, provided for, 1948, c. 309.

Chapter 146. TOWNSHIP COMMITTEE.

R. S. 40:146–14 amended 1945, c. 297.

R. S. 40:146–15 " 1943, c. 143.

R. S. 40:146–16 " 1943, c. 166, s. 1.

R. S. 40:146–17 to 40:146–19 repealed 1943, c. 166, s. 2.

Additional Legislation.

Township Committee members, salaries, in sixth-class townships on Atlantic Ocean, provided for, 1946, c. 201.

Chapter 148. FINANCES.

R. S. 40:148–5 amended 1945, c. 309.

Chapter 150. STREETS AND HIGHWAYS.

R. S. 40:150–1 amended 1945, c. 35.

Chapter 151. FIRE DISTRICTS.

Note: For insurance protection for volunteer firemen by municipality or fire district, see 1945, c. 47.

R. S. 40:151–25 amended 1943, c. 81.

Chapter 153. ROAD DISTRICTS.

Additional Legislation.

Township road districts, commissioners, funds, provided for, suppl., 1947, c. 49.

Chapter 155. STREET LIGHTING DISTRICTS.

R. S. 40:155–3 amended 1946, c. 68, s. 1.

R. S. 40:155–4 " 1946, c. 68, s. 2; 1948, c. 103.

R. S. 40:155–5 " 1946, c. 68, s. 3.

R. S. 40:155–6 " 1943, c. 83; 1946, c. 68, s. 4.

R. S. 40:155–7 " 1946, c. 68, s. 5.

Subtitle 12. VILLAGES.

Part 1. REFERENDUM ACT FOR INCORPORATION OF VILLAGES (1891).

Chapter 158. OFFICERS.

R. S. 40:158–1 amended 1948, c. 9.

Part 2. ACTS RELATING TO ALL VILLAGES.

Chapter 162A. (new) GENERAL POWERS.

Ashes, garbage, etc., collection, removal, etc., of, and regulation of business of public scavengers, licenses, etc., villages in first-class counties, provided for, 1946, c. 76.

Chapter 164. PUBLIC PARKS.

Additional Legislation.

Park lands, sale of part of, by certain municipalities in first-class counties, in certain cases, authorized, 1948, c. 114.

Subtitle 13. CITIES.

Chapter 171. OFFICERS.

R. S. 40:171–39 1910, c. 196, s. 1, amended 1948, c. 23, s. 1.

Additional Legislation.

Mayor, powers of, certain cases, extended, 1944, c. 90.

Boards of tax assessors may be replaced by Tax Assessor and assistants in certain second-class cities, procedure, provided for, suppl., 1947, c. 193.

Secretary to mayor, cities of the second class, authorized, 1947, c. 270.

Secretaries of boards of public safety, appointment, civil service status, provided for, suppl., 1947, c. 332.

Title of above amended 1948, c. 137.

Chapter 174. FIRE AND POLICE.

R. S. 40:174–86 1901, c. 22 repealed 1946, c. 254.

Chapter 175. PUBLIC IMPROVEMENTS GENERALLY.

R. S. 40:175–34 1913, c. 326, s. 13 amended 1948, c. 281, s. 1.

R. S. 40:175–37 1931, c. 134, s. 2 " 1948, c. 187, s. 1.

R. S. 40:175–38 1931, c. 134, s. 3 " 1948, c. 187, s. 2.

R. S. 40:175–41 1931, c. 134, s. 6 " 1948, c. 187, s. 3.

Additional Legislation.

Board of water commissioners in cities of the second class, members, appointment by the county judges, provided for, suppl., 1948, c. 386.

Chapter 178. STREETS AND PUBLIC PLACES.

R. S. 40:178–19 1916, c. 161, s. 17 amended 1948, c. 24, s. 1.

R. S. 40:178–27 1929, c. 142, s. 1 " 1947, c. 348, s. 1.

R. S. 40:178–28 1929, c. 142, s. 2 " 1947, c. 348, s. 2.

R. S. 40:178–29 1929, c. 142, s. 3 " 1947, c. 348, s. 3.

Additional Legislation.

Subsurface traffic location centers, use of certain public lands for, authorized, 1947, c. 311.

Title 41. OATHS AND AFFIDAVITS.

Chapter 2. WHO MAY ADMINISTER OATHS OR TAKE AFFIDAVITS.

Note: For oaths, affirmations, affidavits and proofs of instruments by persons in military or naval service; taking before commissioned officer, authorized, see 1941, c. 333, amended 1943, c. 156, 1945, c. 234.

R. S. 41:2–4 amended 1944, c. 59, s. 1.

R. S. 41:2–5 " 1944, c. 59, s. 2.

R. S. 41:2–9 repealed 1948, c. 335, s. 5.

R. S. 41:2–11 amended 1944, c. 59, s. 3; 1948, c. 145.

R. S. 41:2–15 " 1944, c. 59, s. 4.

Chapter 2A. (new) JUDICIAL OATHS.

Supreme, Superior and County Courts, Justices' and Judges' Oaths, 1948, c. 335.

Title 43. PENSIONS AND RETIREMENT AND UNEMPLOYMENT COMPENSATION.

Note: For effect of 1940 census and reclassification of counties on county and municipal pensions, see 1940, c. 181, amended 1947, c. 363, 1948, c. 45; for definition of public service in connection with rights, privileges and benefits of honorably discharged veterans, see 1945, c. 175.

Subtitle 1. GENERAL PROVISIONS.

Chapter 1. ELIGIBILITY FOR PENSION FUND.

Additional Legislation.

Maximum age limit for membership in Pension Fund or Retirement System, time of military service not to be counted in calculating, 1945, c. 305.

Sec. 1 of above amended 1946, c. 308.

Chapter 3. PENSIONERS IN PUBLIC EMPLOYMENT.

R. S. 43:3-5 amended 1946, c. 142.

Chapter 4. VETERANS.

R. S. 43:4-1 amended 1944, c. 211.

R. S. 43:4-2 " 1943, c. 87; 1944, c. 191; 1947, c. 279.

Subtitle 2. STATE PENSIONS AND RETIREMENT.

Chapter 6. COURT OFFICERS AND EMPLOYEES.

Article 1. Judicial Officers.

A. GENERALLY.

Additional Legislation.

Pensions, certain retired Vice-Chancellors, provided for, 1948, c. 392.

Pensions to Supreme Court Justices, Superior Court judges, and their widows in certain cases, provided for, 1948, c. 391.

C. (new) JUDGE OF COURT OF ERRORS AND APPEALS; FIFTEEN YEARS SERVICE.

Additional Legislation.

Retirement on pension of certain Judges of Court of Errors and Appeals, provided for, suppl., 1946, c. 6.

D. (new) JUDGES OF COURT OF ERRORS AND APPEALS.

Additional Legislation.

Pensions, Judges of the Court of Errors and Appeals, certain, provided for, 1948, c. 393.

Article 3. Stenographic Reporters.

R. S. 43:6–10 amended 1948, c. 402,, s. 1.

R. S. 43:6–11 " 1948, c. 402, s. 2.

Chapter 7. OFFICERS AND EMPLOYEES OF PENAL INSTITUTIONS.

Additional Legislation.

Officers and employees of State penal institutions; pensions and prison officers pension fund, 1941, c. 220.

Title of above amended 1943, c. 193, s. 1.

Sec. 2 " " " 1943, c. 193, s. 2.

Sec. 19 " " " 1943, c 186.

Prison officers' pension fund, withdrawal of veterans from, provided for, suppl., 1946, c. 80.

Subtitle 3. COUNTY PENSIONS AND RETIREMENT.

Chapter 9. PENSIONS PAYABLE FROM PUBLIC FUNDS.

Article 7. (new) County Clerk.

Additional Legislation.

Retirement on pension, certain cases, 1943, c. 194.

Article 8. (new) County Lunatic Asylums or Hospitals for Mental Diseases.

Additional Legislation.

Retirement on pension, superintendents of county mental institutions, in certain cases, authorized, 1947, c. 216.

Chapter 9A. (new) PENSIONS PAYABLE FROM PUBLIC FUNDS WITH CONTRIBUTIONS.

Pensions on retirement of certain Clerks and Deputy Clerks of certain District Courts, provided for, suppl., 1945, c. 281.

Chapter 10. PENSION FUNDS.

Article 1. Employees of County of the First Class Generally.

R. S. 43:10–4 amended 1947, c. 129.

Article 1A. (new) Employees of Counties of Over 800,000 Inhabitants.

Additional Legislation.

Pension fund system established and regulated, 1943, c. 160.

Sec. 6 of above amended 1947, c. 400, s. 1.

Sec. 7 " " " 1944, c. 48.

Sec. 16 " " " 1947, c. 400, s. 2.

Sec. 19 " " " 1944, c. 158.

Sec. 20 " " " 1945, c. 214.

Court attendants, jail and penitentiary guards, in certain counties, compulsory retirement or retention, in certain cases, authorized, suppl., 1947, c. 367, ss. 1, 2.

Article 1B. (new) Employees of Counties of 300,000 to 350,000 Inhabitants.

Additional Legislation.

Pension fund system, counties between 300,000 and 350,000 population, established and regulated, 1948, c. 310.

Article 2. County Detectives in Counties of the First, Second, Third and Fifth Classes.

Additional Legislation.

County detectives, article inapplicable in certain cases, resolution required; existing rights and funds unaffected, suppl., 1947, c. 173.

County detectives, in certain second-class counties, may join pension fund, on certain conditions, suppl., 1947, c. 396.

Article 4. Police of Counties of 200,000 to 400,000 Inhabitants.

Additional Legislation.

Article not applicable to certain members of police departments, suppl., 1945, c. 244.

Article 5. Probation Officers of Counties of Over 83,000 Inhabitants.

R. S. 43:10–57 amended 1944, c. 234.

Additional Legislation.

Probation officers in counties between 275,000 and 400,000 inhabitants, admission to pension fund, provided for, suppl., 1946, c. 215.

County probation officers, article inapplicable in certain cases, resolution required; existing rights and funds unaffected, suppl., 1947, c. 170.

Article 6. Sheriff's Employees in Counties of the First and Second Classes.

Additional Legislation.

Sheriff's employees pension funds, certain counties, membership extended, 1944, c. 229.

Sec. 1 of above amended 1946, c. 216.

Sheriffs' employees, article inapplicable in certain cases, resolution required; existing rights and funds unaffected, suppl., 1947, c. 172.

Article 9. (new) Court Interpreters.

Additional Legislation.

County court interpreters, article inapplicable in certain cases, resolution required; existing rights and funds unaffected, suppl., 1947, c. 174.

Article 10. (new) County Departments of Weights and Measures.

Additional Legislation.

County superintendent or assistant superintendents of weights and measures, article inapplicable in certain cases, resolution required; existing rights and funds unaffected, suppl., 1947, c. 171.

Subtitle 4. MUNICIPAL PENSIONS.

Chapter 11A. (new) PENSION AND RETIREMENT OF EMPLOYEES TRANSFERRING FROM MUNICIPAL SERVICE.

Retirement on pension, municipal employees transferring to Port of New York Authority service, provided for, 1948, c. 250.

Chapter 12. PENSIONS PAYABLE FROM PUBLIC FUNDS.

Note: For pensions on retirement of certain Clerks and Deputy Clerks of certain District Courts, see 1945, c. 281.

Article 1. City Employees Generally.

R. S. 43:12–1 amended 1947, c. 160.

Additional Legislation.

Retirement on pension, certain officials; fourth-class cities; sixth-class counties, 1948, c. 119.

Retirement on pension, certain clerks of recorder's courts, second-class cities, counties of the first class, authorized, suppl., 1948, c. 254.

Retirement on pension; certain directors of public health laboratories; cities of the second class, authorized, 1948, c. 224.

Article 6. Librarian; Cities of the First Class.

R. S. 43:12–32 amended 1947, c. 309.

Article 11. (new) Township Employees.

Additional Legislation.

Retirement on pension; certain assessors of taxes in townships, 1940, c. 36.

Sec. 1 of above amended 1945, c. 271.

Collector of taxes, certain cases, 1944, c. 154.

Retirement on pension of certain health officers in townships, authorized, suppl., 1945, c. 287.

Township treasurers may be retired on pension, in certain cases, 1947, c. 221.

Retirement on pension of certain township clerks, authorized, 1947, c. 285.

Sec. 1 of above amended 1948, c. 471.

Article 12. (new) Borough Employees.

Additional Legislation.

Superintendent of public works, certain cases, 1944, c. 223.

Chapter 13. PENSION FUNDS.

Article 2. Employees of Cities of the First Class.

R. S. 43:13–2 amended 1947, c. 387.

Additional Legislation.

Membership continued, certain cases, on transfer to certain school districts, suppl., 1948, c. 428.

Employees, certain, membership in retirement fund, provided for, suppl., 1948, c. 465.

Article 4A. (new) Employees of Towns.

Additional Legislation.

Pension funds for employees of certain towns in first-class counties, established and regulated, suppl., 1943, c. 189.

Article 5. Employees of Villages in Counties of the First Class.

R. S. 43:13–44 amended 1945, c. 213, s. 1.

R. S. 43:13–45 " 1945, c. 213, s. 2.

R. S. 43:13–46 " 1945, c. 213, s. 3.

R. S. 43:13–48 " 1945, c. 213, s. 4.

R. S. 43:13–50 " 1945, c. 213, s. 5.

Additional Legislation.

"Salary" and "half pay" defined, suppl., 1945, c. 213, s. 6.

Subtitle 5. STATE, COUNTY AND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM.

Chapter 14. STATE SYSTEM.

Note: For membership in system of employees of State University of New Jersey authorized, see 1945, c. 49; for State employees paid by a county or municipality, under chapter fifteen of Title 43, to receive same benefits as county or municipal employees, also thereunder, provided for, see 1947, c. 286; for Board of Trustees of the State Employees' Retirement System transferred to the Division of Budget and Accounting in the Department of the Treasury, see 1948, c. 92.

R. S. 43:14–1 amended 1943, c. 119; 1944, c. 201, s. 1; 1945, c. 272.

R. S. 43:14–4 " 1947, c. 209.

R. S. 43:14–14 " 1947, c. 411.

R. S. 43:14–17 " 1944, c. 201, s. 2; 1946, c. 309.

R. S. 43:14–22 see 1947, c. 308.

R. S. 43:14–27 amended 1947, c. 289.

R. S. 43:14–29 " 1942, c. 286; 1944, c. 201, s. 3; 1945, c. 288; 1946, c. 236; 1947, c. 276.

R. S. 43:14–32 " 1944, c. 193.

R. S. 43:14–35 " 1947, c. 210.

Additional Legislation.

New members, heretofore or hereafter enrolled, payment of arrearages to obtain additional benefits, provided for, suppl., 1943, c. 116.

Membership, application for, etc., after induction in military, etc., service, provided for, suppl., 1943, c. 118.

Secretaries, of system, certain, pension element fixed, 1946, c. 200.

Employees of public agencies or organizations operating public works, membership in retirement system, provided for, suppl., 1946, c. 280.

Sec. 8 of above amended 1947, c. 147; 1947, c. 176.

Membership credits may be obtained by permanent employees on basis of prior temporary employment, suppl., 1947, c. 211.

Prior service credits, how obtained in certain cases, suppl., 1947, c. 255.

Credit for prior service, certain employees now in permanent classified service to receive, in certain cases, upon compliance with conditions, suppl., 1947, c. 280.

Restoration of retirement rights of certain employees loaned to Federal government, lapsed or lost during Federal service during World War II emergency, provided for, suppl., 1947, c. 301.

Benefits for time in Federal service to certain employees in State service, conditions under which obtainable, provided for, suppl., 1947, c. 320.

Chapter 15. COUNTY AND MUNICIPAL SYSTEM.

R. S. 43:15–1 amended 1946, c. 90.

R. S. 43:15–2 " 1945, c. 246; 1947, c. 339.

Additional Legislation.

Membership, application for, etc., after induction in military, etc., service, provided for, suppl., 1943, c. 117.

Employees of certain school districts, membership in pension system, provided for, 1946, c. 135.

County attendance officers, membership in State Employees' Retirement System, provided for, 1946, c. 191.

State employees paid by a county or municipality, under chapter fifteen of Title 43, to receive same benefits as county or municipal employees, also thereunder, provided for, suppl., 1947, c. 286.

Subtitle 6. PENSION FUND FOR POLICEMEN AND FIREMEN; TRAFFIC OFFICERS ON COUNTY ROADS.

Chapter 16. ESTABLISHMENT OF FUND BY REFERENDUM.

R. S. 43:16–1 amended 1944, c. 253, s. 1; 1947, c. 234, s. 1.

R. S. 43:16–2 " 1944, c. 253, s. 2; 1946, c. 284, s. 1; 1947, c. 234, s. 2.

R. S. 43:16–3 " 1944, c. 253, s. 3; 1945, c. 150; 1946, c. 284, s. 2; 1947, c. 234, s. 3; 1948, c. 313, s. 1.

R. S. 43:16–4 " 1944, c. 253, s. 4; 1946, c. 284, s. 3; 1948, c. 313, s. 2; 1948, c. 449.

R. S. 43:16–5 " 1943, c. 27; 1944, c. 253, s. 6; 1947, c. 234, s. 4.

R. S. 43:16–6 " 1944, c. 253, s. 7.

R. S. 43:16–7 " 1943, c. 77; 1944, c. 253, s. 8.

R. S. 43:16–11 repealed 1944, c. 253, s. 9.

Additional Legislation.

Definitions and additional provisions, suppl., 1944, c. 253, ss. 5, 10 to 14.

Sec. 12 of above amended 1946, c. 284, s. 4; 1947, c. 234, s. 5.

Assistant police and fire surgeons, first-class cities, membership in pension fund, authorized, 1947, c. 165.

Executive officer, retention in service of, after eligible for retirement, until attaining seventy years of age, provided for, suppl., 1947, c. 395.

Chapter 16A. (new) POLICE AND FIREMEN'S RETIREMENT SYSTEM.

Note: For Board of Trustees of the Police and Firemen's Retirement System of New Jersey transferred to the Division of Budget and Accounting in the Department of the Treasury, see 1948, c. 92.

Municipal, county, etc., police and firemen's retirement system, established and regulated, 1944, c. 255.

Sec. 1 of above amended 1945, c. 148, s. 1.

Sec. 3 " " " 1945, c. 148, s. 2; 1948, c. 424.

Sec. 4 " " " 1945, c. 148, s. 3.

Sec. 9 " " " 1945, c. 148, s. 4.

Sec. 10 " " " 1945, c. 148, s. 5; 1948, c. 450, s. 1.

Sec. 15 of above amended 1945, c. 148, s. 6.

Sec. 16 " " " 1945, c. 148, s. 7.

Sec. 20 " " " 1945, c. 148, s. 8.

Sec. 23 " " " 1945, c. 148, s. 9.

Adoption by referendum, effect of, and persons eligible to membership upon, suppl., 1945, c. 148, ss. 10-16.

Membership of members of county police department in system provided for, suppl., 1946, c. 192.

Deputy State Treasurer may be authorized to sit as member of board, in place of State Treasurer, suppl., 1947, c. 217.

Park police, certain counties, admission to system, authorized, suppl., 1948, c. 442.

Park police, certain counties, admission to system, provided for, 1948, c. 441.

Subtitle 9. SOCIAL SECURITY.

Chapter 21. UNEMPLOYMENT COMPENSATION.

Note: For transfer of functions of Unemployment Compensation Commission to the Department of Labor and Industry, see 1948, c. 446.

R. S. 43:21-3 amended 1945, c. 72; 1948, c. 110, s. 19.

R. S. 43:21-4 " 1947, c. 35, s. 1; 1948, c. 110, s. 20.

R. S. 43:21-5 " 1945, c. 73, s. 1; 1945, c. 308, s. 1; see 1948, c. 182.

R. S. 43:21-6 " 1945, c. 308, s. 2.

R. S. 43:21-7 " 1947, c. 35, s. 2; 1948, c. 109, ss. 1, 2.

R. S. 43:21-8 " 1945, c. 73, s. 2.

R. S. 43:21-9 " 1948, c. 79, s. 1.

R. S. 43:21-10 " 1945, c. 203 (1945, c. 203, repealed 1948, c. 184); 1945, c. 308, s. 3; 1948, c. 184, s. 1.

R. S. 43:21-13 " 1948, c. 79, s. 2.

R. S. 43:21-14 " 1944, c. 80; 1945, c. 307; 1948, c. 79, s. 3.

R. S. 43:21-16 " 1945, c. 308, s. 4; 1948, c. 79, s. 4.

R. S. 43:21-19 " 1945, c. 73, s. 3; 1946, c. 37; 1946, c. 278, s. 1; 1947, c. 35, s. 4; 1948, c. 318.

R. S. 43:21-20 repealed 1945, c. 308, s. 5.

R. S. 43:21-21 amended 1945, c. 73, s. 4; 1945, c. 308, s. 6.

Additional Legislation.

Refunds of contributions, certain cases, provided for, suppl., 1944, c. 81.

Sec. 1 of above amended 1947, c. 35, s. 3.

Taking over of Employment Service Division of Commission by Federal agencies, authorized, suppl., 1941, c. 386.

Civil service and pension rights of employees transferred, saved, suppl., 1943, c. 171.

Civil service classification study, salary adjustment, employees remitted to State service, suppl., 1948, c. 68.

Agreements, etc., with United States agencies, etc., for veterans placement, payment of veterans' benefits, etc., provided for, suppl., 1944, c. 232.

Seamen, reconversion unemployment benefits, Federal and State, provided for, suppl., 1948, c. 182.

"Temporary Disability Benefits Law," suppl., 1948, c. 110.

Disability benefits, while under care of, dentist, provided for, suppl., 1948, c. 469.

Title 44. POOR.

Note: For issuance of bonds for relief by municipalities, see 1939, c. 332, amended 1939, c. 395, 1940, c. 185, 1941, c. 107.

Chapter 1. SETTLEMENT AND RELIEF OF POOR; MUNICIPAL, COUNTY OR JOINT COUNTY RELIEF.

Additional Legislation.

Overseers and deputy overseers of the poor abolished, transfer of functions, powers, duties, etc., to Director of Welfare, existing officers saved, suppl., 1946, c. 110.

Chapter 3. MUNICIPAL ALMSHOUSES.

R. S. 44:3–1 amended 1947, c. 184.

Chapter 4. SETTLEMENT AND RELIEF OF POOR; COUNTY REFERENDUM LAW.

R. S. 44:4–1 amended 1947, c. 373.

R. S. 44:4–28 " 1943, c. 112.

R. S. 44:4–93 " 1946, c. 297.

Additional Legislation.

Liens for cost of care and maintenance at county welfare house or of permanent outdoor support against recipient and his estate, creation, record and enforcement, provided for, suppl. 1946, c. 175.

Chapter 5. MEDICAL CARE AND HOSPITALIZATION OF POOR IN GENERAL.

R. S. 44:5–2 amended 1948, c. 53, ss. 1, 2.

R. S. 44:5–11 " 1948, c. 222.

R. S. 44:5–16 " 1947, c. 336.

Chapter 6. FREE DENTAL CLINICS.

Additional Legislation.

Appropriations by counties for dental clinics for indigent children, provided for, suppl., 1944, c. 224.

Chapter 7. OLD AGE ASSISTANCE.

R. S. 44:7-1 amended 1943, c. 164, s. 1.

R. S. 44:7-3 " 1943, c. 164, s. 2.

R. S. 44:7-5 " 1943, c. 164, s. 3; 1944, c. 84, s. 1.

R. S. 44:7-12 " 1943, c. 164, s. 4; 1944, c. 84, s. 2.

R. S. 44:7-14 " 1943, c. 164, s. 5; 1945, c. 273, s. 1.

R. S. 44:7-15 " 1945, c. 273, s. 2; 1947, c. 370.

R. S. 44:7-18 " 1943, c. 164, s. 6; 1944, c. 84, s. 3.

R. S. 44:7-19 " 1943, c. 164, s. 7.

R. S. 44:7-21 " 1943, c. 164, s. 8.

R. S. 44:7-25 " 1943, c. 164, s. 9.

R. S. 44:7-30 " 1943, c. 164, s. 10.

R. S. 44:7-32 " 1943, c. 164, s. 11.

Chapter 8. FINANCIAL ASSISTANCE TO CERTAIN NEEDY PERSONS.

Note: For food stamps, etc., misuse of, prohibited, see 1941, c. 204, s. 1 amended 1942, c. 315, s. 1, s. 2 repealed 1942, c. 315, s. 2.

Additional Legislation.

Protection, welfare and financial assistance to needy persons, administration, etc., 1940, c. 130; repealed 1947, c. 156, s. 37.

State Municipal Aid Administration, 1940, c. 151.

Sec. 2 of above amended 1942, c. 340, s. 1.

Sec. 3 " " " 1942, c. 340, s. 2.

1940, c. 151, repealed 1947, c. 156, s. 37.

State Financial Assistance Commission abolished; powers, duties, property, etc., vested in State Municipal Aid Administration, 1940, c. 183; repealed 1947, c. 156, s. 37.

Administration of State aid for relief law (1941) 1941, c. 28.

Sec. 9 of above amended 1943, c. 11.

Sec. 12 " " " 1944, c. 162.

1941, c. 28, repealed 1947, c. 156, s. 37.

Physical rehabilitation of persons rejected for service in the armed forces of the United States by reason of physical disability, by State Municipal Aid Administration, provided for, 1942, c. 306; repealed 1947, c. 156, s. 37.

"General Public Assistance Law," State aid to certain counties and municipalities (Revision), 1947, c. 156.

Chapter 8A. (new) LEGAL SETTLEMENT OF NEEDY PERSONS.

Article 1. (new) Legal Settlement for Emergency Relief and Outdoor Poor Relief.

Legal settlement law relating to public assistance (1941), 1941, c. 357.

Sec. 1 of above amended 1947, c. 120, s. 1.
Sec. 20 " " " 1947, c. 120, s. 2.
Sec. 21 " " " 1947, c. 120, s. 3.
Sec. 23 " " " 1947, c. 120, s. 4.
Sec. 24 " " " 1947, c. 120, s. 5.
Sec. 25 " " " 1947, c. 120, s. 6.
Sec. 26 " " " 1947, c. 120, s. 7.
Sec. 27 " " " 1947, c. 120, s. 8.
Sec. 28 " " " 1947, c. 120, s. 9.
Sec. 35 " " " 1947, c. 120, s. 10.
Sec. 37 " " " 1947, c. 120, s. 11.
Sec. 38 " " " 1947, c. 120, s. 12.
Sec. 39 " " " 1947, c. 120, s. 13.
Sec. 40 " " " 1947, c. 120, s. 14.
Sec. 41 " " " 1947, c. 120, s. 15.
Sec. 46 " " " 1947, c. 120, s. 16.

Title 45. PROFESSIONS AND OCCUPATIONS.

Note: For business of selling, etc., motor fuels, etc., at retail, regulated, see 1938, c. 163, amended 1938, c. 204, 1938, c. 401, 1939, c. 62, 1942, c. 260, s. 509 added 1939, c. 63; for renewal or reinstatement of certain licenses, registration certificates or permits to practice profession or engage in occupation, for veterans, provided for, see 1946, c. 51.

Subtitle 1. PROFESSIONS AND OCCUPATIONS REGULATED BY STATE BOARDS OF REGISTRATION AND EXAMINATION.

Chapter 2. ACCOUNTANTS, CERTIFIED PUBLIC.

Note: For New Jersey State Board of Public Accountants continued in the Division of Professional Boards in the Department of Law and Public Safety, see 1948, c. 439.

Chapter 3. ARCHITECTS.

Note: For New Jersey State Board of Architects continued in the Division of Professional Boards in the Department of Law and Public Safety, see 1948, c. 439.

R. S. 45:3-6 amended 1945, c. 262, s. 1.

R. S. 45:3-8 " 1943, c. 75, s. 1.

R. S. 45:3-9 " 1943, c. 75, s. 2.

R. S. 45:3-10 " 1943, c. 75, s. 3; 1945, c. 262, s. 2.

Chapter 4. BARBERS.

Note: For State Board of Barber Examiners transferred to State Department of Health, see 1948, c. 444.

Additional Legislation.

Regulation of barbering, licensing of barbers and creation of State Board of Barber Examiners, etc., 1938, c. 197.

Sec. 1 of above amended 1946, c. 132, s. 1.

Sec. 3 " " " 1946, c. 132, s. 2.

Sec. 5 " " " 1946, c. 132, s. 3.

Sec. 9 " " repealed 1946, c. 132, s. 4.

Sec. 10 " " " 1946, c. 132, s. 4.

Sec. 20 " " amended 1944, c. 149.

Sec. 22 " " " 1947, c. 304, s. 1.

Sec. 23 " " " 1947, c. 304, s. 2.

Sec. 26 " " " 1946, c. 133, s. 10.

Journeyman's permits heretofore issued, continuance in effect, provided for, suppl., 1946, c. 132, s. 5.

Apprentice certificate heretofore issued, continuance in effect, provided for, suppl., 1946, c. 132, s. 6.

Use or maintenance of premises as barber shop without license prohibited, licenses, issuance, etc., provided for, suppl., 1946, c. 133, ss. 1-9, 11, 12.

Certificates of registration and permits to former holders, upon honorable discharge of applicants from military or naval service of the United States or of this State, provided for, suppl., 1942, c. 322.

Chapter 4A. BEAUTY CULTURE.

Note: For Department of Beauty Culture Control and Board of Beauty Culture Control transferred to State Department of Health, see 1948, c. 444.

R. S. 45:4A-2	amended	1943, c. 9, s. 8; 1946, c. 60, s. 1.
R. S. 45:4A-3	"	1946, c. 60, s. 2.
R. S. 45:4A-8	"	1943, c. 9, s. 9.
R. S. 45:4A-10	"	1943, c. 9, s. 10.
R. S. 45:4A-11	"	1943, c. 9, s. 11.
R. S. 45:4A-14	"	1943, c. 9, s. 12.
R. S. 45:4A-15	"	1943, c. 9, s. 13; 1943, c. 122.
R. S. 45:4A-18	"	1943, c. 9, s. 14.
R. S. 45:4A-23	"	1943, c. 9, s. 15; 1948, c. 171.

Additional Legislation.

Licenses to practice and practice of beauty culture, regulated, suppl., 1943, c. 9, ss. 1-7.

Chapter 5. CHIROPODY.

R. S. 45:5-1	amended	1947, c. 355, ss. 1, 7, 8; 1948, c. 434, s. 1.
R. S. 45:5-3	"	1947, c. 355, ss. 2, 7, 8.
R. S. 45:5-4	"	1947, c. 355, ss. 3, 7, 8.
R. S. 45:5-5	"	1947, c. 355, ss. 4, 7, 8.
R. S. 45:5-7	"	1943, c. 95, s. 1; 1947, c. 355, ss. 5, 7, 8; 1948, c. 434, s. 2.

R. S. 45:5-8 amended 1943, c. 95, s. 2; 1947, c. 355, ss. 6, 7, 8; 1948, c. 434, s. 3.

R. S. 45:5-10 " 1943, c. 95, s. 3; 1948, c. 434, s. 4.

R. S. 45:5-11 " 1943, c. 95, s. 4; 1948, c. 434, s. 5.

Additional Legislation.

Injunction against unauthorized practitioners, provided for, suppl., 1943, c. 95, s. 5.

Payment of penalty deemed equivalent to conviction, suppl., 1948, c. 434, s. 6.

Chapter 6. DENTISTS.

Note: For State Board of Registration and Examination in Dentistry continued in the Division of Professional Boards in the Department of Law and Public Safety, see 1948, c. 439.

R. S. 45:6-7 amended 1945, c. 193, s. 1.

Additional Legislation.

Payment of penalty, etc., equivalent to conviction, suppl., 1945, c. 193, s. 2.

Dental hygiene, practice of, regulated, suppl., 1948, c. 34.

Chapter 7. EMBALMERS AND FUNERAL DIRECTORS.

Note: For Board of Embalmers and Funeral Directors of the State of New Jersey continued in the Division of Professional Boards in the Department of Law and Public Safety, see 1948, c. 439.

Chapter 8. ENGINEERS, PROFESSIONAL, AND LAND SURVEYORS.

Note: For State Board of Professional Engineers and Land Surveyors continued in the Division of Professional Boards in the Department of Law and Public Safety, see 1948, c. 439.

Additional Legislation.

Practice of professional engineering and land surveying, regulated (Revision, 1938), 1938, c. 342.

Sec. 1 of above amended 1947, c. 60, s. 1.

Sec. 13 " " " 1947, c. 60, s. 2.

Licenses, renewal without fee, holder in war service, provided for, suppl., 1943, c. 90.

"Engineer-in-Training," certificate of registration, provided for, suppl., 1947, c. 59.

Chapter 8A. (new) LIBRARIANS, LIBRARY ASSISTANTS, ETC.

Librarians and professional library assistants, certification of by State Board of Education; requirement of certificate for appointment of, provided for, 1947, c. 132.

Chapter 9. MEDICINE AND SURGERY.

Note: For State Board of Medical Examiners continued in the Division of Professional Boards in the Department of Law and Public Safety, see 1948, c. 439.

R. S. 45:9–1 amended 1946, c. 84, s. 1.

R. S. 45:9–5 " 1946, c. 84, s. 2.

R. S. 45:9–8 " 1942, c. 342; 1944, c. 166, s. 1; 1947, c. 243.

R. S. 45:9–14 " 1943, c. 17.

R. S. 45:9–16 " 1944, c. 166, s. 2.

R. S. 45:9–21 " 1943, c. 74; 1944, c. 167.

Additional Legislation.

Payment of penalty equivalent to conviction, suppl., 1944, c. 166, s. 3.

Chapter 11. NURSES.

Note: For nursing, teaching and practice regulated and controlled (Revision of 1947), see 1947, c. 262; for New Jersey State Board of Nursing continued in the Division of Professional Boards in the Department of Law and Public Safety, see 1948, c. 439.

R. S. 45:11–1 to 45:11–6 repealed 1947, c. 262, s. 22.

R. S. 45:11–7 amended 1942, c. 346, s. 1; 1945, c. 13, s. 1; repealed 1947, c. 262, s. 22.

R. S. 45:11–8 repealed 1947, c. 262, s. 22.

R. S. 45:11–9 " 1947, c. 262, s. 22.

R. S. 45:11–10 amended 1942, c. 346, s. 2; repealed 1947, c. 262, s. 22.

R. S. 45:11–11 repealed 1945, c. 13, s. 2; 1947, c. 262, s. 22.

R. S. 45:11–12 amended 1942, c. 346, s. 3; repealed 1947, c. 262, s. 22.

R. S. 45:11–13 to 45:11–18 repealed 1947, c. 262, s. 22.

R. S. 45:11–19 amended 1942, c. 346, s. 4; repealed 1947, c. 262, s. 22.

R. S. 45:11–20 to 45:11–22 repealed 1947, c. 262, s. 22.

Additional Legislation.

Nursing, teaching and practice regulated and controlled (Revision of 1947) 1947, c. 262, ss. 1-22.

Chapter 12. OPTOMETRY.

Note: For New Jersey State Board of Optometrists continued in the Division of Professional Boards in the Department of Law and Public Safety, see 1948, c. 439.

R. S. 45:12-1 amended 1948, c. 350, ss. 1, 8, 9, 10.

R. S. 45:12-8 " 1948, c. 350, ss. 2, 8, 9, 10.

R. S. 45:12-9 " 1948, c. 350, ss. 3, 8, 9, 10.

R. S. 45:12-11 " 1948, c. 350, ss. 4, 8, 9, 10.

R. S. 45:12-14 " 1948, c. 350, ss. 5, 8, 9, 10.

R. S. 45:12-19 " 1948, c. 350, ss. 6, 8, 9, 10.

Additional Legislation.

Record of examination, exclusive property of optometrist; unauthorized use of, suppl., 1948, c. 350, ss. 7-10.

Chapter 14. PHARMACY.

Note: For Board of Pharmacy of the State of New Jersey continued in the Division of Professional Boards in the Department of Law and Public Safety, see 1948, c. 439.

Additional Legislation.

Renewal of certificate of registration of holder in war service, provided for, suppl., 1944, c. 132.

Sec. 1 of above amended 1945, c. 177, s. 1.

Applicants for registered pharmacists examination, certain applicants entitled to credit for military service, provided for, suppl., 1946, c. 177.

Registered assistant pharmacists, qualification as registered pharmacists, provided for, suppl., 1948, c. 50.

Prescription departments, minimum requirements, temporary and limited permits, provided for, suppl., 1948, c. 105.

Chapter 15. REAL ESTATE BROKERS, SALESMEN AND AUCTIONEERS.

Note: For State Real Estate Commission constituted a division in the Department of Banking and Insurance, see 1948, c. 88.

R. S. 45:15–5 amended 1948, c. 88, ss. 4, 13.

R. S. 45:15–7 " 1948, c. 88, ss. 5, 13.

R. S. 45:15–17 " 1948, c. 155, s. 2.

Additional Legislation.

Licenses, issuance to officers of real estate corporations, certain cases, provided for, 1943, c. 60.

Real estate brokers' licenses, issuance to certain persons, authorized, 1945, c. 223.

Promotional sales, property outside State, regulated, suppl., 1948, c. 155, s. 1.

Employees, certain, rules, etc., proceedings, etc., of commission, continued, etc., 1948, c. 88, ss. 6, 7, 9-11, 13.

Chapter 15B. (new) SHORTHAND REPORTING.

Note: For State Board of Shorthand Reporting continued in the Division of Professional Boards in the Department of Law and Public Safety, see 1948, c. 439.

Chapter 16. VETERINARY MEDICINE, SURGERY AND DENTISTRY.

Note: For State Board of Veterinary Medical Examiners continued in the Division of Professional Boards in the Department of Law and Public Safety, see 1948, c. 439.

Subtitle 2. OCCUPATIONS SUBJECT TO OTHER REGULATION.

Chapter 18. COLLECTION AGENCIES.

R. S. 45:18–3 amended 1946, c. 293.

Chapter 19. DETECTIVES.

Additional Legislation.

Private Detective Act of 1939, 1939, c. 369.

Sec. 5 of above amended 1948, c. 152, s. 1.

Sec. 8 " " " 1948, c. 152, s. 2.

Sec. 9 " " " 1948, c. 152, s. 3.

Chapter 24. TRANSIENT MERCHANTS OR ITINERANT VENDORS; HAWKERS AND PEDDLERS.

R. S. 45:24–9 amended 1943, c. 99.

Title 46. PROPERTY.

Note: For contracts, obligations, pledges, mortgages and conveyances, made by minors over eighteen years of age in connection with certain veterans' loans, made valid and enforceable, see 1946, c. 134, amended 1947, c. 189.

Subtitle 1A. (new) REAL AND PERSONAL PROPERTY.

Chapter 2A. (new) POWERS OF APPOINTMENT.

Releases of and covenants, etc., not to exercise powers, provided for, 1943, c. 57.

Chapter 2B. (new) POWERS OF ATTORNEY.

Powers of attorney by persons in military service, execution, recording, effect, etc., provided, 1943, c. 157.

Title of above amended 1945, c. 233, s. 1.

Sec. 1 " " " 1945, c. 233, s. 2.

Sec. 3 " " " 1945, c. 233, s. 3.

Sec. 6 " " " 1945, c. 233, s. 4.

Chapter 2C. (new) TRUST DEEDS.

Trust deeds by persons in military service, execution, recording, effect, etc., provided, 1943, c. 155.

Sec. 2 of above amended 1945, c. 110.

Chapter 2D. (new) MORTGAGES.

Mortgage to husband and wife, unless otherwise provided, held fully as joint tenants, words of survivorship not required, 1947, c. 206.

Subtitle 2. REAL PROPERTY ONLY.

Chapter 3. ESTATES AND INTERESTS IN REAL PROPERTY AND ALIENATION THEREOF IN GENERAL.

R. S. 46:3-18 amended 1943, c. 145.

Chapter 8. LEASEHOLD ESTATES; LANDLORD AND TENANT.

Termination of tenancies and recovery of possession of demised premises, by landlord, limited and regulated, certain cases, 1945, c. 84.

Chapter 9. MORTGAGES.

Note: For penal sum in bonds secured by mortgages, not required to be expressed, see 1947, c. 337.

Article 1A. (new) Assumption.

Additional Legislation.

Purchasers of real estate subject to mortgage, liability therefor, when, no implied assumption thereof, suppl., 1947, c. 288.

Subtitle 3. SIGNATURES, SEALS, ACKNOWLEDGMENTS AND PROOFS.

Chapter 14. ACKNOWLEDGMENTS AND PROOFS.

Note: For acknowledgment of deeds, etc., by persons in military or naval service, taking before commissioned officer, authorized, see 1941, c. 333, amended 1943, c. 156, 1945, c. 234.

R. S. 46:14-6 amended 1948, c. 223.

Subtitle 4. RECORDING, REGISTRATION, FILING AND INDEXING OF DEEDS AND OTHER INSTRUMENTS.

Chapter 16. INSTRUMENTS ENTITLED TO RECORD.

Note: For provision for recording of liens for cost of care and maintenance or permanent outdoor support furnished to any person, provided for, see 1946, c. 175.

R. S. 46:16-1 amended 1945, c. 275, s. 1.

R. S. 46:16-8 " 1948, c. 193.

Additional Legislation.

Recording of nontestamentary trust instruments not acknowledged or proved, provided for, suppl., 1943, c. 147.

Chapter 17. REGISTRATION OF MORTGAGES.

R. S. 46:17-1 amended 1947, c. 351, s. 1.

R. S. 46:17-4 " 1947, c. 351, s. 2.

Chapter 18. RECORD OF AND RECORD ENTRIES AS TO INSTRUMENTS AFFECTING MORTGAGES.

R. S. 46:18-8 amended 1945, c. 145; 1947, c. 81.

Chapter 19. MECHANICS OF RECORDATION.

R. S. 46:19-1 amended 1945, c. 275, s. 2.

R. S. 46:19-3 " 1944, c. 36.

Chapter 23. MAPS OF LANDS; APPROVAL AND FILING.

Note: For maps, disapproval of certain, certain second-class counties, provided for, see 1948, c. 412.

R. S. 46:23–3 amended 1947, c. 227.

Subtitle 6. PERSONAL PROPERTY ONLY.

Chapter 32. UNIFORM CONDITIONAL SALES LAW.

R. S. 46:32–17 amended 1945, c. 274.

Chapter 35. (new) TRUST RECEIPTS.

Uniform Trust Receipts Act, 1938, c. 294.

Sec. 13 of above amended 1947, c. 99.

Title 47. PUBLIC RECORDS.

Chapter 2. PUBLIC RECORD OFFICE.

R. S. 47:2–1 repealed 1945, c. 50, s. 22.

R. S. 47:2–2 " 1945, c. 50, s. 22.

R. S. 47:2–9 " 1945, c. 50, s. 22.

Title 48. PUBLIC UTILITIES.

Note: For permission to United States Government to lay conduits under streets, etc., when approved by Public Utility Commissioners, authorized, see 1943, c. 209; for collective bargaining, compulsory arbitration, and settlement of labor disputes in public utilities and seizure and operation of public utilities by the State, in certain cases, provided for, see 1946, c. 38, amended 1947, c. 47, 1947, c. 75; for rates for supply of water by certain second-class cities to consumers in other municipalities subject to control, etc., of Board of Public Utility Commissioners, provided for, see 1947, c. 295.

Chapter 2. BOARD OF PUBLIC UTILITY COMMISSIONERS.

Article 1. Constitution of Board.

R. S. 48:2-1 amended 1948, c. 90, ss. 1, 5.

R. S. 48:2-2 see 1948, c. 90, s. 2.

Additional Legislation.

"Department of Public Utilities Act of 1948," 1948, c. 90.

Article 2. Jurisdiction, Powers and Duties.

R. S. 48:2-13 amended 1946, c. 219; 1947, c. 162.

Article 3. Municipal Consent to Use of Streets.

R. S. 48:3-17 amended 1947, c. 199.

Article 6. General Provisions.

R. S. 48:3-31 amended 1948, c. 286.

Article 7. (new) Fees and Charges.

Additional Legislation.

Fees and charges, filing, copies, etc., provided for, suppl., 1947, c. 97.

Chapter 3. PUBLIC UTILITIES IN GENERAL.

Article 2. Stocks, Bonds and Other Obligations.

R. S. 48:3-9 amended 1946, c. 220, ss. 1-2.

Article 3A. (new) Presumption of Consent of Owner From the Use of Highways, etc.

Additional Legislation.

Presumption of consent of owners to placing of certain poles in public places, established after ten years, suppl., 1945, c. 231.

Chapter 4. AUTO BUSSES.

R. S. 48:4–1 amended 1946, c. 125; 1947, c. 161.

R. S. 48:4–3 " 1946, c. 131.

R. S. 48:4–14 " 1946, c. 130; 1947, c. 230.

R. S. 48:4–36 " 1948, c. 178.

Chapter 5. BRIDGE COMPANIES.

R. S. 48:5–18 amended 1947, c. 401.

Chapter 7. ELECTRIC LIGHT, HEAT AND POWER COMPANIES.

Note: For presumption of consent of owners to placing of certain poles in public places, established after ten years, see 1945, c. 231.

Chapter 9. GAS COMPANIES.

R. S. 48:9–17 amended 1947, c. 66.

Chapter 12. RAILROADS.

Note: For extension of time for completion of certain railroads, see 1941, c. 3; 1943, c. 4; 1945, c. 3; 1947, c. 89.

R. S. 48:12–57 amended 1948, c. 252.

R. S. 48:12–62 " 1947, c. 178, s. 1.

R. S. 48:12–70 " 1947, c. 178, s. 3.

R. S. 48:12–71 " 1947, c. 178, s. 4.

R. S. 48:12–77 " 1947, c. 178, s. 5.

R. S. 48:12–126 " 1948, c. 317, s. 1.

R. S. 48:12–127 " 1948, c. 317, s. 2.

R. S. 48:12–128 " 1948, c. 317, s. 3.

R. S. 48:12–129 " 1948, c. 317, s. 4.

R. S. 48:12–130 " 1948, c. 317, s. 5.

R. S. 48:12–131 " 1948, c. 317, s. 6.

R. S. 48:12–132 " 1948, c. 317, s. 7.

R. S. 48:12–133 " 1948, c. 317, s. 8.

R. S. 48:12–134 " 1948, c. 317, s. 9.

R. S. 48:12–135 " 1948, c. 317, s. 10.

R. S. 48:12–136 " 1948, c. 317, s. 11.

R. S. 48:12–158 " 1943, c. 150.

R. S. 48:12–162 repealed 1943, c. 94.

Additional Legislation.

Branch lines to race tracks, authorized, suppl., 1947, c. 17.

Grade crossing elimination program, cost divided State 85%—Railroad 15%, applicable to prior orders for, in certain cases, suppl., 1947, c. 178, s. 2.

Chapter 15. STREET RAILWAYS.

R. S. 48:15-6 amended 1946, c. 287, s. 1.

R. S. 48:15-13 " 1946, c. 287, s. 2.

R. S. 48:15-41 " 1946, c. 71.

Additional Legislation.

Autobusses diverted from street made one-way to be authorized to use parallel street in direction opposite to one-way street, provided for, suppl., 1947, c. 383.

Chapter 17. TELEGRAPH AND TELEPHONE COMPANIES.

Note: For presumption of consent of owners to placing of certain poles in public places, established after ten years, see 1945, c. 231.

Chapter 21. SOUTH JERSEY TRANSIT AUTHORITY.

Note: For transfer of powers and duties to Department of Economic Development, see 1944, c. 85, amended 1945, c. 128.

R. S. 48:21-1 to 48:21-19 repealed 1944, c. 85, s. 52.

Title 50. SHELLFISH.

Chapter 1. BOARD OF SHELL FISHERIES.

Note: For transfer of functions, powers and duties to State Department of Conservation, see 1945, c. 22.

R. S. 50:1–1 to 50:1–4 repealed 1945, c. 22, s. 44.

R. S. 50:1–23 amended 1947, c. 359.

Chapter 2. GENERAL REGULATORY PROVISIONS.

R. S. 50:2–10 amended 1945, c. 38, s. 1.

Chapter 3. REGULATIONS APPLICABLE TO DELAWARE RIVER, DELAWARE BAY AND THEIR TRIBUTARIES; DEPARTMENT OF MAURICE RIVER COVE.

Article 2. Method of Taking Shellfish; Size; Closed Seasons.

R. S. 50:3–6 amended 1945, c. 38, s. 2.

Article 4. (new) Licensing of Oyster Shuckers and Dealers.

Additional Legislation.

1943, c. 182, 1944, c. 142; repealed 1945, c. 39, s. 17.

Article 5. (new) Licensing of Oyster Shuckers, Planters and Dealers.

Licensing of oyster shucking houses, oyster planters and oyster dealers, provided for, suppl., 1945, c. 39.

Chapter 4. REGULATIONS APPLICABLE TO ATLANTIC COAST; DEPARTMENT OF ATLANTIC COAST.

R. S. 50:4–1 amended 1943, c. 134.

Title 51. STANDARDS, WEIGHTS, MEASURES AND CONTAINERS.

Chapter 1. WEIGHTS, MEASURES AND CONTAINERS.

Note: For Department of Weights and Measures continued as the Division of Weights and Measures in the Department of Law and Public Safety, see 1948, c. 439.

R. S. 51:1–82 amended 1943, c. 135.

Additional Legislation.

Age limits for weighmasters and weighers during war time, provided for, suppl., 1943, c. 8.

Title 52. STATE GOVERNMENT, DEPARTMENTS AND OFFICERS.

Note: For annual State appropriation to municipalities employing full time policemen, firemen, etc., provided for, see 1944, c. 254.

Subtitle 1. GENERAL PROVISIONS.

Note: For time of war service not to be counted in determining maximum age limits for appointment or election to State office, position, etc., see 1944, c. 98, amended 1946, c. 206.

Chapter 6. COMMISSIONERS OF DEEDS.

R. S. 52:6-12 amended 1947, c. 264, ss. 1, 2.

Chapter 7. NOTARIES PUBLIC.

Additional Legislation.

Appointments, fees for commissions and filing of statements required by R. S. 52:7-8, provided for, 1944, c. 243.

Chapter 8. 1837 SURPLUS REVENUE FUND.

R. S. 52:8-6 amended 1946, c. 62.

Chapter 9C. NEW JERSEY COUNCIL.

Note: For transfer of powers and duties to Department of Economic Development, see 1944, c. 85, amended 1945, c. 128.

R. S. 52:9C-1 repealed 1944, c. 85, s. 52.

R. S. 52:9C-2 amended 1943, c. 111; repealed 1944, c. 85, s. 52.

R. S. 52:9C-3 repealed 1944, c. 85, s. 52.

R. S. 52:9C-4 " 1944, c. 85, s. 52.

Chapter 9G. (new) STATE COMMISSION ON POST-WAR ECONOMIC WELFARE.

Commission created, powers and duties, provided for, 1943, c. 192.

Sec. 1 of above amended 1944, c. 94, s. 1.

Sec. 2 " " " 1944, c. 94, s. 2.

Sec. 3 " " " 1944, c. 94, s. 3.

Chapter 9H. (new) STATE FINANCES.

General State Fund to be sole State Fund; single budget and one general appropriation law, provided for, 1945, c. 33.

Chapter 9I. (new) COMMISSION ON STATE TAX POLICY.

Constitution, powers, duties, etc., suppl., 1945, c. 157, ss. 1-6.

Subtitle 2. LEGISLATURE.

Note: For requirement of submission of bills for appropriation, apportionment or payment of State funds to Emergency State Commission on State Fiscal Affairs, see 1943, c. 2.

Chapter 10A. (new) SALARIES OF MEMBERS OF THE LEGISLATURE.

Members of Senate and General Assembly, annual compensation fixed, 1948, c. 16.

Subtitle 3. EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS, OFFICERS AND EMPLOYEES.

Chapter 14. GENERAL PROVISIONS.

Note: For leave of absence for State employees for military service, see 1941, c. 119, amended 1942, c. 327; for time of war service not to be counted in determining maximum age limits for appointment or election to State office, position, etc., see 1944, c. 98, amended 1946, c. 206; for certain discriminatory practices in employment and otherwise, prohibited and Division Against Discrimination in the State Department of Education, established, see 1945, c. 169, amended 1947, c. 155; for apprentice and on the job training programs for veterans in State Departments, provided for, see 1946, c. 162.

Article 1. Co-operation between Departments.

Additional Legislation.

Interdepartmental transfer of employees, provided for, 1943, c. 216.

Article 3. Salaries, etc., of Officers and Employees in general.

Additional Legislation.

Deductions from salaries, etc., of employees, provided for, 1943, c. 69; 1943, c. 102.

Salary increases and bonuses, provided for, 1943, c. 124; 1944, c. 119.

Rate of mileage for use of private car by State officer or employee, fixed, 1943, c. 188.

Sec. 1 of above amended 1948, c. 306.

Specific statutory maxima and minima of salaries and salary increases for State employees, abolished, salary ranges to be established by Civil Service Commission, 1945, c. 86.

Deductions for group, accident and sickness insurance premiums from compensation of State officers, employees, etc., authorized, 1946, c. 7.

Sec. 1 of above amended 1947, c. 143.

Leave of absence from office on appointment to other office, 1947, c. 14.

Minimum salaries, full-time employees, increases, fixed, 1948, c. 115.

Bonuses, salary ranges, etc., study, provided for, 1948, c. 116.

Article 3A. (new) Removal of Officers and Employees.

Additional Legislation.

Officers and employees removal by Governor, judicial review, provided for, 1948, c. 118.

Article 6. Investment of Moneys.

R. S. 52:14-31 amended 1948, c. 197; see 1947, c. 308.

R. S. 52:14-32 " 1948, c. 94.

R. S. 52:14-33 " 1944, c. 13.

Article 8A. (new) Rationing Provisions.

Additional Legislation.

Ration bank accounts, etc., authority to establish and administer, provided for, 1943, c. 142.

Article 9. (new) Post-War Reserve Account.

Additional Legislation.

"Post-war reserve account" in general State fund, creation, etc., provided for, 1944, c. 218.

Chapter 15. GOVERNOR.

R. S. 52:15-3 amended 1945, c. 88.

Additional Legislation.

Governor, legal counsel, provided for, suppl., 1947, c. 5.

Chapter 16. SECRETARY OF STATE AND REGISTER OF PREROGATIVE COURT.

R. S. 52:16–3 amended 1945, c. 90.

Chapter 16A. (new) DEPARTMENT OF STATE.

Department of State Act of 1948, 1948, c. 445.

Chapter 17. ATTORNEY GENERAL.

Note: For 1939, c. 101, repealed, see 1944, c. 20, s. 20.

R. S. 52:17–1 to 52:17–11 repealed 1944, c. 20, s. 20.

Chapter 17A. (new) DEPARTMENT OF LAW.

Note: For functions, powers and duties transferred to Department of Law and Public Safety, see 1948, c. 439.

Department of Law, established, powers, etc., 1944, c. 20, ss. 1-19.

Acting attorney general, designation, powers and duties, etc., provided for, 1948, c. 142.

Chapter 17B. (new) DEPARTMENT OF LAW AND PUBLIC SAFETY.

Department of Law and Public Safety Act of 1948, 1948, c. 439.

Chapter 18. STATE TREASURER.

Note: For certain employees under Civil Service, see 1946, c. 198.

R. S. 52:18–1 amended 1945, c. 89; repealed 1948, c. 92, ss. 47, 49.

R. S. 52:18–2 repealed 1948, c. 92, ss. 47, 49.

R. S. 52:18–3 " 1948, c. 92, ss. 47, 49.

R. S. 52:18–4 " 1948, c. 92, ss. 47, 49.

R. S. 52:18–6 " 1948, c. 92, ss. 47, 49.

R. S. 52:18–7 " 1948, c. 92, ss. 47, 49.

R. S. 52:18–9 " 1948, c. 92, ss. 47, 49.

R. S. 52:18–12 " 1948, c. 92, ss. 47, 49.

R. S. 52:18–18 amended 1944, c. 79.

R. S. 52:18–22 repealed 1944, c. 112, art. 8, s. 10.

R. S. 52:18–23 " 1944, c. 112, art. 8, s. 10.

Additional Legislation.

Deposit of United States Bonds by the Treasurer in Federal Reserve Bank without the State, in certain cases, authorized, 1942, c. 348.

Investment of certain moneys in United States securities, authorized, 1944, c. 148.

State Treasurer's Seal, style and use, 1945, c. 93.

Unclaimed deposits for railroad construction, investment of by State Treasurer, authorized, 1947, c. 158.

Chapter 18A. (new) DEPARTMENT OF THE TREASURY.

"Department of the Treasury Act of 1948," 1948, c. 92.

Chapter 19. STATE COMPTROLLER.

Note: For transfer of powers and duties to State Department of Taxation and Finance, see 1944, c. 112, amended 1946, c. 1, 1946, c. 199; for State Comptroller continued as an office in the Division of Budget and Accounting in the Department of the Treasury, see 1948, c. 92.

Article 1. In General.

R. S. 52:19-1	repealed	1948, c. 92, ss. 47, 49.
R. S. 52:19-3	"	1948, c. 92, ss. 47, 49.
R. S. 52:19-4	"	1948, c. 92, ss. 47, 49.
R. S. 52:19-6 to 52:19-9	"	1948, c. 92, ss. 47, 49.
R. S. 52:19-16 to 52:19-28	"	1944, c. 112, art. 8, s. 10.

Article 2. Division of Accounting.

R. S. 52:19-29 to 52:19-36	repealed	1944, c. 112, art. 8, s. 10.

Article 3. (new) Auditing and Preauditing Force.

Additional Legislation.

State central payroll system, installation, etc., authorized, 1942, c. 291.

Chapter 20. STATE HOUSE COMMISSION.

Note: For transfer of powers and duties to State Department of Taxation and Finance, see 1944, c. 112, amended 1946, c. 1; 1946, c. 199; for legal aid to police officers and firemen in suits arising from incidents in line of duty, provided for, see 1946, c. 67, amended 1947, c. 103.

Article 1. Organization and Personnel.

R. S. 52:20–3 repealed 1944, c. 112, art. 8, s. 10.

Article 2. Powers and Duties of Commission.

R. S. 52:20–8 to 52:20–12 repealed 1944, c. 112, art. 8, s. 10.

R. S. 52:20–16 " 1944, c. 112, art. 8, s. 10.

Chapter 20A. (new) EMERGENCY STATE COMMISSION ON STATE FISCAL AFFAIRS.

Commission established, powers, duties, etc., 1943, c. 2.

Chapter 21. STATE PLANNING BOARD.

Note: For transfer of powers and duties to Department of Economic Development, see 1944, c. 85, amended 1945, c. 128; for transfer of powers, duties and functions to the Department of Conservation and Economic Development, see 1948, c. 448.

R. S. 52:21–1 to 52:21–11 repealed 1944, c. 85, s. 52.

Chapter 22. STATE BUDGET AND STATE BUDGET COMMISSIONER.

Note: For transfer of powers and duties to State Department of Taxation and Finance, see 1944, c. 112, amended 1946, c. 1; 1946, c. 199; for fiscal year, Highway Department, fixed, see 1944, c. 159; for Governor's Budget Message to contain all appropriations recommended under one budget, see 1945, c. 33; for Division of Budget and Accounting in the State Department of Taxation and Finance continued as a division of the Department of the Treasury, see 1948, c. 92.

R. S. 52:22–1 to 52:22–22 repealed 1944, c. 112, art. 8, s. 10.

Chapter 23. COMMISSIONER OF FINANCE.

Note: For transfer of powers and duties to State Department of Taxation and Finance, see 1944, c. 112.

R. S. 52:23–1 to 52:23–16 repealed 1944, c. 112, art. 8, s. 10.

Chapter 24. STATE AUDITOR.

Note: For transfer of powers and duties of State Auditor to State Department of Local Government, see 1938, c. 158, amended 1942, c. 39, ss. 8 and 12 repealed 1944, c. 112, art. 8, s. 10, ss. 1 to 16 and 18 to 34 repealed 1947, c. 151.

R. S. 52:24–2 amended 1948, c. 29, s. 1.

R. S. 52:24–4 " 1948, c. 29, s. 2.

R. S. 52:24–6 " 1948, c. 29, s. 3.

R. S. 52:24-11 repealed 1947, c. 151, s. 97.

R. S. 52:24-12 to 52:24-18 " 1938, c. 159, s. 29 (1938, c. 159 repealed 1947, c. 151, s. 98).

R. S. 52:24-19 " 1948, c. 29, s. 4.

R. S. 52:24-19.1 " 1948, c. 29, s. 4.

R. S. 52:24-20 to 52:24-27 " 1938, c. 159, s. 29 (1938, c. 159 repealed 1947, c. 151, s. 98).

Chapter 25. STATE PURCHASING DEPARTMENT.

Note: For transfer of powers and duties to State Department of Taxation and Finance, see 1944, c. 112, amended 1946, c. 1, 1946, c. 199; for Division of Purchase and Property in the State Department of Taxation and Finance continued as a division of the Department of the Treasury, see 1948, c. 92.

Article 2. Organization and Personnel.

R. S. 52:25-7 to 52:25-10 repealed 1944, c. 112, art. 8, s. 10.

Article 3. General Powers and Duties of Commissioner.

R. S. 52:25-15 repealed 1944, c. 112, art. 8, s. 10.

Article 4. Standards and Specifications.

R. S. 52:25-17 to 52:25-21 repealed 1944, c. 112, art. 8, s. 10.

Article 5. Requisitions and Purchases.

R. S. 52:25-22 repealed 1944, c. 112, art. 8, s. 10.

R. S. 52:25-24 " 1944, c. 112, art. 8, s. 10

Chapter 26. STATE LIBRARY AND PUBLIC LIBRARY COMMISSION.

Note: For transfer of functions, powers, duties, etc., of State Library and Public Library Commission to Division of the State Library, Archives and History in the Department of Education, see 1945, c. 50.

R. S. 52:26-1 repealed 1945, c. 50, s. 22.

R. S. 52:26-4 " 1945, c. 50, s. 22.

R. S. 52:26-6 " 1945, c. 50, s. 22.

R. S. 52:26-7 " 1945, c. 50, s. 22.

R. S. 52:26-14 to 52:26-20 " 1945, c. 50, s. 22.

Chapter 27. MUNICIPAL FINANCE COMMISSION.

Note: For personnel and powers of commission, see 1938, c. 158, amended 1942, c. 39, ss. 8 and 12 repealed 1944, c. 112, art. 8, s. 10, ss. 1 to 16 and 18 to 34 repealed 1947, c. 151.

R. S. 52:27-1 amended 1947, c. 119, ss. 1, 6.

R. S. 52:27-4 " 1947, c. 119, ss. 2, 6.

R. S. 52:27-5 " 1947, c. 119, ss. 3, 6.

R. S. 52:27-17 " 1947, c. 54, s. 1.

R. S. 52:27-25 " 1947, c. 54, s. 2.

R. S. 52:27-31 " 1947, c. 54, s. 3.

R. S. 52:27-43 " 1946, c. 31.

R. S. 52:27-44 " 1947, c. 54, s. 4.

R. S. 52:27-61 " 1947, c. 119, ss. 4, 6; 1948, c. 156, s. 2.

Additional Legislation.

Compromise by certain counties of claims for taxes for State, State school or county purposes, etc., authorized, suppl., 1946, c. 35.

Chapter 27A. (new) STATE DEPARTMENT OF LOCAL GOVERNMENT.

Note: For changes in local budget law to conform with establishment of State Department of Local Government, see 1938, c. 128, amended 1947, c. 116; for transfer of powers and duties to State Department of Taxation and Finance, see 1944, c. 112, amended 1946, c. 1, 1946, c. 199.

Article 1. (new) In General.

Local Government Act (1938), 1938, c. 158.

Secs. 1-7 of above repealed 1947, c. 151, s. 98.

Sec. 8 " " " 1944, c. 112, art. 8, s. 10; 1947, c. 151, s. 98.

Secs. 9-11 " " " 1947, c. 151, s. 98.

Sec. 12 " " " 1944, c. 112, art. 8, s. 10; 1947, c. 151, s. 98.

Secs. 13-16 " " " 1947, c. 151, s. 98.

Secs. 18-34 " " " 1947, c. 151, s. 98.

Powers, etc., Municipal Finance Commission vested in Local Government Board, 1939, c. 385.

1939, c. 385 repealed 1947, c. 119, ss. 5, 6.

Article 2. (new) Fiscal Administration in Local Governments.

Fiscal administration in local governments regulated, 1938, c. 159.

1938, c. 159 repealed 1947, c. 151, s. 98.

Article 3. (new) Municipalities in Unsound Financial Condition.

Supervision over certain municipalities; State Department of Local Government, 1938, c. 127.

1938, c. 127 repealed 1947, c. 151, s. 98.

Sec. 6 (a) (added) Limitation upon counties, suppl., 1939, c. 364, s. 5 (repealed 1947, c. 151, s. 98); amended 1941, c. 95, s. 5 (repealed 1947, c. 151, s. 98).

Sec. 11 (a) (added) Municipalities under the Municipal Finance Commission, suppl., 1939, c. 364, s. 8 (repealed 1947, c. 151, s. 98).

Municipalities in unsound fiscal condition; control of revenues and of finances, provided for, suppl., 1941, c. 75.

1941, c. 75 repealed 1947, c. 151, s. 98.

Article 4. (new) Limitation of School Debt and Appropriations in School Districts.

Limitation of school debt and appropriations in school districts; municipalities subject to supervision State Department of Local Government, 1939, c. 265.

Sec. 4 of above amended 1947, c. 150, ss. 1, 2.

1939, c. 265 repealed 1947, c. 151, s. 98.

Chapter 27B. (new) STATE DEPARTMENT OF TAXATION AND FINANCE.

Note: For functions, powers and duties of State Department of Taxation and Finance transferred to the Department of the Treasury, see 1948, c. 92.

State Department of Taxation and Finance, establishment, organization and functions, provided for, 1944, c. 112.

Art. 3, sec. 11 of above amended 1946, c. 1; 1946, c. 199.

Cancellation of uncollectible claims for the grant, lease or rental of riparian lands, suppl., 1945, c. 120.

State Purchase Revolving Fund, use to acquire Federal surplus property, authorized, 1946, c. 144.

Chapter 27BB. (new) DEPARTMENT OF TAXATION AND FINANCE—DIVISION OF LOCAL GOVERNMENT.

Note: For Local Government Board and the Division of Local Government in the State Department of Taxation and Finance continued as a board and division in the Department of the Treasury, see 1948, c. 92.

"Local Government Supervision Act (1947)," revision, 1947, c. 151.

Chapter 27C. (new) DEPARTMENT OF ECONOMIC DEVELOPMENT.

Note: For veterans' loans see 1944, c. 126; 1945, c. 185; 1946, c. 121, amended 1947, c. 190; 1946, c. 134, amended 1947, c. 189; for transfer of functions, powers and duties to Department of Conservation and Economic Development, see 1948, c. 448; for civil service status of certain employees classified as veterans, see 1948, c. 435.

Department of Economic Development, establishment, functions, powers and duties, provided for, 1944, c. 85.

Sec. 3 of above amended 1945, c. 128, s. 1.

Sec. 4 " " " 1945, c. 128, s. 2.

Standard building code, preparation of amendment, etc., by department, adoption by municipalities, counties and State agencies, interpretation, approval of use of structural materials, appliances, etc., provided for, suppl., 1946, c. 120.

Chapter 30. CESSIONS TO THE UNITED STATES.

R. S. 52:30–3 repealed 1944, c. 54.

Chapter 31. STATE PROPERTY IN GENERAL.

Note: For powers of State Department of Taxation and Finance over State property, see 1944, c. 112, amended 1946, c. 1, 1946, c. 199.

Article 1. Right-of-Way Over State Lands.

R. S. 52:31–1 repealed 1944, c. 112, art. 8, s. 10.

Article 2. Insurance on State Property.

R. S. 52:31–7 repealed 1944, c. 112, art. 8, s. 10.

R. S. 52:31–9 to 52:31–11 " 1944, c. 112, art. 8, s. 10.

Article 5. (new) State Capitol Building Commission.

Additional Legislation.

Constitution, functions, powers and duties of Commission, prescribed, 1945, c. 310.

Subtitle 5. PUBLIC WORKS, CONTRACTS AND PRINTING.

Chapter 32. GENERAL PROVISIONS.

R. S. 52:32–3 amended 1948, c. 293.

Chapter 36. PUBLIC PRINTING.

R. S. 52:36–3 amended 1948, c. 185.

Title 53. STATE POLICE.

Note: For legal aid to police officers and firemen in suits arising from incidents in line of duty, provided for, see 1946, c. 67, amended 1947, c. 103; for Department of State Police continued as the Division of State Police in the Department of Law and Public Safety, see 1948, c. 439.

Chapter 1. ORGANIZATION AND PERSONNEL.

Article 1. Department of State Police.

R. S. 53:1-2 amended 1945, c. 85, s. 1; 1947, c. 65, s. 1.
R. S. 53:1-3 " 1945, c. 85, s. 2; 1947, c. 65, s. 2.
R. S. 53:1-4 " 1947, c. 65, s. 4.
R. S. 53:1-5 " 1947, c. 65, s. 5.
R. S. 53:1-6 " 1945, c. 85, s. 3.
R. S. 53:1-7 " 1945, c. 85, s. 4.
R. S. 53:1-9 " 1945, c. 247.

Additional Legislation.

Appointment of additional troopers authorized 1940, c. 191. 1940, c. 191 repealed 1947, c. 65, s. 7.

Executive officer, authorized, 1947, c. 65, s. 3.

Article 6. Reduction in Personnel.

R. S. 53:1-26 1932, c. 216, repealed 1947, c. 65, s. 7.

Article 7. (new) Disposition of Unclaimed Property and Money.

Additional Legislation.

Personal property and moneys acquired by State Police by finding or after theft or robbery, unclaimed after six months, disposition of, provided for, suppl. 1946, c. 290.

Article 8. (new) Training Schools, etc., for Members and Other Law Enforcement Officers.

Additional Legislation.

Training facilities for State and other police, authorized, suppl., 1947, c. 65, ss. 6, 7.

Chapter 2. POWERS AND DUTIES.

Note: For disposition of personal property and moneys acquired by State Police by finding or after theft or robbery, unclaimed after six months, see 1946, c. 290.

Title 54. TAXATION.

Note: For exemption of credit unions from chapters 4, 33, 34, 35, 36 and 37 of this Title, see 1938, c. 293, amended 1941, c. 254, 1941, c. 421, 1946, c. 285, 1948, c. 225; for municipal sales tax, imposition by ordinance, certain seaside cities, authorized, see 1945, c. 156; for Division of Taxation in the State Department of Taxation and Finance continued as a division in the Department of the Treasury, see 1948, c. 92.

Subtitle 1. DEPARTMENT AND BOARDS FOR THE REVIEW, ASSESSMENT AND COLLECTION OF TAXES.

Chapter 1. STATE TAX DEPARTMENT AND COMMISSIONER.

Note: For transfer of powers and duties to State Department of Taxation and Finance, see 1944, c. 112, amended 1946, c. 1, 1946, c. 199.

R. S. 54:1-3 to 54:1-5 repealed 1944, c. 112, art. 8, s. 10.

Chapter 2. STATE BOARD OF TAX APPEALS.

Note: For transfer of State Board of Tax Appeals to State Department of Taxation and Finance, see 1944, c. 112, amended 1946, c. 1, 1946, c. 199; for State Board of Tax Appeals as constituted the Division of Tax Appeals in the State Department of Taxation and Finance continued as a division in the Department of the Treasury, see 1948, c. 92.

Article 1. Constitution and General Powers.

R. S. 54:2-3 amended 1946, c. 161, s. 1.

R. S. 54:2-7 " 1947, c. 290.

R. S. 54:2-8 " 1946, c. 161, s. 2.

R. S. 54:2-14 " 1946, c. 161, s. 3.

Article 2. Taking of Testimony.

R. S. 54:2-18 amended 1946, c. 161, s. 4.

Article 3. Appeal and Review.

R. S. 54:2-33 amended 1946, c. 161, s. 5.

R. S. 54:2-34 " 1946, c. 161, s. 6.

R. S. 54:2-35 " 1946, c. 161, s. 7.

R. S. 54:2-39 " 1944, c. 240; 1946, c. 161, s. 8.

R. S. 54:2-40 " 1945, c. 95; 1946, c. 161, s. 9; 1947, c. 246.

R. S. 54:2-41 " 1946, c. 161, s. 10.

Additional Legislation.

Petitions of appeal, amendment of, provided for, 1946, c. 161, s. 11.

Petitions of appeal, pleadings, etc., execution and filing, provided for, 1946, c. 161, s. 12.

Judgments by consent in appeals from county board, prerequisites to entering, prescribed, 1946, c. 161, s. 13.

Final judgments, conclusiveness, provided for, 1946, c. 161, s. 14.

Evidence of true consideration or sales price of property not stated in deeds or conveyances, provided for, 1946, c. 161, s. 15.

Petitions of appeal, fees payable on filing, fixed, 1946, c. 161, s. 16; see 1947, c. 98.

Article 4. (new) Fees.

Additional Legislation.

Fees for filing appeals to Division of Tax Appeals, 1947, c. 98.

Chapter 3. COUNTY BOARDS OF TAXATION.

R. S. 54:3-7 amended 1944, c. 189, s. 1.

R. S. 54:3-9 " 1944, c. 189, s. 2.

R. S. 54:3-10 " 1944, c. 189, s. 3.

R. S. 54:3-20 " 1947, c. 413, ss. 13, 17; see 1947, c. 413.

R. S. 54:3-21 " 1945, c. 125.

R. S. 54:3-22 " 1946, c. 161, s. 17.

R. S. 54:3-26 " 1946, c. 161, s. 18.

Additional Legislation.

Fee for filing petition of appeal, certain cases; first class counties, 1940, c. 71.

Sec. 1 of above amended 1943, c. 61.

Fees for filing appeals to county boards of taxation, suppl., 1947, c. 93.

Title of above amended 1948, c. 140.

Subtitle 2. TAXATION OF REAL AND PERSONAL PROPERTY IN GENERAL.

Chapter 4. ASSESSMENT AND COLLECTION OF TAXES.

Note: For extension of time for collection, installment payments, etc., of certain delinquent municipal taxes and liens, see 1941, c. 36; 1942, c. 27; 1943, c. 7; for exemption of lands of Palisades Interstate Park Commission, compensation to municipalities for loss of tax revenue therefrom, provided for, see 1947, c. 73; for compensation to municipalities for loss of tax revenue, where lands taken for park purposes, in certain cases, provided for, see 1947, c. 382, amended 1948, c. 271.

Article 1. Persons and Property Subject to Taxation.

R. S. 54:4-1 amended 1942, c. 281, s. 1; 1943, c. 120, s. 1; 1945, c. 163, ss. 1, 9, 10; 1946, c. 159; 1946, c. 242, ss. 1, 2; 1947, c. 413, ss. 14, 17.

R. S. 54:4-2.1 " 1944, c. 151.

Article 2. Persons and Property Exempt from Taxation.

Note: For act limiting school debt and appropriations in certain school districts, see 1939, c. 265, amended 1947, c. 150, repealed 1947, c. 151; for acquisition, use and disposition, by municipalities, of property to extinguish exemption from local taxation, provided for, see 1944, c. 206; for exemption of Delaware—New Jersey Crossing and revenues thereof from taxation, see 1946, c. 18.

R. S. 54:4-3 repealed 1945, c. 163, ss. 2, 9, 10.

R. S. 54:4-3.1 " 1945, c. 163, ss. 2, 9, 10.

R. S. 54:4-3.2 " 1945, c. 163, ss. 2, 9, 10.

R. S. 54:4-3.3 amended 1944, c. 24, s. 1.

R. S. 54:4-3.5 " 1944, c. 24, s. 2.

R. S. 54:4-3.8 repealed 1945, c. 163, ss. 2, 9, 10.

R. S. 54:4-3.9 amended 1947, c. 235; 1948, c. 290.

R. S. 54:4-3.14 repealed 1945, c. 163, ss. 2, 9, 10.

R. S. 54:4-3.17 " 1945, c. 163, ss. 2, 9, 10.

R. S. 54:4-3.22 " 1945, c. 163, ss. 2, 9, 10.

R. S. 54:4-3.23 " 1945, c. 163, ss. 2, 9, 10.

Additional Legislation.

Exemption under R. S. 54:4–3.12 extended to residents serving in armed forces during present war, 1942, c. 70.

Sec. 2 of above amended 1944, c. 71.

Exemption of growing crops, nursery stock, etc., provided for, suppl., 1943, c. 63.

Veterans' loans, certain, held by savings banks, exempt from taxation, suppl., 1945, c. 80.

Exemption under R. S. 54:4–3.12 made applicable to veterans of World War II, 1946, c. 212.

Exemption of dwelling houses, etc., of certain disabled veterans, provided for, suppl., 1948, c. 259.

Article 4. Assessment of Personal Property.

R. S. 54:4–9	amended	1942, c. 281, s. 2; 1943, c. 120, s. 2; 1945, c. 163, ss. 3, 9, 10.
R. S. 54:4–12	"	1945, c. 163, ss. 4, 9, 10.
R. S. 54:4–14	repealed	1945, c. 163, ss. 2, 9, 10.
R. S. 54:4–15	"	1945, c. 163, ss. 2, 9, 10.
R. S. 54:4–16	amended	1945, c. 163, ss. 5, 9, 10.
R. S. 54:4–18	repealed	1945, c. 163, ss. 2, 9, 10.
R. S. 54:4–19	"	1945, c. 163, ss. 2, 9, 10.
R. S. 54:4–19.1	"	1945, c. 163, ss. 2, 9, 10.
R. S. 54:4–20	amended	1945, c. 132, ss. 9, 16, 17, 18.
R. S. 54:4–21	repealed	1945, c. 132, ss. 15, 18.
R. S. 54:4–22	amended	1945, c. 132, ss. 10, 16, 17.

Article 5. Assessment of Real Estate.

R. S. 54:4–23	amended	1942, c. 281, s. 3; 1943, c. 120, s. 3.
R. S. 54:4–33	"	1945, c. 163, ss. 6, 9, 10.

Article 6. Completion and Review of Assessments.

R. S. 54:4–35 amended 1942, c. 281, s. 4; 1943, c. 120, s. 4.

R. S. 54:4–36 " 1942, c. 281, s. 5; 1943, c. 120, s. 5; 1945, c. 163, ss. 7, 9, 10; 1945, c. 260, s. 2.

R. S. 54:4–41 " 1942, c. 316, s. 1.

R. S. 54:4–42 " 1942, c. 316, s. 2.

R. S. 54:4–47 " 1947, c. 413, ss. 15, 17.

R. S. 54:4–52 " 1941, c. 293, s. 3 (1941, c. 293, repealed 1948, c. 40, s. 18); 1942, c. 316, s. 3; 1945, c. 163, ss. 8-10; 1948, c. 41.

Additional Legislation.

Addition of second-class railroad assessments and taxes to assessment lists and duplicates; inclusion of valuations in municipal valuations; provided for, suppl., 1941, c. 293, ss. 1-2; repealed 1948, c. 40, s. 18.

Reduction of assessments by reason of destruction, etc., or alteration of buildings, etc., certain cases, provided for, suppl., 1945, c. 260, s. 1.

Article 6A. (new) Added Assessment of Real Estate.

Additional Legislation.

Additional assessment for building improvements made after October 1st of each year, suppl., 1941, c. 397.

Sec. 2 of above amended 1945, c. 137, s. 1.

Sec. 3 " " " 1945, c. 137, s. 2.

Article 6B. (new) Assessment of Omitted Property.

Additional Legislation.

Assessment of omitted property, procedure, collection of taxes thereon, etc., provided for, suppl., 1947, c. 413, ss. 1-12, 16, 17.

Article 7. Collection, Abatement and Compromise.

R. S. 54:4–75 amended 1944, c. 46.

R. S. 54:4–78 " 1944, c. 134.

R. S. 54:4–91 " 1944, c. 115, ss. 1-3.

R. S. 54:4–92 to 54:4–94 repealed 1943, c. 185.

Additional Legislation.

Uncollectible taxes, filing of lists, and cancellation of, provided for, suppl., 1944, c. 115, ss. 2-4.

Poll taxes in arrears for ten years, cancellation and release of collector, as to, provided for, 1946, c. 40.

Article 8. (new) Collection of Taxes, Bonds and Devices to Safeguard.

Additional Legislation.

Collectors, etc., of taxes; bonds, verification of accounts and safeguarding of funds, tax bill receipting machines, official tax receiving agencies, relief of sureties on bonds, etc., 1940, c. 257, ss. 1-13, 15.

Sec. 2 of above amended 1947, c. 118, s. 1.

Sec. 8 " " " 1947, c. 118, s. 2.

Sec. 12 " " " 1947, c. 118, s. 3.

Sec. 13 " " " 1947, c. 118, s. 4.

Sec. 15 " " " 1947, c. 118, s. 5.

Chapter 4A. (new) CONTRIBUTIONS IN LIEU OF TAXES.

Acceptance and disposition of contributions in lieu of taxes by Federal Government or agency, 1945, c. 66.

Exemption of lands of Palisades Interstate Park Commission, compensation to municipalities for loss of tax revenue therefrom, provided for, 1947, c. 73.

Chapter 5. CREATION, ENFORCEMENT AND COLLECTION OF LIENS FOR UNPAID TAXES AND OTHER MUNICIPAL LIENS ON REAL PROPERTY.

Note: For liens and encumbrances of the State, certain, upon premises acquired by municipalities in foreclosure of tax sales certificates, proceedings to extinguish, provided for, see 1947, c. 349.

Article 2. Tax and Other Municipal Liens; Creation.

R. S. 54:5-6 amended 1944, c. 247.

Article 3. Official Searches for Municipal Liens.

R. S. 54:5-13 amended 1944, c. 97; 1947, c. 356, s. 1.

R. S. 54:5-17 " 1947, c. 356, s. 2.

Article 3A. (new) Official Searches for Improvements Authorized But Not Assessed.

Additional Legislation.

Official searches for municipal improvements authorized, not assessed, provided for, suppl., 1946, c. 269.

Article 4. Sale of Real Property to Enforce Liens.

R. S. 54:5–19 amended 1944, c. 108.

R. S. 54:5–20 " 1945, c. 232, s. 1.

R. S. 54:5–21 " 1945, c. 232, s. 2.

R. S. 54:5–23 " 1945, c. 232, s. 3.

R. S. 54:5–25 " 1945, c. 232, s. 4.

R. S. 54:5–39 " 1945, c. 232, s. 5.

Article 5. CERTIFICATE OF SALE.

R. S. 54:5–47 amended 1945, c. 232, s. 6.

Additional Legislation.

Municipal purchaser at tax sale entitled to possession, etc., suppl., 1942, c. 54.

Sec. 1 of above amended 1943, c. 144.

Article 9. Suit in Equity to Foreclose Right of Redemption.

R. S. 54:5–86 amended 1948, c. 219.

R. S. 54:5–90 " 1948, c. 220.

Additional Legislation.

Tax lien foreclosures of vacant lands, joinder of actions or causes of action by municipalities, authorized, suppl., 1940, c. 84.

Sec. 1 of above amended 1943, c. 204.

In rem Municipal Tax Lien Foreclosure Act, suppl., 1947, c. 333; repealed 1948, c. 96, ss. 41, 43.

In rem Tax Foreclosure Act (1948), 1948, c. 96.

Article 10A. (new) Cancellation of Certificate Held by Municipality.

Additional Legislation.

Cancellation of tax sale certificates held by municipalities when property acquired without foreclosure, provided for, suppl., 1945, c. 154.

Article 11. Sale or Exchange by Municipalities of Property Acquired at Tax Sales.

Additional Legislation.

Tax sale certificates, sale by municipalities, certain cases, provided for, 1943, c. 149.

Sec. 3 of above amended 1947, c. 415, s. 1.

Sec. 4 " " " 1947, c. 415, s. 2; 1948, c. 74.

Sec. 6 " " " 1947, c. 386.

Chapter 6. MARTIN ACT AND SIMILAR STATUTES.

R. S. 54:6-5 1898, c. 193, s. 12 amended 1944, c. 204.

Subtitle 3. TAXATION OF STOCK OF STATE AND NATIONAL BANKS AND TRUST COMPANIES.

Chapter 9. IMPOSITION AND COLLECTION OF TAX.

R. S. 54:9-5 amended 1946, c. 146, s. 1.

R. S. 54:9-9 " 1947, c. 249.

R. S. 54:9-11 " 1946, c. 146, s. 2.

R. S. 54:9-17 " 1946, c. 146, s. 3.

Subtitle 4. PARTICULAR TAXES ON CORPORATIONS AND OTHERS.

PART 1. PROVISIONS APPLICABLE TO CORPORATIONS GENERALLY.

Chapter 10A. (new) CORPORATION BUSINESS TAX ACT (1945).

Imposition, assessment, collection, etc., of tax, suppl., 1945, c. 162, ss. 1-25, 27-29.

Sec. 4 of above amended 1947, c. 50, s. 1; 1948, c. 459, s. 1.

Sec. 5 " " " 1947, c. 50, s. 2; 1948, c. 459, s. 2.

Sec. 10 " " " 1947, c. 50, s. 3.

Sec. 11 " " " 1947, c. 50, s. 4.

Sec. 12 " " " 1947, c. 51, s. 1.

Sec. 13 of above amended 1947, c. 50, s. 5.
Sec. 15 " " " 1947, c. 50, s. 6.
Sec. 16 " " " 1946, c. 307, s. 1; 1947, c. 51, s. 2.
Sec. 17 " " " 1946, c. 307, s. 2; 1947, c. 50, s. 7.
Sec. 19 " " " 1947, c. 50, s. 8.
Sec. 23 " " " 1947, c. 50, s. 9.
Sec. 24 " " " 1946, c. 89.
Supplemented 1947, c. 50, ss. 10-12; 1947, c. 51, ss. 3-5.

Chapter 10B. (new) FINANCIAL BUSINESS TAX LAW (1946).

Financial Business Tax Law (1946), 1946, c. 174.

Part 2. CAPITAL STOCK AND GROSS RECEIPTS TAXES ON CERTAIN CORPORATIONS.

Chapter 13. ASSESSMENT.

R. S. 54:13-1 amended 1945, c. 132, ss. 11, 16, 17; repealed 1945, c. 162, s. 27.
R. S. 54:13-2 to 54:13-8 repealed 1945, c. 162, s. 27.
R. S. 54:13-11 amended 1945, c. 132, ss. 12, 16, 17.
R. S. 54:13-13 repealed 1945, c. 132, s. 15.
R. S. 54:13-14 " 1945, c. 132, s. 15.
R. S. 54:13-15 amended 1945, c. 132, ss. 13, 16, 17.

Part 3. TAXATION OF INSURANCE COMPANIES OTHER THAN LIFE.

Chapter 17. FOREIGN INSURANCE COMPANIES GENERALLY.

R. S. 54:17-1 repealed 1945, c. 132, s. 15.
R. S. 54:17-2 " 1945, c. 132, s. 15.
R. S. 54:17-3 " 1945, c. 132, s. 15.
R. S. 54:17-4 amended 1945, c. 132, ss. 14, 16, 17.

Part 3A. (new) TAXATION OF INSURERS GENERALLY.

Chapter 18A. (new) TAXATION OF CORPORATIONS, INDIVIDUALS, PARTNERSHIPS AND UNINCORPORATED ASSOCIATIONS TRANSACTING INSURANCE BUSINESS.

Imposition, assessment, collection, etc., of tax, 1945, c. 132, ss. 1-8, 16-18.

Part 4. TAXATION OF RAILROAD AND CANAL COMPANIES.

Chapter 29A. (new) TAXATION OF RAILROADS.

Note: For addition of second-class railroad valuations and taxes to assessment lists and duplicates and inclusion of valuations in municipal valuations, provided for, see 1941, c. 293, ss. 1-2; repealed 1948, c. 40, s. 18.

Railroad tax law (1941), 1941, c. 291.

Sec. 1 of above amended 1948, c. 40, s. 1.

Sec. 2 " " " 1948, c. 40, s. 2.

Sec. 5 " " " 1948, c. 40, s. 3.

Sec. 7 " " " 1948, c. 40, s. 4.

Sec. 13 " " " 1948, c. 40, s. 5.

Sec. 14 " " " 1948, c. 40, s. 6.

Sec. 15 " " " 1948, c. 40, s. 7.

Sec. 17 " " " 1942, c. 337, s. 1; 1948, c. 40, s. 8.

Sec. 18 " " " 1942, c. 337, s. 2; 1948, c. 40, s. 9.

Sec. 19 " " " 1942, c. 337, s. 3; 1948, c. 40, s. 10.

Sec. 20 " " " 1942, c. 337, s. 4; 1948, c. 40, s. 11.

Sec. 21 " " " 1942, c. 337, s. 5.

Sec. 23 " " " 1948, c. 40, s. 12.

Sec. 24 " " " 1948, c. 40, s. 13.

Sec. 27 " " " 1948, c. 40, s. 14.

Sec. 31 " " " 1942, c. 337, s. 6.

Sec. 33 " " " 1942, c. 337, s. 7.

Sec. 34 " " " 1942, c. 337, s. 8.

Sec. 44 " " " 1942, c. 337, s. 9.

Sec. 46 " " " 1948, c. 40, s. 15.

Sec. 67 " " " 1948, c. 40, s. 16.

Tax in lieu of all other taxes, construction of act, etc., suppl., 1948, c. 40, s. 17.

Part 5. TAXATION OF CERTAIN PUBLIC UTILITIES.

Chapter 30A. (new) FRANCHISE AND GROSS RECEIPTS TAXES.

Tax for use, etc., of public streets, etc., under franchise, etc., except by street railway, traction, gas and electric light, heat and power and municipal corporations and railroad and canal companies, and except for operation of auto-busses and taxicabs, 1940, c. 4.

Sec. 3 of above amended 1947, c. 191.

Tax on property and franchises of street railway, traction, gas and electric light, heat and power corporations, using, etc., public streets, etc., 1940, c. 5.

Sec. 6 of above amended 1948, c. 217.

Part 6. TAXATION OF CERTAIN FOREIGN CORPORATIONS.

Chapter 32A. IMPOSITION AND COLLECTION OF TAX.

R. S. 54:32A-1 to 54:32A-53 repealed 1945, c. 162, s. 27.

Subtitle 5. TRANSFER INHERITANCE AND ESTATE TAXES.

Part 1. TRANSFER INHERITANCE TAX.

Chapter 34. ASSESSMENT OF TAX.

R. S. 54:34-4 amended 1948, c. 268.

R. S. 54:34-13 " 1948, c. 336, ss. 1, 3.

Chapter 35. COLLECTION AND ENFORCEMENT OF TAX; REFUNDS.

R. S. 54:35-3 amended 1946, c. 70.

R. S. 54:35-5 " 1946, c. 240; 1947, c. 376, ss. 1, 2.

R. S. 54:35-10 " 1944, c. 74.

R. S. 54:35-15 " 1948, c. 336, ss. 2, 3.

Additional Legislation.

Issuance of consent to transfer assets of resident decedent prohibited, unless will probated or administration had originally in New Jersey, suppl., 1939, c. 122.

Sec. 1 of above amended 1943, c. 38.

Transfer inheritance taxes, expiration of time for assessment and of liens, in certain cases, provided for, suppl., 1947, c. 369, ss. 1, 2.

Chapter 36. ASSESSMENT, COLLECTION AND ENFORCEMENT OF TAXES ON ESTATES SUBJECT TO FUTURE INTERESTS.

R. S. 54:36-6 amended 1943, c. 165.

Part 2. ESTATE TAX.

Chapter 38. IMPOSITION AND COLLECTION OF TAX.

R. S. 54:38-3 amended 1944, c. 75.

Part 3. (new) INHERITANCE AND ESTATE TAXES.

Chapter 38A. (new) COMPROMISES.

Inheritance and estate taxes, compromises of, authorized, 1944, c. 220.

Revision, alteration, compromise and settlement of inheritance and estate taxes, interest and penalties, certain cases, authorized, suppl., 1945, c. 127.

Subtitle 6. TAX UPON SALE OF MOTOR FUELS.

Chapter 39. IMPOSITION AND COLLECTION OF TAX.

R. S. 54:39-9 amended 1948, c. 169, s. 1.

R. S. 54:39-17 " 1948, c. 169, s. 2.

R. S. 54:39-18 " 1948, c. 169, s. 3.

R. S. 54:39-20 " 1948, c. 169, s. 4.

R. S. 54:39-32 " 1948, c. 169, s. 5.

R. S. 54:39-41 " 1948, c. 169, s. 6.

R. S. 54:39-64 " 1948, c. 169, s. 7.

R. S. 54:39-66 " 1948, c. 215, s. 1.

R. S. 54:39-67 " 1948, c. 215, s. 2.

Subtitle 7. TAXATION OF BILLBOARDS AND LICENSING OF OUTDOOR ADVERTISING.

Chapter 40. IMPOSITION AND COLLECTION OF TAX.

Additional Legislation.

Billboard and outdoor license law (1942), 1942, c. 168.

Sec. 1 of above amended 1947, c. 169, s. 1.
Sec. 2 " " " 1947, c. 169, s. 2.
Sec. 3 " " " 1947, c. 169, s. 3.
Sec. 4 " " " 1947, c. 169, s. 4.
Sec. 5 " " " 1947, c. 169, s. 5.
Sec. 7 " " " 1947, c. 169, s. 6.
Sec. 10 " " " 1947, c. 169, s. 7.
Sec. 12 " " " 1947, c. 169, s. 8.
Sec. 14 " " " 1947, c. 169, s. 9.
Sec. 16 " " " 1947, c. 169, s. 10.
Sec. 17 " " " 1947, c. 169, s. 11.
Sec. 19 " " " 1947, c. 169, s. 12.
Sec. 20 " " " 1947, c. 169, s. 13.
Sec. 22 " " " 1947, c. 169, s. 14; 1948, c. 403.
Sec. 23 " " " 1947, c. 169, s. 15.
Sec. 24 " " " 1947, c. 169, s. 16.
Sec. 25 " " " 1947, c. 169, s. 17.
Sec. 26 " " " 1947, c. 169, s. 18.
Sec. 27 " " " 1947, c. 169, s. 19.

Subtitle 7A. (new) CIGARETTE TAX.

Chapter 40A. (new) CIGARETTE TAX ACT WITH SUPPLEMENTS, ETC.

"Cigarette Tax Act," 1948, c. 65.

Sec. 202 of above amended 1948, c. 108, ss. 1, 4.
Sec. 403 " " " 1948, c. 108, ss. 2, 4.
Sec. 706 " " " 1948, c. 108, ss. 3, 4.

Subtitle 8. ALCOHOLIC BEVERAGE TAX.

Chapter 41. DEFINITIONS AND GENERAL PROVISIONS.

R. S. 54:41–2 amended 1947, c. 18, s. 1.

Chapter 43. IMPOSITION OF TAX.

R. S. 54:43–1 amended 1947, c. 18, s. 2.

Chapter 45. ADMINISTRATION.

R. S. 54:45–1 amended 1947, c. 250.

Subtitle 9. STATE TAX UNIFORM PROCEDURE LAW.

Chapter 49. PROCEDURE.

Note: For transfer inheritance taxes, expiration of time for assessment and of liens, in certain cases, provided for, see 1947, c. 369.

R. S. 54:49–13 amended 1945, c. 306.

Additional Legislation.

Judgments for corporation taxes, satisfaction on payment, etc., provided for, 1943, c. 10.

Chapter 50. ADMINISTRATION.

R. S. 54:50–9 amended 1943, c. 110.

Title 55. TENEMENT HOUSES AND PUBLIC HOUSING.

Subtitle 1. TENEMENT HOUSES.

Chapter 2. CONVERTED BUILDINGS; ALTERATIONS; TENEMENTS UNDER CONSTRUCTION; TIME FOR COMPLIANCE.

R. S. 55:2-6	amended	1943, c. 67, s. 1.

Chapter 3. PROTECTION FROM FIRE.

R. S. 55:3-1	amended	1947, c. 345, s. 1; 1948, c. 251, s. 1.
R. S. 55:3-2	"	1947, c. 345, s. 2.
R. S. 55:3-8	"	1947, c. 345, s. 3; 1948, c. 251, s. 2.
R. S. 55:3-15	"	1947, c. 345, s. 4.
R. S. 55:3-17	"	1947, c. 345, s. 5.
R. S. 55:3-18	"	1948, c. 251, s. 3.
R. S. 55:3-21	"	1948, c. 251, s. 4.
R. S. 55:3-22	"	1948, c. 251, s. 5.
R. S. 55:3-23	"	1947, c. 345, s. 6; 1948, c. 251, s. 6.
R. S. 55:3-24	"	1943, c. 67, s. 2; 1947, c. 345, s. 7.
R. S. 55:3-25	"	1947, c. 345, s. 8.
R. S. 55:3-26	"	1943, c. 67, s. 3; 1947, c. 345, s. 9.
R. S. 55:3-29	"	1947, c. 345, s. 10.
R. S. 55:3-30	"	1947, c. 345, s. 11.
R. S. 55:3-34	"	1947, c. 345, s. 12.
R. S. 55:3-35	"	1947, c. 345, s. 13.
R. S. 55:3-39	"	1947, c. 345, s. 14.
R. S. 55:3-45	"	1947, c. 345, s. 15.
R. S. 55:3-46	"	1947, c. 345, s. 16.

Chapter 4. HEIGHT OF TENEMENTS; LOTS, YARDS, SPACES AND COURTS.

R. S. 55:4-9 amended 1947, c. 345, s. 17.

R. S. 55:4-10 " 1943, c. 67, s. 4; 1947, c. 345, s. 18.

R. S. 55:4-24 " 1943, c. 67, s. 5.

R. S. 55:4-14 " 1947, c. 345, s. 19.

R. S. 55:4-15 " 1947, c. 345, s. 20.

R. S. 55:4-17 " 1947, c. 345, s. 21.

Chapter 5. WINDOWS; ROOMS; LIGHT; VENTILATORS AND VENT SHAFTS.

R. S. 55:5-4 amended 1943, c. 67, s. 6; 1947, c. 345, s. 22.

R. S. 55:5-5 " 1947, c. 345, s. 23.

R. S. 55:5-7 " 1947, c. 345, s. 24; 1948, c. 251, s. 7.

R. S. 55:5-9 " 1948, c. 251, s. 8.

R. S. 55:5-13 " 1943, c. 67, s. 7.

R. S. 55:5-15 " 1947, c. 345, s. 25.

R. S. 55:5-16 " 1947, c. 345, s. 26.

Chapter 6. CLEANLINESS AND SANITARY CONDITIONS GENERALLY.

R. S. 55:6-2 amended 1947, c. 345, s. 27.

R. S. 55:6-6 " 1947, c. 345, s. 28.

R. S. 55:6-15 " 1943, c. 67, s. 8.

R. S. 55:6-16 " 1947, c. 345, s. 29.

Chapter 8. WATER-CLOSETS, SINKS, SEWERS, WATER SUPPLY, PLUMBING, AND DRAINAGE.

R. S. 55:8-2 amended 1947, c. 345, s. 30.

R. S. 55:8-4 " 1947, c. 345, s. 31.

R. S. 55:8-10 " 1947, c. 345, s. 32.

R. S. 55:8-11 " 1947, c. 345, s. 33.

R. S. 55:8-22 " 1943, c. 67, s. 9.

Chapter 9. BOARD OF TENEMENT HOUSE SUPERVISION.

Note: For Board of Tenement House Supervision continued as the Bureau of Tenement House Supervision in the Division of State Police in the Department of Law and Public Safety, see 1948, c. 439.

Chapter 10. FUNCTIONS AND OPERATIONS OF BOARD IN GENERAL.

R. S. 55:10–9 amended 1947, c. 345, s. 34.

R. S. 55:10–10 " 1943, c. 67, s. 10.

Chapter 13. CONVERSION OF CERTAIN DWELLINGS INTO TENEMENTS.

R. S. 55:13–2 amended 1947, c. 345, s. 35.

Subtitle 2. PUBLIC HOUSING.

Chapter 14. STATE HOUSING AUTHORITY.

Note: For transfer of powers and duties to Department of Economic Development, see 1944, c. 85, amended 1945, c. 128; for transfer of functions to Department of Conservation and Economic Development, see 1948, c. 448.

R. S. 55:14–1 to 55:14–13 repealed 1944, c. 85, s. 52.

Chapter 14A. (added) LOCAL HOUSING AUTHORITIES LAW.

R. S. 55:14A–3 (added) Definitions, 1938, c. 19, s. 4; amended 1948, c. 262, s. 1.

R. S. 55:14A–6 (added) Authority; commissioners, misconduct; removal, 1938, c. 19, s. 7; amended 1948, c. 262, s. 2.

Civil service protection for certain employees, provided for, suppl., 1943, c. 64; suppl., 1945, c. 147.

Housing authorities, payments in lieu of taxes, studies of housing needs, contracts for Federal aid, co-operation with other housing authorities, authorized, suppl., 1947, c. 374.

Chapter 14C. (new) NATIONAL DEFENSE HOUSING PROJECTS.

Housing projects in connection with national defense activities, provided for, 1941, c. 213.

Title of above amended 1944, c. 19, s. 1.

Sec. 2 " " " 1944, c. 19, s. 2.

Sec. 8 " " " 1944, c. 19, s. 3.

Chapter 14D. (new) REDEVELOPMENT COMPANIES LAW.

Redevelopment companies, incorporation, powers and duties, provided for, 1944, c. 169.

Chapter 14E. (new) URBAN REDEVELOPMENT LAW.

Urban Redevelopment Law (1946), 1946, c. 52.

Chapter 14F. (new) MUNICIPAL HOUSING.

Municipal Housing Law (1946), 1946, c. 79.

Title of above amended 1946, c. 321, s. 1.

Sec. 2 " " " 1946, c. 321, s. 2.

Sec. 4 " " " 1946, c. 321, s. 3.

Sec. 9 " " " 1946, c. 321, s. 5; 1948, c. 10, s. 1.

Portable, temporary and movable dwellings, zoning and tenement regulations not to apply in certain cases, suppl., 1946, c. 321, s. 1.

Sec. 4 of above amended 1948, c. 10, s. 2.

Contracts by municipalities jointly, provided for, suppl., 1947, c. 242.

Chapter 14G. (new) VETERANS' HOUSING.

Veterans' housing; emergency declared; State program to relieve housing shortage, 1946, c. 323.

Sec. 2 of above amended 1947, c. 52, s. 1.

Sec. 17 " " " 1947, c. 52, s. 2.

Sec. 18 " " " 1947, c. 52, s. 3.

Sec. 26 " " " 1948, c. 12.

Report of administrator, contents and filing, required, suppl., 1948, c. 248.

Title 56. TRADE NAMES, TRADE-MARKS AND UNFAIR TRADE PRACTICES.

Chapter 3. LABELS, TRADE NAMES AND TRADE MARKS; BOTTLES, CANS, CONTAINERS AND OTHER ARTICLES.

R. S. 56:3-3 amended 1947, c. 102, s. 1.

R. S. 56:3-16 " 1947, c. 102, s. 2.

Chapter 7. (new) UNFAIR CIGARETTE SALES ACT AND SIMILAR LEGISLATION.

Unfair Cigarette Sales Act, 1948, c. 188.

Title 58. WATERS AND WATER SUPPLY.

Note: For acquisition, operation, disposal, etc., of water and water power rights and property, authorized, see 1944, c. 207; for maintenance of certain nuisances affecting health, etc., prohibited, see 1945, c. 192.

Chapter 1. STATE WATER POLICY COMMISSION.

Note: For transfer of functions, powers and duties of State Water Policy Commission to State Department of Conservation, see 1945, c. 22; for transfer of functions, powers and duties to Department of Conservation and Economic Development, see 1948, c. 448.

R. S. 58:1-1 repealed 1945, c. 22, s. 44.

Chapter 4A. (new) SUBSURFACE AND PERCOLATING WATERS.

Diversion of, in certain areas, regulated, 1947, c. 375.

Well drillers, examining and licensing, Board of Well Drillers created; well drillers required to be licensed, operations subject to supervision, 1947, c. 377.

Sec. 9 of above amended 1948, c. 148.

Chapter 5. NORTH AND SOUTH JERSEY WATER SUPPLY DISTRICTS.

R. S. 58:5-17 amended 1945, c. 195, s. 1.

Additional Legislation.

Acceptance of funds and grants from Federal Government or agency, provided for, suppl., 1945, c. 195, s. 2.

Chapter 11. WATER AND SEWERAGE PLANTS AND SYSTEMS IN GENERAL.

Article 2A. (new) Interconnections Between Approved Public Potable Water Supplies and Unapproved Water Supplies.

Additional Legislation.

Permits for physical connections between approved potable water supplies and unapproved water supplies, required and provided for, 1942, c. 308.

Article 5B. (new) Licensing of Superintendents or Operators of Public Water Treatment Plants, Public Sewage Treatment Plants and Public Water Supply Systems.

Additional Legislation.

Superintendents or operators of water treatment, sewage treatment and water supply, plants and systems, examination and licensing, provided for, 1946, c. 295.

Sec. 3 of above amended 1947, c. 126.

Chapter 12. SEWERAGE DISTRICTS AND SEWERAGE DISTRICT BOARDS.

Note: For Sanitary Sewer District Authorities, first- and second-class counties, establishment, powers, duties, etc., see 1946, c. 123, amended 1948, c. 136; for Sewerage Authorities Law (1946), see 1946, c. 138, amended 1947, c. 391.

R. S. 58:12-10 amended 1948, c. 25.

Chapter 14. PASSAIC VALLEY SEWERAGE DISTRICT.

Additional Legislation.

Leases for use of intercepting sewers, regulated and provided for, suppl., 1943, c. 76.

The above supplemented, 1944, c. 214.

Chapter 15. HACKENSACK RIVER SEWERAGE DISTRICT.

R. S. 58:15-1 to 58:15-72 repealed 1945, c. 300, s. 64.

Chapter 15A. (new) BERGEN-HACKENSACK SANITARY SEWER DISTRICT.

District and authority, created, functions, powers and duties, prescribed, suppl., 1945, c. 300.

Chapter 16. PASSAIC VALLEY FLOOD CONTROL COMMISSION.

Note: For transfer of functions, powers and duties to State Department of Conservation, see 1945, c. 22.

R. S. 58:16-2 repealed 1945, c. 22, s. 44.

Chapter 16A. (new) FLOOD CONTROL.

Federal program for flood control in State, participation by State in, authorized, 1948, c. 351.

Chapter 18. (new) DELAWARE RIVER BASIN.

Reciprocal act for use, conservation, protection and equitable diversion of water resources in Delaware River Basin between Pennsylvania, New York and New Jersey, 1944, c. 121.

APPENDIX A

Chapter 4. TAXES, ASSESSMENTS AND PUBLIC REVENUES.

Note: For Delinquent Railroad Tax Adjustment Law (1941), see 1941, c. 290, amended 1942, c. 241.

Article 1. In General.

A. COLLECTION OF TAXES BY RECEIVERSHIP.

Note: For permanent legislation relating to subject, see 1939, c. 362.

Article 2. County and Municipal Finances.

Additional Legislation.

Purchase of Federal current income bonds by counties and municipalities, in certain cases, authorized, 1941, c. 297.

Title of above amended 1942, c. 304, s. 1; 1943, c. 208, s. 1.

Sec. 1 " " " 1942, c. 304, s. 2; 1943, c. 208, s. 2.

Sec. 2 " " " 1942, c. 304, s. 3; 1943, c. 208, s. 3.

Sec. 3 " " " 1942, c. 304, s. 4; 1943, c. 208, s. 4; 1944, c. 250, s. 1.

Funding or refunding of notes or bonds of school districts, 1940, c. 29.

Sec. 1 of above amended 1943, c. 19; 1945, c. 27.

Chapter 7. COMMISSIONER OF BANKING AND INSURANCE; ADDITIONAL POWERS.

App. A:7–15 amended 1945, c. 67; 1946, c. 264.

Chapter 8. STATE MILK CONTROL LAW.

Note: For transfer of functions to Office of Milk Industry in the Department of Agriculture, see 1948, c. 447.

SCHEDULE 1

TABLE OF ALLOCATION OF 1942 STATUTES

(Chapters 281 to end)

Pamphlet Laws 1942		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
281		54	4
282		17	4
283		40	84
284		24	10
285		*	
286		43	14
287		3	16
288		*	
289		*	
290		*	
291		52	19
292		*	
293		Val.	
294		23	5
295		*	
296		*	
297		2	29
298		2	122A (new)
299		40	20
300		*	
301		40	24
302		*	
303		*	
304		App. A	4
305		2	202
306		44	8
307		34	6
308		58	11
309		26	2
310		*	
311		Val.	
312		*	
313		39	3
314	1-2	2	205
	3-6	2	206
315		2	202
316		54	4
317		40	2
318		*	
319		18	7
320		40	23
321		Val.	
322		45	4
323		18	20
324		39	3
325		39	4
326		38	23
327		38	23
328		30	9
329		9	2
330		*	
331		*	
332		*	
333		2	32
334		39	5
335		3	2
336		17	4
337		54	29A (new)
338		Val.	
339		*	
340	1-2	44	8
	3	Val.	
341		17	4
342		45	9
343		*	
344		38	1
345		*	
346		45	11
347		*	
348		52	18
349		12	8
350		Val.	

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

SCHEDULE 2

TABLE OF ALLOCATION OF 1943 STATUTES

Pamphlet Laws 1943		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
1		*	
2		52	20A(new)
3		Val.	
4		*	
5		*	
6		*	
7		*	
8		51	1
9		45	4A
10		54	49
11		44	8
12		2	16
13		17	34
14		17	26
15		17	34
16		17	34
17		45	9
18		*	
19		App. A	4
20		40	37
21		40	38
22		40	41
23		2	7
24		40	54
25		Val.	
26		*	
27		43	16
28		27	6
29		Val.	
30		Val.	
31		*	
32		2	26
33		40	60
34		*	
35		*	
36		8	2
37		33	1
38		54	35
39		40	60
40		2	192
41		2	190
42		2	195
43		2	195
44		34	2
45		27	13
46		33	1
47		33	1
48		40	3
49		9	17
50		Val.	
51		Val.	
52		*	
53		40	1
54		*	
55		40	37
56		30	9
57		46	2A(new)
58		30	9
59		2	212
60		45	15
61		54	3
62		*	
63		54	4
64		55	14A(added)
65		2	32
66		2	32
67	1	55	2
	2-3	55	3
	4-5	55	4
	6-7	55	5
	8	55	6
	9	55	8
	10	55	10
68		40	41
69		52	14
70		40	108

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1943		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
71		40	48
72		34	15
73		2	32
74		45	9
75		45	3
76		58	14
77		43	16
78		34	2
79		2	47
80		19	52
81		40	151
82		3	26
83		40	155
84		3	26
85		38	25A(new)
86		2	213
87		43	4
88		3	17
89		30	5
90		45	8
91		18	14
92		40	39
93		23	9
94		48	12
95		45	5
96		*	
97		9	18
98		39	3
99		45	24
100		4	12
101		39	3
102		52	14
103		*	
104		9	3
105		35	1
106		4	16
107		*	
108		*	
109		*	
110		54	50
111		52	9C
112		44	4
113		2	85
114		2	27
115		26	3
116		43	14
117		43	15
118		43	14
119		43	14
120		54	4
121		*	
122		45	4A
123		*	
124		52	14
125		*	
126		*	
127		*	
128		*	
129		30	6A
130		40	2
131		23	9
132		*	
133		*	
134		50	4
135		51	1
136		2	202
137		4	16
138		40	23
139		*	
140		*	
141		*	
142		52	14
143		40	146
144		54	5
145		46	3
146		34	2
147		46	16
148	1-11	17	34
	12	17	33
149		54	5
150		48	12
151		*	
152		33	1
153		33	1
154		33	1
155		46	2C(new)
156		38	23A(new)
157		46	2B(new)
158		Val.	
159		17	28
160		43	10
161		Val.	

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1943		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
162		*	
163		40	47
164		44	7
165		54	36
166		40	146
167		Val.	
168		Val.	
169		Val.	
170		14	12
171		43	21
172		18	15
173		39	3
174		17	18
175		14	8
176		14	8
177		18	10
178		2	26
179		18	13
180		18	13
181		18	10
182		50	3
183		40	48
184		40	2
185		54	4
186		43	7
187		18	5
188		52	14
189		43	13
190		40	83
191		40	41
192		52	9G (new)
193		43	7
194		43	9
195		34	2
196		*	
197		*	
198		40	50
199		40	1
200		11	24A (new)
201	1-2	18	6
	3-7	18	7
202		22	2
203		2	32
204		54	5
205		2	202
206		40	47
207		23	4
208		App. A	4
209		40	67
210		40	2
211		*	
212		18	14
213		*	
214		4	1
215		2	27
216		52	14
217		*	
218		19	31
219		19	31A (new)

* Omitted from Table as not being general or permanent legislation
Val. Indicates validating act listed in Schedule 9 following.

SCHEDULE 3

TABLE OF ALLOCATION OF 1944 STATUTES

Pamphlet Laws 1944		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
1		Val.	
2		Val.	
3		18	7
4		*	
5		39	3
6		*	
7		19	48
8	1	19	24
	2	19	25
	3	19	23
9		19	55 (new)
10		2	192
11		2	202
12		2	171A (new)
13		52	14
14		2	202
15		*	
16		19	14
17		*	
18		*	
19		55	14C (new)
20	1-19	52	17A (new)
	20	52	17
	20	27	1
	20	11	4
21		3	2
22		17	6
23		2	212
24		54	4
25	1	17	8
	2	Val.	
26		24	18
27	1-26, 28	17	29A (new)
	27	17	29
28		2	212
29		*	
30		17	4
31		2	220
32		2	182
33		*	
34		*	
35		40	88
36		46	19
37		27	6
38		39	3
39		2	212
40		*	
41		*	
42		*	
43		4	9
44		39	2
45		19	32
46		54	4
47		27	6
48		43	10
49		40	54
50		Val.	
51		*	
52		30	4
53		2	202
54		52	30
55		18	5
56		40	5
57		*	
58		*	
59		41	2
60		Val.	
61		40	21
62		*	
63		40	20
64		11	22
65	1-4	11	1
	5-9	11	2
	10	11	5
	11	11	7
66		2	182

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1944		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
67		2	7
68		40	38
69		40	41
70		26	2
71		54	4
72		17	38
73		17	34
74		54	35
75		54	38
76		2	60
77		40	60
78		23	4
79		52	18
80		43	21
81		43	21
82		17	12
83		35	2
84		44	7
85	1-51	52	27C (new)
	52	12	12
	52	38	24
	52	48	21
	52	52	9C
	52	52	21
	52	55	14
86		38	16
87		38	23
88		34	15
89		Val.	
90		40	171
91		Val.	
92		*	
93		*	
94		52	9G (new)
95		19	55
96		2	87
97		54	5
98		38	23A (new)
99	1	40	46
	2	40	87
100		17	38
101		17	35
102		17	48A (new)
103		*	
104		17	6
105		1	9
106		18	14
107		18	14
108		54	5
109		3	2
110		27	15
111		23	9
112	1 (art. 1)	52	27B (new)
	1-8 (art. 2)		
	1-38 (art. 3)		
	1-4 (art. 4)		
	1 (art. 5)		
	1-16 (art. 6)		
	1-6 (art. 7)		
	1-9 (art. 8)		
	10 (art. 8)	52	18
	10 (art. 8)	52	19
	10 (art. 8)	52	20
	10 (art. 8)	52	22
	10 (art. 8)	52	23
	10 (art. 8)	52	25
	10 (art. 8)	52	31
	10 (art. 8)	54	1
	10 (art. 8)	52	27A (new)
113		18	13
114		3	16
115		54	4
116		36	1
117		Val.	
118		*	
119		*	
120		*	
121		58	18 (new)
122		*	
123		*	

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1944		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
124		*	
125		40	21
126		38	23B(new)
127		19	49
128		19	50
129		3	7
130		3	25
131		2	58
132		45	14
133		2	202
134		54	4
135		Val.	
136		2	8
137		40	1
138		*	
139		16	12
140		18	16
141		19	2
142		50	3
143		16	1
144		*	
145		*	
146		18	13
147		17	6
148		52	18
149		45	4
150		*	
151		54	4
152		19	45
153	1	17	28
	2	17	32
154		43	12
155		40	145
156		35	2
157		19	13
158		43	10
159		27	1
160		40	60
161		Val.	
162		44	8
163		23	4
164		2	32
165		2	8
166		45	9
167		45	9
168		18	3
169		55	14D(new)
170		*	
171		17	36
172		13	13
173		2	3
174		2	26
175		17	22
176	1	17	4
	2	Val.	
177		18	4
178		19	45
179		*	
180		18	13
181		3	8
182		40	21
183		2	32
184		2	32
185		18	13
186		2	32
187		33	1
188		22	2
189		54	3
190		2	199
191		43	4
192		*	
193		43	14
194		30	5
195		2	121
196		9	6
197		38	20

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1944		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
198		2	184
199		40	60
200		*	
201		43	14
202		4	1
203		34	8
204		54	6
205		*	
206		40	60
207		40	69
208		19	55
209		17	16
210		18	14
211		43	4
212		18	14
213		19	52
214		58	14
215	1	14	2
	2	14	11
216		33	1
217		18	2
218		52	14
219		*	
220		54	38A(new)
221		17	34
222		*	
223		43	12
224		44	6
225		*	
226	1-3	18	4A(new)
	4	18	5
227		5	5
228		39	3
229		43	10
230	1-4	19	31A(new)
	4	19	15
231		19	23
232		43	21
233		*	
234		43	10
235		40	1
236		40	72
237		15	15
238		3	7
239		9	3
240		54	2
241		30	6
242		3	42A(new)
243		52	7
244		Val.	
245		40	52
246		40	47
247		54	5
248		*	
249		38	16
250		App. A	4
251		19	31
252		40	38
253		43	16
254		40	47
255		43	16A(new)

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

SCHEDULE 4

TABLE OF ALLOCATION OF 1945 STATUTES

Pamphlet Laws 1945		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
1		27	6
2		40	85
3		*	
4		*	
5		*	
6		*	
	1	19	2
7	2	19	23
	3-48	19	55 (new)
8		40	75
9		40	84
10		34	15
11		19	55 (new)
12	1	19	54 (new)
	2	19	55 (new)
13		45	11
14		40	2
15		11	22
16		*	
17		Val.	
18		19	31
19		19	32
20		27	6
21		18	13
22		13	1A (new)
23		17	24
24		*	
25		17	12
26		40	1
27		App. A	4
28		40	84
29		40	75
30		*	
31		*	
32		34	13A (new)
33		52	9H (new)
34		*	
35		40	150
36		19	31
37		40	62
38	1	50	2
	2	50	3
39		50	3
40		19	32
41		Val.	
42		18	13
43		30	9
44		30	8
45		40	48
46		2	101
47		40	47
48		40	81
49		18	22
50		18	24
51	1-3	18	2
	4	18	22
	5-12	18	3
	13-14	*	
	15	18	22
52		*	
53		34	15
54		38	28 (new)
55		33	1
56	1-3	19	48
	4	19	49
	5-7	19	50
	8	19	51
	9-10	19	52
	11	19	32
57		18	13
58		27	1
59		19	48
60		*	
61		2	7
62		40	38
63		40	41
64		2	7
65		23	4
66		54	4A (new)

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1945		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
67		App A	7
68		19	23
69		*	
70		19	49
71		34	9A (new)
72		43	21
73		43	21
74	2-3	34	1
	4-20	34	15
75		19	31
76	1-2	19	17
	3	19	18
	4-5	19	23
77		19	31
78		*	
79		2	32
80		54	4
81		17	6
82		17	22
83		27	7A (new)
84		46	8
85		53	1
86		52	14
87		17	1
88		52	15
89		52	18
90		52	16
91		*	
92		*	
93		52	18
94		33	4 (new)
95		54	2
96		3	7
97		34	15
98		4	1
99		*	
100		2	8
101		26	4
102		26	4
103		26	4
104		26	4
105		38	20
106		38	18
107		23	4
108		*	
109		15	8
110		46	2C (new)
111		40	25
112		40	30
113		3	8
114		*	
115		*	
116		23	3
117		19	31
118		Val.	
119		3	7
120		52	27B (new)
121		40	20
122		19	48
123		2	32
124		*	
125		54	3
126		40	47
127		54	36
128		52	27C (new)
129		2	7
130		37	2
131		14	3
132	1-8	54	18A (new)
	9-10	54	4
	11-13	54	13
	14	54	17
	15	17	32
		54	13
		54	17
		54	4
	16-18	54	18A (new)
133		18	7
134		Val.	
135		2	32
136		2	32
137		54	4
138		40	46
139		16	15A (new)
140		17	12
141		17	12
142		17	12
143		17	12
144		17	12
145		46	18
146		17	12
147		55	14A (added)

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1945		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
148		43	16A (new)
149		30	8
150		43	16
151		*	
152		40	20
153		2	192
154		54	5
155		40	2
156		40	48
157	1-6	52	9I (new)
	7	*	
158		40	50
159		Val.	
160		40	50
161		17	50 (new)
162		54	10A (new)
163		54	4
164		*	
165		*	
166		*	
167		2	24
168		10	1
169	1-27	18	25 (new)
	28	*	
170		*	
171		10	2
172		18	14
173		30	9
174		10	1
175		38	23A (new)
176		38	23
177		45	14
178		17	35
179		17	6
180		*	
181		30	9
182		Val.	
183		9	17
184		19	12
185		38	23B (new)
186		17	18
187		17	34
188		17	38
189		39	6
190		3	16
191		2	176
192		26	3B (new)
193		45	6
194		3	16
195		58	5
196		9	3
197		32	1
198		32	10
199		17	9
200		2	10
201		38	17
202		26	6
203		43	21
204	1	4	1
	2-4	4	5
205		*	
206		19	27
207		*	
208		17	4
209		Val.	
210		3	2
211		18	2
212		18	22
213		43	13
214		43	10
215		18	24
216		*	
217		2	114
218		40	47
219		40	47
220		40	1
221		40	1
222		39	3
223		45	15
224	1-4	17	17
	5	17	33
	6	17	22
225		17	38
226	1	17	18
	2	17	24
227		17	35
228		17	34
229		33	1
230		40	75
231		48	3
232		54	5
233		46	2B (new)

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1945		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
234		38	23A (new)
235		4	16
236		Val.	
237		*	
238		*	
239		*	
240		*	
241		40	37
242		2	117
243		Val.	
244		43	10
245		*	
246		43	15
247		53	1
248		9	3
249		Val.	
250		2	50
251		*	
252		30	9
253		26	6
254		*	
255		*	
256		39	5
257		17	2
258		2	27
259		33	1
260		54	4
261		18	14
262		45	3
263		19	13
264		30	5
265		39	3
266		40	48
267		*	
268		40	43
269		*	
270		19	33
271		43	12
272		43	14
273		44	7
274		46	32
275	1	46	16
	2	46	19
276		22	2
277		40	46
278		2	8
279		2	8
280		2	8
281		43	9A (new)
282		40	61
283		2	67
284		39	5A (new)
285		19	23
286		2	101A (new)
287		43	12
288		43	14
289		2	181
290		19	23
291		9	18
292		40	49
293		3	42A (new)
294		24	10
295		4	12
296		2	178
297		40	146
298		Val.	
299		18	13
300		58	15A (new)
301		26	2A (new)
302		38	17
303		*	
304		19	32
305		43	1
306		54	49
307		43	21
308		43	21
309		40	148
310	1-7	52	31
	8	*	

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

SCHEDULE 5

TABLE OF ALLOCATION OF 1946 STATUTES

Pamphlet Laws 1946		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
1		52	27B (new)
2		*	
3		39	3
4		Val.	
5		*	
6		43	6
7		52	14
8		39	4
9		Val.	
10	1	19	2
	2	19	23
	3-11	19	55 (new)
11	1, 17	19	2
	2, 17	19	3
	3, 17	19	5
	4, 17	19	6
	5, 6, 17	19	8
	7, 17	19	9
	8-12, 17	19	12
	13, 14, 17	19	23
	15, 17	19	24
	16	19	2
	16	19	30
12		40	8
13		*	
14		40	2
15		6	1
16		17	34
17		19	49
18		32	11B (new)
19		2	189
20		17	22
21		40	49
22		40	23
23		*	
24		40	23
25		40	47
26		26	8
27		40	37
28		2	114
29		18	4
30		*	
31		52	27
32		2	181
33		17	43
34		11	22
35		52	27
36		*	
37		43	21
38		34	13B (new)
39		40	48
40		54	4
41		Val.	
42		27	6
43		2	8
44		*	
45		39	3
46		39	3
47		23	5
48		23	4
49		23	3
50		23	4
51		38	23A (new)
52		55	14E (new)
53		40	1
54		32	1
55		36	1
56		17	12A (new)
57		27	6
58		17	6
59		*	
60		45	4A
61		14	10
62		52	8

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1946		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
63		18	10
64		18	14A(new)
65		40	63
66		17	22
67		40	11
68		40	155
69		2	66
70		54	35
71		48	15
72		4	2
73		40	23
74		23	5
75		23	9
76		40	162A(new)
77		9	18
78		17	9
79		55	14F(new)
80		43	7
81		21	3
82		*	
83		23	3
84		45	9
85		38	18
86		24	11A(new)
87		40	11
88	1-6	18	10
	7	18	11
	8, 9	18	14
	10	18	10
	10	18	13
	10	18	14
	10	18	15
	10	18	23
	11	18	10
89		54	10A(new)
90		43	15
91		*	
92		34	7
93		*	
94		*	
95		32	2
96		1	1
97		1	1
98		*	
99		18	15
100		30	1
101		40	48
102		Val.	
103		23	4
104		*	
105		*	
106		40	60
107		24	10A(new)
108		4	14
109		21	1A(new)
110		44	1
111		*	
112		*	
113		27	6
114		27	6
115		27	6
116		17	24
117		27	6
118		30	4A(new)
119		17	34
120		52	27C(new)
121		38	23B(new)
122		*	
123		40	36A(new)
124		18	16
125		48	4
126		18	5
127		28	2
128		27	6
129		36	1
130		48	4
131		48	4
132		45	4
133		45	4
134		38	23B(new)
135		43	15
136		39	10
137		*	
138	1-37	40	14A(new)
	34	40	63
139		27	6
140		40	60
141		*	
142		43	3
143		*	
144		52	27B(new)
145	1	18	5

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1946		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
145	2-15	18	13
146		54	9
147		33	1
148		11	24A (new)
149		19	31
150		*	
151		*	
152		19	41
153		18	13
154		17	34
155		2	53
156		11	22
157		40	60
158		2	134
159		54	4
160		2	29
161	1-16	54	2
	17, 18	54	3
162		38	23A (new)
163		Val.	
164		Val.	
165		23	4
166		23	5
167		5	5
168		30	6
169		5	5
170		5	5
171		23	4
172		26	4A (new)
173		Val.	
174		54	10B (new)
175		44	4
176		27	6
177		45	14
178		22	2
179		2	32
180		22	2
181		2	32
182		2	32
183		2	32
184		11	2A (new)
185		37	1
186		2	212
187		2	195A (new)
188		2	16
189		2	1
190		2	1
191		43	15
192		43	16A (new)
193		*	
194		18	5
195		2	7
196		27	15
197		40	38
198		11	4
199		52	27B (new)
200		43	14
201		40	146
202		*	
203		*	
204		*	
205		*	
206		38	23A (new)
207		27	14
208		39	4
209		2	197A (new)
210		18	13
211		26	3
212		54	4
213		18	14
214		2	8
215		43	10
216		43	10
217		18	22
218		2	8
219		48	2
220		48	3
221		*	
222		*	
223		30	9
224		38	3
225		30	6A
226		15	17 (new)
227		11	27
228		11	12
229		38	17
230		38	17
231		*	
232		26	6
233		38	17
234		38	7
235		18	13

* **Omitted from Table** as not being general or permanent legislation.
Val. Indicates validating act listed in **Schedule 9 following.**

Pamphlet Laws 1946		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
236		43	14
237		6	2
238		*	
239		*	
240		54	35
241		27	13
242		54	4
243		18	21
244		*	
245		40	60
246		33	1
247		4	5
248		*	
249	1, 2	34	1
	3-7	34	7
250		22	2
251		22	4
252		2	23
253		30	4
254		40	174
255		26	3C(new)
256		4	23
257		4	5
258		12	6A(new)
259		17	48A(new)
260	1-5	18	5
	6	40	1
261	1, 2	19	14
	3-7	19	23
	8	19	45
262		18	6
263		34	16
264		App. A	7
265		18	4
266		18	8
267		40	37
268		2	153
269		54	5
270		18	13
271		40	108
272		33	1
273		*	
274		*	
275		40	40
276		40	37
277		Val.	
278		43	21

Pamphlet Laws 1946		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
279		40	37
280		43	14
281		2	60
282		40	145
283		3	25
284		43	16
285		17	13
286		*	
287		48	15
288		15	1
289		18	20
290		53	1
291		17	22
292		2	121
293		45	18
294		27	7
295		58	11
296		18	14
297		44	4
298		32	9
299		13	1A(new)
300		34	15
301		27	15A(new)
302		40	60
303		18	20A(new)
304		40	21
305		Val.	
306		30	4
307		54	10A(new)
308		43	1
309		43	14
310		17	38
311		17	6
312		30	4
313		12	6
314		12	6
315		17	4
316		33	1
317		17	4
318		27	19
319		2	58
320		40	37
321		55	14F(new)
322		*	
323		55	14G(new)
324		*	
325		2	58

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

SCHEDULE 6

TABLE OF ALLOCATION OF 1947 STATUTES

Pamphlet Laws 1947		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
1		*	
2		18	7
3		*	
4		*	
5		52	15
6		19	29
7		*	
8		*	
9		Val.	
10		36	1
11		*	
12		*	
13		*	
14		52	14
15		27	6
16		40	2
17		48	12
18	1	54	41
	2	54	43
19		2	114
20		2	114
21		*	
22		Val.	
23		*	
24		Val.	
25		39	3
26		40	37
27		17	2
28		11	20
29		Val.	
30		40	23
31		34	15
32		*	
33		40	46
34		30	9
35		43	21
36		*	
37		12	4
38		Val.	
39		27	16
40		2	226
41		2	8
42		*	
43		32	1
44		32	1
45		7	5
46		2	58
47		34	13B(new)
48		23	5
49		40	153
50		54	10A(new)
51		54	10A(new)
52		55	14G(new)
53		19	14
54		52	27
55		27	6
56		27	6
57		*	
58		27	6
59		45	8
60		45	8
61		*	
62		27	15
63		11	27
64		23	3
65		53	1
66		48	9
67		*	
68		23	5
69		19	37
70		Val.	
71		40	48
72		2	29
73		54	4A(new)

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1947		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
74		27	6
75		34	13B(new)
76		*	
77		1	1
78		19	50
79		19	49
80		17	17
81		46	18
82		39	3
83		30	1
84		17	35
85		40	8
86		18	5
87		40	60
88		*	
89		*	
90		17	12A(new)
91		17	9
92		17	9
93		54	3
94		33	1
95		*	
96		*	
97		48	2
98		54	2
99		46	35
100		15	1
101		22	4
102		56	3
103		40	11
104	1-3, 9	19	14
	4-5	19	15
	6-7, 9	19	16
	8, 9	19	23
	9	19	26
105		38	2
106		40	23
107		5	5
108	1	38	1
	2	38	3
109		18	14
110		40	1
111		40	1
112		40	1
113		40	2
114		40	2
115		40	2
116		40	2
117	1-6	40	3
	7-13	40	4
	14-17	40	5
	18	40	48
118		54	4
119	1-4	52	27
	5	52	27A(new)
120		44	8A(new)
121		2	199
122		2	192
123		11	10
124		24	18
125		26	3C(new)
126		58	11
127		27	15A(new)
128		30	5
129		43	10
130		18	14
131		18	13
132		45	8A(new)
133		18	14
134		18	7
135		18	7
136		18	12
137		Val.	
138		18	14
139		18	22
140		18	22
141		18	14A(new)
142		*	
143		52	14
144		18	13
145		18	7
146		18	7
147		43	14
148	1	18	2
	2	18	4
	3-4	18	5
	5-9	18	6
	10-18	18	7
	19	18	11
	20-21	18	13
	22-24	18	14
	25-28	18	15
	29-32	18	16
149		40	2

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1947		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
150		52	27A(new)
151		52	27BB(new)
152		18	7
153		18	5
154		*	
155		18	25(new)
156		44	8
157		27	6
158		52	18
159		23	3
160		43	12
161		48	4
162		48	2
163		23	3
164		23	4
165		43	16
166		40	46
167		19	32
168	1	19	1
	2	19	9
	3-5	19	14
	6	19	17
	7	19	18
	8-14	19	23
	15	19	27
	16	19	30
	17-22	19	31
	23	19	45
	24-29	19	48
169		54	40
170		43	10
171		43	10
172		43	10
173		43	10
174		43	10
175		38	17
176		43	14
177		26	1A(new)
178		48	12
179		9	22(new)
180		9	21(new)
181		26	3
182		*	
183		*	
184		44	3
185		*	
186		*	
187		Val.	
188		Val.	
189		38	23B(new)
190		38	23B(new)
191		54	30A(new)
192		40	46
193		40	171
194		40	1
195		40	1
196		2	7
197		40	41
198		40	38
199		48	3
200		11	22
201	1	11	6
	2-4	11	14
	5	11	16
202		2	16
203		17	36
204		*	
205		2	16
206		46	2D(new)
207		4	5
208		2	8
209		43	14
210		43	14
211		43	14
212	1	30	8
	2	*	
213		9	18
214		40	23
215		Val.	
216		43	9
217		43	16A(new)
218		40	82
219		40	54
220		2	195A(new)
221		43	12
222		Val.	
223		2	182
224		*	
225		*	
226		*	
227		46	23
228	1-3	2	29

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1947		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
228	4	*	
229		2	29
230		48	4
231		40	11
232		2	6
233		2	61
234		43	16
235		54	4
236		8	2
237		38	17
238		30	4A(new)
239		23	4
240		8	2
241		26	4A(new)
242		55	14F(new)
243		45	9
244		2	16
245		18	13
246		54	2
247		39	3
248		17	22
249		54	9
250		54	45
251		40	144
252		30	4
253		2	8
254		30	9
255		43	14
256		40	41
257		30	5
258		17	6
259		27	6
260		27	6
261		27	6
262		45	11
263		38	18A(new)
264		52	6
265		Val.	
266		*	
267		34	15
268		17	6A(new)
269		33	1
270		40	171
271		38	23
272		11	20A(new)
273		*	
274		30	4
275		2	32
276		43	14
277		19	31
278		30	8
279		43	4
280		43	14
281		*	
282		32	5A(new)
283	1-3	32	8
	4	32	11A
284		Val.	
285		43	12
286		43	15
287	1	4	16
	2	*	
288		46	9
289		43	14
290		54	2
291		*	
292		40	47
293		15	8
294		*	
295		40	62
296		40	52
297		23	9
298		Val.	
299		14	7
300		17	12A(new)
301		43	14
302		40	20
303		23	7
304		45	4
305		40	60
306		3	16
307		18	22
308		17	2
309		43	12
310		19	31
311		40	178
312		17	17
313		2	29
314		2	87
315		6	3(new)
316		40	60
317		39	3

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1947		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
318		Val.	
319		23	4
320		43	14
321		17	23
322		40	60
323		26	4
324		2	97
325		27	6
326		2	129A(new)
327		*	
328		27	6
329		27	6
330		32	1
331		40	145
332		40	171
333		54	5
334		23	4
335		40	48
336		44	5
337		2	65
338		2	187
339		43	15
340		30	11
341		40	2
342		2	16
343		*	
344		2	16
345	1-16	55	3
	17-21	55	4
	22-26	55	5
	27-29	55	6
	30-33	55	8
	34	55	10
	35	55	13
346		18	13
347		19	31
348		40	178
349		2	61
350		40	46
351		46	17
352		*	
353		20	1
354		2	202
355		45	5
356		54	5
357		2	53
358		17	24
359		50	1
360		17	29A(new)
361		40	60
362		40	83
363		40	11
364		34	15
365		40	67
366		Val.	
367		43	10
368		Val.	
369		54	35
370		44	7
371		*	
372		*	
373		44	4
374		55	14A(new)
375		58	4A(new)
376		54	35
377		58	4A(new)
378		2	181
379		17	29B(new)
380		3	2
381		2	65
382		40	37
383		48	15
384		3	5A(new)
385		40	48
386		54	5
387		43	13
388		32	13A(new)
389		*	
390		21	1A(new)
391		40	14A(new)
392		*	
393		2	181
394		2	181
395		43	16
396		43	10
397		2	32
398		3	10
399		2	181
400		43	10
401		48	5
402		2	32
403		40	21

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1947		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
404		40	40
405		*	
406		40	75
407		40	84
408		37	2
409		3	32
410		2	8
411		43	14
412		*	
413		54	4
414		19	31
415		54	5
416		2	61
417		40	60
418		*	

* Omitted from Table as not being general or permanent legislation
Val. Indicates validating act listed in Schedule 9 following.

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1		19	56(new)
2	1	19	2
	2	19	3
	3	19	4
	4	19	5
	5-8	19	6
	9, 10	19	8
	11	19	9
	12-16	19	12
	17-20	19	13
	21	19	14
	22-26	19	23
	27-29	19	24
	30	19	23
		19	55(new)
	31	19	2
		19	23
		19	55(new)
	32	19	2
		19	3
		19	5
		19	6
		19	8
		19	9
		19	12
		19	23
		19	24
		19	30
3		*	
4		1	1
5		40	20
6		40	80
7		40	87
8	1	40	143
	2, 3	40	144
9		40	158
10		55	14F(new)
11		13	9
12		55	14G(new)
13		1	2
14		18	16
15		18	15
16		52	10A(new)
17		30	8
18		*	
19		18	10
20		33	1
21	1	40	70
	2	40	72
	3	40	75
22	1	40	124
	2	40	125
23		40	171
24		40	178
25		58	12
26		*	
27	1	18	2
	2, 3	18	16
28		39	3
29		52	24
30		*	
31		17	38
32		18	7
33		5	5
34		45	6
35		23	5
36		24	13
37		17	2
38		13	9
39		23	2
40	1-18	54	29A(new)
	18	54	4

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1948		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
41		54	4
42		30	9
43		27	6
44		2	174A(new)
45		40	11
46		40	46
47		11	22
48		2	223
49		Val.	
50		45	14
51		27	6
52		2	16
53		44	5
54		2	182A(new)
55		15	8
56		18	11
57		11	22
58		34	15
59		17	12A(new)
60	1	30	1
	2, 3	30	4
61		40	12
62		18	5
63		2	31
64		Val.	
65		54	40A(new)
66		18	10
67	1-336	17	9A(new)
	336	3	16
		7	4
		7	5
		7	6
		17	1A
		17	2
		17	3
		17	4
		17	5
		17	6
		17	6A(new)
		17	7
		17	8
		17	9
		17	16
		32	2
	337-343	17	9A(new)
68		43	21
69		17	12A(new)
70		17	12A(new)
71		17	10
72		*	
73		40	47
74		54	5
75		27	6
76		27	6
77		*	
78		40	21
79		43	21
80		40	60
81		Val.	
82		38	14B(new)
83	1-9	2	196A(new)
	9	2	10
		2	197
		2	197A(new)
84		30	4
85		2	198
86		30	4
87	1-3	30	1
	4, 5	30	7
	6	30	3
88	1-3	17	1
	4-7	45	15
	8	*	
	9-11	45	15
	12, 13	17	1
89		11	1
90		48	2
91		27	1
92		52	18A(new)
93		14	9
94		52	14
95		17	12A(new)
96		54	5
97		32	1
98		33	1
99		Val.	
100		2	8
101		2	6
102		2	8
103		40	155
104		40	47
105		45	14

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1948		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
106		2	8
107		18	24
108		54	40A (new)
109	1	43	21
	2	*	
110	1-31	43	21
	32	*	
	33	43	21
111		27	14
112		38	8
113		23	3
114		40	164
115		52	14
116		52	14
117		*	
118		52	14
119		43	12
120		2	27
121	1	11	4
	2-4	11	7
	5-8	11	22
	9	11	7
	10, 11	11	22
122		3	2
123		23	3
124		27	15
125		24	18
126		26	8
127		37	1
128		Val.	
129		40	3
130		*	
131		18	14
132		39	4
133		18	14
134		14	14
135		2	202
136		40	36A (new)
137		40	171
138		38	18A (new)
139		3	2
140		54	3
141		18	3
142		52	17A (new)
143		*	
144		23	3
145		41	2
146		17	22
147		18	14A (new)
148		58	4A (new)
149		40	1
150		18	7
151		23	3
152		45	19
153		38	25
154		23	5
155		45	15
156		52	27
157		17	17A (new)
158		2	181
159		40	2
160		2	26
161		40	47
162		18	7
163		40	46
164		Val.	
165		11	22
166		38	17
167		27	6
168		*	
169		54	39
170		39	4
171		45	4A
172		Val.	
173		Val.	
174		23	3
175		23	5
176		18	13
177		40	75
178		48	4
179		32	11B (new)
180		*	
181		4	16
182		43	21
183		19	45
184		43	21
185		52	36
186		*	
187		40	175
188		56	7 (new)
189		4	8
190		22	2

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1948		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
191		18	14
192		18	13
193		46	16
194		Val.	
195		18	22
196		18	5
197		52	14
198		40	11A (new)
199		1	6
200		23	10
201		23	4
202		40	82
203		30	4
204		30	4
205		26	8
206		40	41
207		2	7
208		40	38
209		23	4
210		21	1A (new)
211		2	181
212		32	1
213		*	
214		32	1
215		54	39
216		19	5
217		54	30A (new)
218		17	50
219		54	5
220		54	5
221		27	6
222		44	5
223		46	14
224		43	12
225		17	13
226		23	3
227		2	207
228		18	14
229		23	7
230		*	
231		Val.	
232	1	40	62
	2	40	63
233		Val.	
234		40	52
235		27	6
236		Val.	
237		*	
238		3	17
239		40	69
240		19	49
241		18	5
242		2	60
243		17	17
244		*	
245		40	60
246		40	60
247		5	2
248		55	14G (new)
249		34	6
250		43	11A (new)
251	1-6	55	3
	7, 8	55	5
252		48	12
253		2	72A (new)
254		43	12
255		5	2
256		17	22
257		11	21
258		40	23
259		54	4
260		2	181
261		19	13
262		55	14A
263		*	
264		2	8A (new)
265		Val.	
266		17	3A (new)
267		Val.	
268		54	34
269		34	15
270		2	1A (new)
271		40	37
272		Val.	
273		22	4
274		22	4
275		26	3
276		40	49
277		40	39
278		40	38
279		2	7
280		*	

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1948		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
281		40	175
282		40	46
283		2	8
284		9	18
285	1, 2	26	8
	3	37	1
286		48	3
287		18	7
288		27	19
289		*	
290		54	4
291		30	4
292		*	
293		52	32
294		40	55
295		2	8
296		27	6
297		Val.	
298		2	142
299		2	182
300		2	6
301		2	7
302		40	41
303		40	38
304		40	47
305		40	55
306		52	14
307		*	
308		22	4
309		40	145
310		43	10
311		2	16
312		2	87
313		43	16
314		40	38
315		1	9
316		*	
317		48	12
318		43	21
319		2	27
320		2	50
321		9	2
322		26	8
323	1, 2	2	50
	3	*	
	4	2	50
324		2	26
325		2	26
326		2	91B(new)
327		2	1A(new)
328		2	25B(new)
329		1	7
330		2	6
331		2	16
332		2	80
333		2	15
334		37	1
335		41	2A(new)
336	1	54	34
	2	54	35
337		2	96A(new)
338		2	58
339		2	72
340	1-38	29	1
	39	*	
	40	29	1
341		40	11
342		39	4
343		*	
344		2	58
345		11	21
346		*	
347		18	12
348		40	66A(new)
349		40	68A(new)
350		45	12
351		58	16A(new)
352		2	6
353		2	202
354		2	16A(new)
355		2	26
356		2	26
357		2	75
358	1-45	2	42
	45	2	29
	46	2	42
359		3	8
360		2	1A(new)
361		2	72A(new)
362		2	16
363		2	87A(new)
364		2	1C(new)

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

Pamphlet Laws 1948		Allocation in Table of Contents	
Chapter	Sec.	Title	Chapter
365		2	1B(new)
366		22	1A(new)
367		2	16
368		2	5
369		2	26
370		2	60
371		2	60
372		2	16
373		2	51
374		2	73
375		1	1
376	1-11	2	16
	11	2	2
		2	6
	12	2	16
377		17	34
378		2	65
379		2	60
380		2	60
381		2	80
382		2	1A(new)
383		26	9
384		2	8
385		2	32
386		40	175
387		26	9
388		3	7
389		2	1A(new)
390		2	16
391		43	6
392		43	6
393		43	6
394		2	8A(new)
395		40	46
396		*	
397		40	62
398		30	4
399		40	41
400		40	21
401		17	12A(new)
402		43	6
403		54	40
404		38	23
405		17	9A(new)
406		17	9A(new)
407		27	6
408		17	9A(new)
409		*	
410		2	16
411		22	1B(new)
412		40	27
413		40	23
414		30	4
415		*	
416		*	
417		14	14
418		Val.	
419		17	16B(new)
420		Val.	
421		17	11
422		39	4
423		*	
424		43	16A(new)
425		40	52
426		Val.	
427		18	5
428		43	13
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431		*	
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* Omitted from Table as not being general or permanent legislation
Val. Indicates validating act listed in Schedule 9 following.

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456		40	26A(new)
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459		54	10A(new)
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464		40	55
465		43	13
466		11	22
467		17	45
468		34	15
469		43	21
470		18	13
471		43	12
472		23	5

* Omitted from Table as not being general or permanent legislation.
Val. Indicates validating act listed in Schedule 9 following.

SCHEDULE 8

TABLE OF NUMBERED SECTIONS ADDED TO REVISED STATUTES (1937)

(1942, C. 281 to end—1943-1948)

Title 15.

Section Added	Act By Which Added
15:15–2	1944, c. 237

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Title 46. PROPERTY.

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