

2A:135-9 ✓

N. J. Legislative Histories
Feb. 23, 1956

Copy 1

NEW JERSEY STATE LIBRARY

BUREAU OF LAW AND LEGISLATIVE REFERENCE

N. J. PUBLIC OFFICERS: REMOVAL AND SALARY THEREAFTER

legislative History of the following Sections of the New Jersey Revised Statutes.

2A:135-9. Forfeiture of office or position; restoration on reversal

"Any person holding an office or position, elective or appointive, under the government of this state or of any agency or political subdivision thereof, who is convicted upon, or pleads guilty, non vult or nolo contendere to, an indictment, accusation or complaint charging him with the commission of a misdemeanor or high misdemeanor touching the administration of his office or position, or which involves moral turpitude, shall forfeit his office or position and cease to hold it from the date of his conviction or entry of plea.

"If the conviction of such officer be reversed, he shall be restored to his office or position with all the rights and emoluments thereof from the date of the forfeiture.

Historical Note

Source:

R.S. 2:160-9; 2:160-10.

R.S. 2:160-9, 2:160-10 (L.1913, c. 74, Secs 1, 2, p.116 (1924) Suppl.

Secs. 52-211a, 52-211a), suppl. to L.1898, c. 235, p. 794) read as follows:

"2:160-9. Any person holding an office, elective or appointive, under this state, or any county or municipality thereof, who shall be convicted upon, or who shall plead guilty, non vult or nolo contendere to, an indictment or allegation charging him with the commission of a misdemeanor or high misdemeanor touching the administration of his office, or which involves moral turpitude, shall forfeit such office and cease to hold the same from the date of such conviction or entry of such plea as aforesaid.

"2:160-10. If the conviction against such officer be reversed, he shall be restored to his office with all the rights and emoluments thereof from the date of such forfeiture, but a pardon shall not have such effect."

New Jersey Law, 1898, Chapter 235.

General law pertaining to criminal matters.

New Jersey Law, 1913, Chapter ⁷⁴ 24 (A.188).

A.188 was enacted as a supplement to chapter 235, 1898. Its exact language is given in above Historical Note. There was no statement of purpose on the bill. It passed both houses without amendment.

2A:158-14. Salaries of prosecutors suspended when attorney general attends in county
on request of assignment judge of superior court.
2:182-12)

Whenever the attorney general, either personally, or by such assistant or assistants as he may designate, shall, at the request of the assignment judge of a county, attend in the county for the purpose of prosecuting the criminal business of the state therein, including the investigation of alleged crimes and misdemeanors, the attendance before the criminal courts and grand jury of such county and the preparation and trial of indictments for crimes and misdemeanors, in accordance with section 52:17A-4 of the title State Government, Departments and Offices, and such attendance, by the attorney general in person or by such assistant or assistants as the attorney general may have designated for that purpose, shall continue in such county for a period of more than 3 months, the payment of the salary or other compensation of the prosecutor in and for such county shall be suspended from and after the expiration of a period of 3 months after the commencement of such attendance, and such suspension of payment shall continue until such attendance of the attorney general shall have terminated the prosecutor shall have resumed the discharge of his duties. Whenever the payment of the salary or compensation of any prosecutor shall be subject to suspension as herein provided, the county board or officer charged with the duty of paying or providing for the payment of such salary or compensation shall suspend the payment thereof for the period fixed by this section."

Historical Note

Source:

R.S. 2:182-12.

L.1932, c. 222, Secs. 1, 2, pp. 498, 499, suppl. to Rev. 1877, p. 56.

2:182-12, New Jersey Laws 1932, Chapter 222 (S.311)

S.311 was introduced by Senator William H. J. Ely, Bergen County and referred to Committee on the Judiciary. Committee members: Emerson L. Richards, Atlantic County; Joseph G. Wolber, Essex County; Dr. Elias Gale, Sussex County. The bill passed both Houses without amendment. The following is the statement on the original print of S.311:

"Sec. 1 of P.L. 1911, p. 325, as amended by P.L. 1922, p.11, provides that the Attorney General may supersede the prosecutor of the pleas in any county under certain conditions.

"Sec. 2 of P.L. 1911, p. 325, as amended by P.L. 1927, p.116, provides for the adequate compensation of the Attorney General, or his assistants, in such cases where he has suspended any prosecutor of the pleas.

There is no corresponding provision in the acts relating to prosecutors of the pleas to balance the situation.

"The purpose of this act is to authorize and provide for the suspension of the payment of the salary of the prosecutor of the pleas of any county when he has been superseded by the Attorney General, and such supersedeure has extended for a period of more than three months."

The following is the Trenton Times comment on S.311 and S.312, both introduced by Sen. Ely and both passed and submitted to the Governor. S. 312 was vetoed by the

Governor (Copies of S.312 and Governor's Veto message thereon submitted):

Trenton Times, June 10, 1932:

"Senator Ely put through both branches a measure which would eliminate the salary of any county prosecutor at the end of three months in the event he is superseded by order of the court. It is designed to deal with a situation in Bergen County where Prosecutor Edward O. West has been drawing salary for nearly two years while the work of the office has been in charge of an assistant attorney general."

Trenton Times, June 16, 1932:

"Among the measures filed without signature was the bill to require Supreme Court justices to file with the Governor their reasons for removing county prosecutors."

"This bill provides a limitation upon the Governor in which to file charges with the House of Assembly and in the present instance would necessitate the calling of a special session of the legislature", said the Governor. "I do not believe there should be any limitation. The legislature already has the power of impeachment."

"The bill was one of two sponsored by Senator Ely, of Bergen, and aimed at a situation in that county, where Prosecutor Edward O. West was removed nearly two years ago. The other, signed earlier, provides for the suspension of the salary of an ousted prosecutor three months after he has been superseded by the attorney general."

New Jersey Law, 1951, Chapter 344 (S.1, First Special Session)

S.1 was introduced in the Senate, November 19, 1951 by Senators Hamnold and Clapp, without reference to committee. It was passed by Senate, November 26, and by House, November 28. No amendments were made by either house. Bill was approved by Governor, December 5, 1951. Copies of S.1, in original and Official Copy Reprint Form, are supplied. The title of S.1 indicates its nature and purpose. The actual text of the bill as such was not printed. Matter following the title explains the reason for such omission. Sections 7 and 8 of the explanation pertain to the construction of Title 2A, which title is the subject of S.1. One of the sections of Title 2A, which was enacted through passage of said S.1, First S.S. 1951 differs in wording from the words of 2:182-12, which it replaced, by omission of the last sentence of 2:182-12, "When the period of suspension of payment has ended, the total amount of such salary or other compensation held in suspense shall be paid to the prosecutor of the plea".

The text of S.1 was prepared by a special committee, The Advisory Committee on Revision of Statutes. Its members were: Peter P. Artasorse, Harold W. Hamnold, George W. C. McGarter, Robert B. Meyner, Elden Mills, Theodore B. Parsons, Elvin R. Summell, Arthur T. Vanderbilt, and Alfred C. Clapp, Chairman. The Committee's Secretary was John H. Yarnsh, Jr., 11 Commerce Street, Newark 2, N.J. No copy or data on the Committee's deliberations was filed with the State Library. Preceding introduction of S.1, S.S. 1951, the Committee issued a tentative draft of Title 2A. A copy of this is in the library collection. Its foreword states that it "is submitted to bench, bar and public for suggestions". The Committee requested that such suggestions be submitted to its Secretary. The draft also

listed
 acknowledges the services of some 100 "reporters" who contributed to its preparation. No copy of any suggested amendments to Title 2A which the Committee Secretary may have received was ever filed with the State Library. The Library has made frequent request that background data on the preparation of 2A be filed in the State Library, or that information as to the repository of such data be supplied for referral purposes.

The following are comments appearing in the Trenton Times on the passage S.1, S.S. 1951:

Trenton Times, November 20, 1951

"The speed of the session timetable was assailed by Assemblymen Tumulty and Friedland, both of Hudson, who argued the legislators were moving too fast on the proposed broad revision of statutes.

"Tumulty cited the proposed downgrading of certain crimes from grand jury offenses to disorderly acts that could be tried before municipal magistrates as matters calling for discussion and careful deliberation before a final vote.

"Majority Leader Carvino said the changes had been drafted by a committee of lawyers after months of study and represented the best thinking of experts to bring about the administration of justice.

"Tumulty obtained from House Speaker Thompson an assurance that opportunity would be afforded next week for submission of amendments. It was indicated a number would be offered."

Trenton Times, November 29, 1951

"The State Legislature has delivered to Governor Driscoll a bundle of bills that revises New Jersey's laws on crime and administration of estates.

"Driscoll called the Legislature into special session expressly to approve a general revision of the laws, something that never had been done before. There had been compilations that were called revisions, the most recent in 1937. This was the first time a body of lawyers put a scalpel to the statutes.

"They cut out about 350 pages of law, reduced 57 crimes from misdemeanors to disorderly persons acts, clarified the rule making power of the State Supreme Court, and modernized statutes on the administration of estates."

52:17A-5. Authority of Attorney-General as county prosecutor.

"Whenever the Attorney-General, personally or by his deputies or assistants, shall attend in any county where there is no county prosecutor, or at the request of the Governor or of an assignment judge of the Superior Court or of the board of chosen freeholders or of the county prosecutor of the county, for the prosecution of the criminal business of the State in said county or of such part thereof as shall be designated in, or as shall fall within the general purview of the matters designated in, the written request therefor, the Attorney-General and his deputies or assistants shall have all the power and authority of the county prosecutor for prosecuting the criminal business of the State or such part thereof, including the investigation of alleged crimes and misdemeanors, the attendance before the criminal courts and grand juries of the county, the preparation and trial of indictments for crimes and misdemeanors and the representation of the State in all proceedings in criminal cases on appeal or otherwise in the courts of this State.

"Whenever the Attorney-General shall have taken over the duties of a county prosecutor, he shall have all of the authority conferred by law upon the prosecutor, and he may appoint such temporary assistants as he may deem necessary, and shall also have power to appoint such aids, investigators or other personnel and clerical assistants as he shall deem necessary.

"Whenever the criminal business or any part of the criminal business of any county is prosecuted by the Attorney-General, personally or by his deputies or assistants, there shall be paid, by the treasurer of the county, such sum for that special service as the assignment judge of the Superior Court of the County or a judge of the County Court of said county shall certify and fix, on the application of the Attorney-General; provided, that the compensation allowed shall not exceed that provided by law for the payment of the county prosecutor in said county for the same or similar services; provided, however, that no compensation so allowed shall affect the salary of the county prosecutor or assistant prosecutors if any in said county.

"In prosecuting such criminal business, the Attorney-General shall have the power to employ such investigators, clerical and other assistants and to incur such expenses as he shall determine, and the cost thereof, including the compensation allowed as aforesaid of any deputy or assistant attorneys-general who shall be employed or designated by the Attorney-General for that special purpose in addition to those regularly employed in the Division of Law, shall likewise be paid by the treasurer of the county when certified and fixed in the same manner. L.1914, c. 20, p. 52, Sec. 5, L.1953, c. 49, p. 859, Sec. 22."

New Jersey Law 1914, Chapter 20, Sec. 5, p. 52 (S.133)

S.133 contained no statement of purpose. It was introduced by Sen. Farley, Atlantic County and referred to the Judiciary Committee. Committee members: Farley, Proctor, Barton, Sholl, Neelan. Approved by the Fiscal Affairs Committee. Reported by Judiciary Committee as a Committee substitute and passed in this form by both houses. S.133 as introduced did not include the following words which appeared in the text of the Committee Substitute: "No compensation so allowed shall affect the salary of the prosecutor or assistant prosecutor."

New Jersey Law 1953, Chapter 49, Sec. 22, p.459 (S.45)

S.45 contained no statement of purpose. It was introduced by Senator Clapp, Essex County and referred to the Committee on Revision and Amendment of Laws. Committee members: Clapp, Hand, Forbes, McCay, Vegal. It passed the Senate without amendment. In Assembly it was referred to the Committee on Revision and Amendment of Laws. Members: Tompkins, Deemer, Cahill, Silver, Stewart. Passed Assembly without amendment; S.45, as introduced and enacted into law, contained the same words as Chapter 20, N.J.L. 1914: "no compensation so allowed shall affect the salary of the county prosecutor".

Ask KR for p. nos. next.

h0146-14. ✓ Salary of employee illegally dismissed; recovery.

"Whenever a municipal officer or employee, including any policeman or fireman, has been or shall be illegally dismissed from his office or employment, and such dismissal 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."

Historical Note

Source:

L. 1918, c. 139, secs. 1, p. 322, as am. by L. 1919, c. 149, sec. 1, p. 323
1924 Suppl. secs. 136-1320B (1)7. L. 1926, c. 153, sec. 1, p. 257;
1948, ch. 163, sec. 1, p. 900; 1948, ch. 395, sec. 1, p. 1592.

New Jersey Laws 1918, Chapter 139 (A. 231)

A. 231 was introduced by Ralph H. Kellan, Camden County, and referred to Municipal Corporations Committee. Passed both houses, without amendment except for substitution of word, "court" for "tribunal". The statement on the original print of A. 231 follows:

"This is a bill to protect the employees and officers of municipalities who may be illegally dismissed from their employment. It is now possible under the law to illegally dismiss a man, and when the dismissal is set aside as illegal, it may happen in many instances that the individual cannot recover the salary that is rightfully his because of the law and the decisions in this State. In a word, the Civil Service Law does not give the protection that it ought to give. This bill would remedy that evil and would protect the individual."

New Jersey Laws 1919, Chapter 149 (A. 360)

A. 360 was introduced by Ralph H. Kellan, Camden County, and referred to Municipal Corporations Committee. It passed both houses without amendment. The only difference in the language of Chapter 139, Laws of 1918 and Chapter 149, Laws of 1919 is in the change in tense of verbs used. The verb "shall have been" in Chapter 139, Laws of 1918 was changed to "has been or shall be" in Chapter 149, Laws of 1919. The text of Chapter 139, Laws of 1918 follows:

"Whenever any municipal officer or employee shall have been illegally dismissed from such office or employment and the said dismissal shall have been set aside as illegal by a court of competent jurisdiction, such officer or employee shall be entitled to recover the salary of such office or employment for the period covered by such illegal dismissal."

The statement on the original print of A. 360 follows:

"The purpose of this bill is to clarify the meaning of Chapter 139, P. L. 1918, and make it read more clearly, as intended to cover all cases where a municipal officer or employee has been or shall be illegally dismissed from such office or employment and the said dismissal has been or shall be set aside as illegal by a court of

competent jurisdiction and entitle such officer or employee to recover the salary of such office or employment for the period covered by such illegal dismissal.

"In the case of Van Sandt v. Atlantic City the Supreme Court has held that a public officer who claimed to have been unlawfully dismissed from his office cannot recover salary without first having recourse to the court and having the illegal dismissal reversed. Consequently under this act no officer or employee who claims to have been illegally dismissed can recover the salary of his office until he first has recourse to the court and has said illegal dismissal reversed.

"Supreme Court Justice Parker in recently deciding the case of Cahill v. West Hoboken (October 28, 1918) held that Chapter 139, P. L. 1918, entitles one who was illegally dismissed prior to the passage of said act, and whose dismissal the court has reversed, to recover salary for the time he was illegally deprived of his office, and in the opinion rendered in said case Justice Parker says:

The expression 'shall have been' is strictly applicable to one who after the passage of the act is in the condition of 'having been.' If the law-making body had intended to deal with future cases only they would have used the form 'wherever any officer shall be' &c.

"and cites the case of Jersey City v. Spear, 78 N. J. Law 34, at page 39, to evidence that the expression "shall have been" is a common form of expression in statutes, and in his judgment "does not indicate that the Legislature intended to restrict the act to future cases of removal." However, there seems to be some doubt about the construction of Chapter 139, P. L. 1918, and therefore this bill is to clarify the situation. Under this act a dismissed municipal officer or employee cannot recover salary for the time he was deprived of his office or employment unless the Supreme Court determines in an appropriate action and he was illegally dismissed."

New Jersey Laws 1926, Chapter 153 (A. 302)

A. 302 was introduced by Sharkey, of Hudson County and referred to the Committee on Claims and Pensions. It passed both houses without amendment. Language of Chapter 153, L. 1926 was as follows:

"When any person has been or shall be appointed by the governing body of a municipality as a policeman or fireman, and thereafter dismissed by means of a resolution adopted by the governing body of such municipality and such resolution has been or shall be set aside by the Supreme Court, such person shall be entitled to receive the salary, prevailing in such municipality for policemen and firemen for the period of time during which such person was deprived of the right to perform his duty as such policeman or fireman."

2A:135-9

The statement on the original print of A. 302 follows:

"The purpose of this bill is to enable persons who were appointed policemen and firemen by the board of commissioners of the city of Bayonne, who, after performing duties for a short time, were removed by means of a resolution, which was thereafter set aside by the Supreme Court and decision affirmed by the Court of Errors and Appeals (O'Neill v. Bayonne, 99 N. J. L. 430; Carroll, Quinn et al v. Bayonne, 99 N. J. L. 493), to receive payment of salary for the period of time during which they were illegally prevented from rendering service."

New Jersey Laws 1948, Chapter 163 (A.229)

A.229 was introduced by Walter H. Jones, Bergen County. Referred to Committee on Revision and Amendment of Laws. Committee members: Casinato, Saltsburg, Mills, Curtis, Tuzulty. Passed Assembly without amendment. Amended by Senate Committee on Revision of Laws. Committee Members: Hamold, Hand, Mathis, Mayner. Senate amendment to A.229 follows:

"Senate amendment to Assembly Bill No. 229:

Amend page 1, section 1, line 8, after "pension" insert ", 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".

The statement on the original print of A.229 follows:

"The present law is R.S. 40:46-34. It only applied to persons illegally dismissed. Recently the Court of Errors and Appeals in the case of Strohmayer v. Little Ferry held that a police officer illegally suspended could not recover his salary during the period of the suspension because the present law was not broad enough. The courts differentiate between "dismissal" and a suspension. The present act grants relief to any officer or municipal employee who has been illegally suspended."

New Jersey Laws 1948, Chapter 395 (A.547)

A.547 was introduced by Walter H. Jones, Bergen County. It was referred to the Committee on Municipalities. Committee members: McKay, Mills, Widnall, Consojine, Dickerson. The bill passed both houses without amendment. The statement on the original print of A.547 follows:

"The act to which this amendment applies was introduced by 1948 A.229. The bill was amended in the Senate and as amended was passed by the Assembly and approved by the Governor.

"The act as it is now on the books contains a proviso that if the determination was made prior to the effective date of the act, written application must be made within 30 days from the date of this act. This period of time is too short in view of the fact that members of the bar and general public do not have actual notice, as distinguished from the constructive notice of the passage of laws and their approval by the Governor, until they are published and circulated either by the West Publishing Company, Soney and Sage Company, or some other distributing agent. It is impossible to believe that any person affected by the passage of this statute could possibly have notice of it in time to file a claim within 30 days.

"To illustrate the difficulty of acting on such short notice the pamphlet, New Jersey Statutes Annotated, which was published in July, 1948, simply contains the laws enacted up to May 13, 1948. This is the cumulative pamphlet to New Jersey Statutes Annotated."

NEW JERSEY STATE LIBRARY

BUREAU OF LAW AND LEGISLATIVE REFERENCE

N.J. PUBLIC OFFICERS AND EMPLOYEES: APPOINTMENT, TENURE, REMOVAL, ETC.New Jersey Constitution, 1947, Arts. 5, Executive & 7, Public Officers...

Excerpts from New Jersey Constitutional Convention, 1947. Record of Proceedings.
5 vols.

Y. 2: Monographs

The Appointive Power - Tenure, Removal and Confirmation of Officers,
by Amos Filton, p. 1383-1409.

At p. 1409, quotes text of Proposed Constitution 1944: "Prosecutors
of the pleas shall be nominated by the Governor and confirmed by
the Senate for terms of 5 years. Art. 6, Sec. II, para. 2 ..."

The Governor - Constitutional Power of Investigation and Removal of
Officers, by A.S. Freedman, p. 1410-1417.

Discusses investigation and removal powers of Governor. Excerpts
supplied.

(Note: Neither monograph discusses salary termination or
removal of officer or payment thereof on his reinstatement.
Nor was this point raised in the Report of the Committee
on the Executive ... which considered the removal proposal
No. 3-1 or in proposed amendments offered thereon.)

N.J. Joint Legislative Committee created by SCR 2, 1953.
Recom. to the Legislature. 1953. (Stamler Report):
Recommendation VII: that the legislation be enacted
whereby payment of the salary of a prosecutor of any
county shall cease forth with whenever he shall be
superceded or relieved of his duties for reasons arising
out of the improper conduct of his office.)

Y. 3: General Session, Aug. 12, 1947, p. 268--

At p. 269, re Rights and Privileges Proposal. Amendments from floor:
Walter G. Winns: "I have an amendment which is substantially a
committee amendment to Para. 4 of Sec. IV of the Executive Articles
which provides in substance that a removed officer or employee shall
have the right of review on the law and on the facts, in such manner
as may be provided by law. I offer the amendment."
Amendment handed to the Secretary.

(Note: N.J. Constitution, Art. 5, Executive, Sec. 4, para. 5,
so provides.)

Y. 5: Afternoon Session, June 24, 1947, p. 29--
Committee on Executive, Militia, etc.

At p. 38, re: Prosecutors of pleas. Testimony of Gov. Alfred E. Briscoe, In answer to a query. "It seems to me that prosecutors of the pleas, as we now know them, and if continued, should be appointed by the Governor subject to confirmation by the Senate and should be a part of the Department of Law. There is no need for the continuation of prosecutors of the pleas ... as constitutional officers ... Of course they could continue to perform the functions that those men have performed in the 103 years since the Constitution of 1844 was written."

Morning Session, July 8, 1947. p. 205-206.

Re: Prosecutors of pleas.

After discussion that to give officers term of office in Constitution would make them removable only by impeachment, Farley moved Prosecutors be retained as in Constitution, 1944, Art. 6, Sec. 2, Para. 2. Motion seconded. Eggers moved to amend by providing that a removal shall be provided by law. Motion carried as amended. Miller moved title be changed to County Prosecutor. Seconded and carried 5 to 3.

Morning Session, July 10, 1947. Re: Public Officers and Employees Article of Constitution, 1947.

At p. 289. Prosecutors: Sec. II, Para. 1 of Public Officers Article read as follows:

"County prosecutors shall be nominated and appointed by the Governor with the advice and consent of the Senate. Their term of office shall be 5 years and they shall be removable in a manner to be provided by law."

Discussion followed as to just what a county prosecutor was--a state or county law enforcement officer. William Miller described the officer as having a dual capacity "in local peace as well as state law enforcement ..." The Chairman: "... in all their functions and in everything they look primarily to the county ... so that the office isn't necessarily per se an arm of the State Government."

At p. 291. Above text of section adopted.

Morning Session, July 29, 1947. p. 337-39.

Testimony: Walter D. Van Riper, N.J. Attorney General.

At page 337, re: proposed language of Public Officers and Employees Article, Sec. II, relative to appointment of county prosecutors be amended so as to provide term of 5 years. "and until their successors shall be appointed and qualify." Phrase adopted (p. 406)

At page 339, In answer to a question of Mrs. Barnes, Van Riper discussed removal procedures in removal of county prosecutor.

"Mr. Van Riper: I think it would be a fair removal process to subject them to removal on the same basis on which constitutional officers and other civil officers of the State are liable to impeachment. I think that your provision in here on impeachment is perfectly all right. I think it is very fair, very honest, for misdemeanor--whether in

connection with the conduct of their office or otherwise. I personally would think that was perfectly fair to everyone concerned. But I think that the people who have the power to pass upon that removal and to adjudicate it ought to be defined in the Constitution. My personal thought is that it ought to be the Governor or the Supreme Court.

Mrs. Barus: As an officer of the government he would be liable to impeachment with cause.

Mr. Van Riper: He would be liable to impeachment.

Mrs. Barus: It wouldn't be necessary to put that in.

Mr. Van Riper: That's right, even without this.

Chairman: Are there any other members of the Committee who would like to ask the Attorney-General a question?

New Jersey Constitution, 1947 Art. 8, Sec. 3, Para. 2.

"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."

A careful, page by page check of the Proceedings of the Constitutional Convention, 1947 did not disclose any discussion of this particular section.

See enclosed typed compilation on New York Public Officers, p.2-3. for New York Courts ruling on same provisions in N.Y. Constitution (Now Art. 8, Sec.1)
(People v. Groat, 90 N.Y.S.122)

NEW JERSEY STATE LIBRARY
BUREAU OF LAW AND LEGISLATIVE REFERENCE

NEW YORK PUBLIC OFFICERS: REMOVAL AND SALARY CONSIDERATIONS

Constitutional and Statutory Authority

New York Constitution, Art. 4, Executive, Sec. 3, Powers and Duties.

"... He ... shall take care that the laws are faithfully executed ..."
This phrase has been construed by the Courts as giving the Governor power to remove officials. (21 N.Y.S. 2d 270). And the section, together with sections of Executive Law, secs. 6 and 68, have been held to give the Governor authority for inquiries and investigations into matters concerning the public peace, public safety, and public justice and investigation of affairs of government (105 N.Y.S. 2d 268; 105 N.Y.S. 2d 669, 303 N.Y. 206)

The section is derived from the New York Constitution, 1938. The New York Constitutional Convention Committee, 1938, v. 8, "Problems Relating to Executive Administration and Powers" attempts to review existing constitutional and statutory provision of N.Y. and other states on these matters. Chapter 2 covers Executive Powers and Chapter 8, Constitutional Problems Regarding Removal of Officers. The volume is supplied. *To be mailed or given to J. Tash*

Mc Kinsey's Consolidated Laws of New York. Annotated, 1952. With pocket parts, 1955.

Book 18, Executive Law, Art. 2, Sec. 6: "Examination and Inspection by the Governor: The Governor is authorized at any time, either in person or by one or more persons appointed by him for the purpose, to examine and investigate the management and affairs of any department, board, bureau or commission of the state. The governor and the persons so appointed by him are empowered to subpoena and enforce the attendance of witnesses, to administer oaths and examine witnesses under oath and to require the production of any books or papers deemed relevant or material. Whenever any person so appointed shall not regularly in the service of the state his compensation for such services shall be fixed by the governor, and said compensation and all necessary expenses of such examinations and investigations shall be paid from the treasury out of any appropriations made for the purpose upon the order of the governor and the audit and warrant of the comptroller."

Historical Note

Section is from Executive Law of 1909, c. 23, Sec. 8, as amended by L. 1928, c. 131. Said section 8 derived from Executive Law of 1892, c. 683, Sec. 7, as added by L. 1907, c. 539, Sec. 1.

Chap. 539, N.Y.L. 1909 mentioned in the Historical Note is N.Y.'s Moreland Act. "The Moreland Act: Executive Inquiry in the State of New York;" by J.E. Missall, 1946, contains details of Act's passage and compares it with other State laws of like nature. Chapter 2, "Origin of the Act," attributes it to the Gov., Charles E. Hughes, whose own investigation of insurance companies had earned the confidence of the public in his ability and integrity; Chapter 3, "Comparative State Legislation,"

lists New Jersey as one of the States whose law closely paralleled the New York statute. It contains a detailed comparison to the New Jersey law referred to as "New Jersey's Moreland Act". (Miscall pamphlet supplied.) Mailed to J. Jacobs with memo.

Book 16, Public Officers, Art. 3, Secs. 33-34. These sections related to removal of officers by the Governor and procedure thereunder. They are derived from N.Y.L. 1892, Chapter 681, Public Officers Law, as amended. It has not been possible to fill in the legislative history of the enactment of these sections. In any attempt to provide such history it was noted that the Public Officers Law, Chap. 681, L. 1892; the Legislative Law, Chap. 682, L. 1892; and the Executive Law, Chap. 683, L. 1892 (which contains the Governor's investigatory powers) were all signed May 18, 1892 and in their titles are called "Chapters 7-8-9, of the General Laws". Attempts to establish from the State Library collection of N.Y. Documents that these statutory provisions were considered together, either by the legislature in enacting them or the Governor in approving them on the same day, proved fruitless.

The New York State Library has been contacted as to the legislative history of the above sections and on the legislative history of New York statutory provisions for salary reimbursement of reinstated officers. To date no such history has been established.

The Legislature's intent, and its apparent policy and objective in enacting the above sections are dealt with in much detail in State of New York v. Ahearn, 196 N.Y. 221 (1909); 26 LRA New Series 1153. The case involved a county officer removed by the Governor for incompetence and reappointed by county officials to the very office left vacant by such removal. The Court termed such reinstatement "reimbursement for his loss". In defining the term, "office" the Court quoted from Burrell's Law Dictionary: "The idea of an office clearly embraces the idea of tenure, fees or emoluments, rights and powers, as well as that of duty..." (26 L.R.A. supplied.) (2) To be mailed or given to J. Jacobs

Book 9, Civil Service Law, Sec. 23, Compensation of Officers and Employees Reinstated by Order of the Courts. (3) ~~Right~~ section 23 supplied

Historical Note

Section derived from L. 1901, c. 533, as amended by L. 1904, c. 637.

Note of Commission.—Board of Statutory Consolidation: "This statute, 1904, Ch. 637, was passed for the benefit of one George Blair, a veteran, removed from the position of superintendent of outdoor poor in the city of New York. See People ex rel, Blair v. Root, 45 Misc. 505. In terms, however, it is a general law, applicable to all veterans discharged in violation of section 21 of the 'old' Civil Service Law, and is an express exception to the rule of law that an official illegally removed cannot recover the salary paid to his successor before the state, city or municipality had knowledge that the removal was illegal." Report of Board of Statutory Consolidation, 1907, p.473.

The above Section ^{23 of Civil Service Law} was challenged as a contravention of the N.Y. Constitution, Art. 8, Sec. 1, prohibiting the giving money or property to an individual, People v. Grout, 90 N.Y.S. 122 (1904). In this case the Court held the

2A:135-9

- 3 -

Constitutional provision did not deny payment of a moral obligation and that it was not prepared to hold there was no moral obligation where an officer has been wrongfully removed.

23
The same section was amended, ^{by} N.Y.L. 1929, Chap. 511; L. 1934, Chap. 366; L. 1935, Chap. 734.

1929-35
A search through the New York Time Index, for background material on these laws on which the section is based reveals ^{only} the following:

Lehman vetoes Bynes bill requiring removal trials and bill on removal of veterans and volunteer firemen; signs McHabee bill granting full salaries to reinstated persons, New York Times Index, 1935, p. 1089.

The Governor signed the McHabee bill... He wrote:
"This bill is very essential to safeguard the rights of civil service employees and protect them against improper removals...
"To deny a civil service employee this compensation would deprive him of his full remedy in bringing his dismissal to the Courts for adjudication. "The bill is approved." New York Times, May 7, 1935, p. 10.

Feb. 29, 1956

2A: 135-9

NEW JERSEY STATE LIBRARY

BUREAU OF LAW AND LEGISLATIVE REFERENCE

PUBLIC OFFICERS: REMOVAL AND SALARY THEREAFTER

General Discussions of the Law:

In U. S. and England

"Removal of Public Officers from Office for Cause" (3 Michigan Law Review 290-301)
To the effect that in England and at common law public office is an incorporeal hereditament and public officer has property right in his office. In U.S. office is not property right, nor is it in the nature of a contract between officer and state.

Power to Remove Public Officer without Notice and Hearing: Annotation (99 ALR 336-)
Discusses the American view that no one has a property right in a public office. Also reports from Oklahoma case, 13 Okla. 585, 76 Pac. 135, as follows: "A public office while not property is a position held of right by election or appointment, and all the Courts are quick to protect one in the enjoyment of these rights. They may differ ... as to what his rights are, but whatever the courts conceive them to be, it will protect as quickly and as fully as though it were property; and though this is done, in one sense for the benefit of the State, the right of the officer is worthy of some consideration ... it is the duty of the Courts to protect a citizen in the enjoyment of every right which he acquires under statutory or constitutional authority, as quickly and as fully as they would his property."

On consulting the opinion in the Oklahoma case quoted above, the court was found to further hold (76 Pac. 135, at 141) that the right to enjoy the honor and emoluments of an office are as sacred as property rights and "wherever one is entitled to enjoy any right, even though it may not be property, he may invoke the aid of the judicial power of the state to protect him in enjoying the same, and, as a rule, it is the only power that can afford him relief."

At p. 142, of its opinion the court held that where an officer was illegally removed from his office (in this case without notice and hearing) that " he nevertheless was removed from this office" and such removal "in no way affected his right to the property in question."

In New Jersey

"A New Jersey Municipal Law Mystery: What Is a 'Public Office'?" by Abraham Glasier (6 Rutgers Law Review 503-527)

A study of over 100 New Jersey cases on the above subject. Includes coverage of cases holding contractual status cannot attach to a public office.

At p. 521 discusses Stahr v. Curran (44 N.J.L. 181) rule that no contractual right to past salary in the case of a temporary ouster of a de jure officer. Counsel for Stahr in arguing the case cited authority (68 N.Y. 774) that a person who is rightfully entitled to an office, although not in actual possession of it has property in it and may recover salary arising therefrom from the public treasury.

2A:135-9

- 2 -

Also discusses *Hoboken v. Gear* (27 N.J.L. 265) that appointment to office for term of years is not a contract between the government and the person appointed that the officer will serve or that the government will pay during the term for which the officer was appointed. It is at most a contract that while the party continues to perform the duties of his office he shall receive the compensation which may from time to time be provided by law.

Feb. 29, 1956

NEW JERSEY STATE LIBRARY

2A:135-9

BUREAU OF LAW AND LEGISLATIVE REFERENCE

PUBLIC POLICY

General Discussions

Definition: "Public policy" of state means the law of the state, whether found in Constitution, statute, or judicial records. *Strans & co. v. Canadian Pacific Ry. co.*, 254 N.Y. 1407

Definition: The "public policy" of New Jersey is the creature not of the courts but of the legislature; the courts have nothing to do with forming it, and can only recognize it like any other matter of public law. *Bighow v. Old Dominion Copper Mining & Smelting co.*, 74 N.J. Eq. 457.

"Public Policy in the Common Law"; by Sir Percy Henry Winfield. (In his *Selected Legal Essays*, p. 241-265)

Includes: Definition of public policy and analogous terms, "against common right and reason"; Brief history of development of public policy with copious reference to Bracton, Pollock, Holdsworth; Harrowing application of public policy doctrines in *Richardson v. Millish*, 2 Bing. 229, 242-43, where court held it had gone too far on public policy and where questions were doubtful they ought to be left to the legislature; describes *Egerton v. Brownlow*, 4 H.L. Cas. (1853) in which 16 judges argued in the House of Lords their opinions on public policy; Current meaning of public policy; variability of public policy; How public policy is evidenced, at p. 261-262; ~~Interpretation of public policy~~ - "One guide that they are certain to employ whenever it is available is statutory legislation in pari materia, if it is not too antiquated to be useful. In exercising this branch of judicial discretion, they must consider the tendency of the transaction which they are investigating. Tendency, it has been pointed out, is not an easy word to define; and it is not clear whether it signifies a mere possibility that a given act may develop into something contrary to the public weal, or whether there must be a probability of this occurrence as well." Limits of public policy; public policy is no ideal to which law ought to conform; there cannot be public policy leading to one conclusion when there is a statute directing a precisely opposite conclusion.

SENATE, No. 133

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 21, 1944

By Mr. FARLEY

Referred to Committee on Judiciary

AN ACT to establish a Department of Law in the Executive Department or branch of the State government and to prescribe the powers and duties of said department; to centralize in such department such facilities, afforded by the State for the rendering of legal services to the Governor and to the various officers, departments, boards, bodies, commissions and instrumentalities in the Executive Department or branch of the State government, as will promote economy and efficiency in the conduct of the State government; to provide for the enforcement of the criminal law of the State by such department when the ends of justice so require; to require the prosecutors of the pleas of the various counties to make report of the performance of their duties and the operation of their respective offices to the Attorney-General as head of the Department of Law; to abolish certain offices and positions; and to repeal chapter seventeen of Title 52 of the Revised Statutes and "An act concerning the State Highway Department," approved May twenty-fourth, one thousand nine hundred and thirty-nine (P. L. 1939, c. 75); "An act concerning the legal assistants to the Attorney-General," approved June twenty-seventh, one thousand nine hundred and thirty-nine (P. L. 1939, c. 101); "A supplement to an act entitled 'An act to define the duties and fix the salary of the Attorney-General,' approved February twenty-fourth, one thousand eight hundred and fifty-four," approved March twenty-fifth, one thousand nine hundred and thirteen (P. L.

1913, c. 139); "An act to amend an act entitled 'A supplement to an act entitled "An act to define the duties and fix the salary of the Attorney-General," approved February twenty-fourth, one thousand eight hundred and fifty-four,' which said supplement was approved March twenty-fifth, one thousand nine hundred and thirteen," approved March fourth, one thousand nine hundred and eighteen (P. L. 1918, c. 234).

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

1 1. The purpose of this act is to accomplish economy and efficiency by cen-
2 tralizing, in one department, the facilities afforded by the State for the ren-
3 dering of legal services to the Governor and to all officers, departments,
4 boards, bodies, commissions and instrumentalities in the Executive Depart-
5 ment or branch of the State government and to provide for the enforcement
6 of the criminal law of the State by such department where the ends of
7 justice so require.

1 2. There is hereby established a Department of Law in the Executive
2 Department or branch of the State government.

1 3. The head of the Department of Law shall be the Attorney-General,
2 who shall receive an annual salary of fifteen thousand dollars (\$15,000.00).

1 4. It shall be the duty of the Department of Law, by the Attorney-Gen-
2 eral or by such of his deputies as he shall designate, to

3 a. Be present at the seat of the government during the sessions of
4 the Legislature;

5 b. Give to the Governor, to the members of the Senate and the Gen-
6 eral Assembly, and to all other officers, departments, boards, bodies,
7 commissions and instrumentalities in the Executive Department or
8 branch of the State government, legal advice on such matters as they
9 may from time to time request;

10 c. Examine and decide all cases submitted for his opinion by the
11 Governor or by any officer, department, board, body, commission or in-
12 strumentality in the Executive Department or branch of the State gov-

13 ernment and inspect the title papers upon all applications for loans of
14 the school fund;

15 d. Carry out and enforce the provisions of the New Jersey securi-
16 ties law:

17 e. Act as the sole legal adviser, attorney or counsel, notwithstand-
18 ing the provisions of any other law, for all officers, departments, boards,
19 bodies, commissions and instrumentalities in the Executive Department
20 or branch of the State government in all matters other than those re-
21 quiring the performance of administrative functions entailing the enforce-
22 ment, prosecution and hearing of issues as imposed by law upon them;
23 and represent them in all suits, proceedings or actions of any kind
24 which may be brought for or against them in any courts of this State;

25 f. Render aid in the prosecution of the criminal business of any
26 county at the written request of the prosecutor of the pleas of the county;
27 prosecute the criminal business of the State in a county having no prose-
28 cutor of the pleas; attend for the trial of homicide cases and other high
29 crimes and misdemeanors, or for the prosecution of the criminal business
30 of the State, in any county, on the written request of a justice of the Su-
31 preme Court or of the board of chosen freeholders of the county; and at-
32 tend for the prosecution of a specific investigation or of a particular crim-
33 inal case in any county on the written request of the Governor.

34 g. Attend generally to all legal matters in which the State or any
35 officer, department, board, body, commission or instrumentality in the
36 Executive Department or branch of the State government is a party
37 or in which its rights or interests are involved;

38 h. Succeed to all the powers and be charged with all of the duties
39 conferred and imposed by law upon the Attorney-General.

1 5. Whenever the Attorney-General, personally or by his deputies, shall
2 attend in any county, at the request of the Governor or of a justice of the
3 Supreme Court or of the board of chosen freeholders or of the prosecutor
4 of the pleas of the county, for the prosecution of the criminal business of

5 the State in said county or of such part thereof as shall be designated in, or
6 as shall fall within the general purview of the matters designated in, the
7 written request therefor, the Attorney-General and his deputies shall have
8 all the power and authority of the prosecutor of the pleas for prosecuting
9 the criminal business of the State or such part thereof, including the in-
10 vestigation of alleged crimes and misdemeanors, the attendance before the
11 criminal courts and grand juries of the county, the preparation and trial of
12 indictments for crimes and misdemeanors and the representation of the State
13 in all proceedings in criminal cases on error or otherwise in the courts of
14 this State.

15 Whenever the criminal business or any part of the criminal business of
16 any county is prosecuted by the Attorney-General, personally or by his dep-
17 uties, there shall be paid, by the treasurer of the county, such sum for that
18 special service as the justice of the Supreme Court of that judicial district
19 or a judge of the court of common pleas of said county shall certify and
20 fix, on the application of the Attorney-General; *provided*, that the compen-
21 sation allowed shall not exceed that provided by law for the payment of the
22 prosecutor in said county for the same or similar services.

23 In prosecuting such criminal business, the Attorney-General shall have
24 power to employ such investigators, clerical and other assistants and to
25 incur such expenses as he shall determine and the cost thereof, including the
26 compensation allowed as aforesaid of any deputy attorneys-general who
27 shall be employed or designated by the Attorney-General for that special
28 purpose in addition to those regularly employed in the Department of Law,
29 shall likewise be paid by the treasurer of the county when certified and fixed
30 in the same manner.

1 6. The Attorney-General may appoint as his legal assistants in the
2 Department of Law deputy attorneys-general and assistant deputy attorneys-
3 general who shall perform such duties as the Attorney-General shall from
4 time to time designate.

1 7. Deputy attorneys-general in the Department of Law shall hold their
2 offices at the pleasure of the Attorney-General and shall receive such sal-
3 aries as he shall from time to time designate.

1 8. Assistant deputy attorneys-general of the Department of Law shall
2 be appointed by the Attorney-General at his pleasure and, after six years'
3 service in their positions, they shall hold their positions during efficiency
4 and good behavior and shall not be removed therefrom except for good
5 cause, and not because of religious or political opinions or affiliations, after
6 a public, fair and impartial hearing before the Civil Service Commission.
7 They shall receive such salaries, not exceeding the sum of seventy-five
8 hundred dollars (\$7,500.00) per year, as the Attorney-General shall from
9 time to time designate and shall devote their entire time to the perform-
10 ance of their duties in the Department of Law and shall not engage in the
11 private practice of law.

1 9. No member of the Department of Law shall act as attorney or counsel
2 in any controversy in which the State has an adverse interest, except in his
3 official capacity.

1 10. No member of the Department of Law shall receive any compensa-
2 tion, fees or costs in addition to his regular salary for or by reason of any
3 service performed by him for the State or for any political subdivision
4 thereof except by allowance or appropriation by the Legislature and any
5 additional compensation, fees or costs so payable to or received by any mem-
6 ber of the Department of Law, not so allowed or appropriated, shall be paid
7 to the State Treasurer for the use of the State, but the provisions of this
8 section shall not be construed to prevent the payment of compensation of
9 any additional deputy attorney-general, who may be employed or designated
10 by the Attorney-General to act in any county under section five of this act,
11 by the county in which he is designated to act by the Attorney-General.

1 11. No officer, department, board, body, commission or instrumentality
2 in the Executive Department or branch of the State government shall em-
3 ploy any person to act as attorney, counsel, solicitor, legal assistant or

4 other legal adviser to such officer, department, board, body, commission or
5 instrumentality except under full-time employment solely in the perform-
6 ance of administrative functions entailing the enforcement, prosecution and
7 hearing of issues as imposed by law upon such officer, department, board,
8 body, commission or instrumentality.

1 12. The Attorney-General may assign a deputy attorney-general or an
2 assistant deputy attorney-general to serve in any legal capacity in or for
3 any officer, department, board, body, commission or instrumentality of the
4 Executive Department or branch of the State government on a part-time or
5 full-time basis whenever, in the judgment of the Attorney-General, such as-
6 signment will contribute to the efficiency of the operation of such office,
7 department, board, body, commission or instrumentality, but such member of
8 the Department of Law shall remain under the supervision and control of
9 the Attorney-General while so serving and his compensation shall be pay-
10 able solely from appropriations made to the Department of Law.

1 13. No special counsel shall be employed for the State or for or by any
2 officer, department, board, body, commission or instrumentality in the Ex-
3 ecutive Department or branch of the State government except by authority
4 of the Attorney-General and then only in cases to be tried without the State
5 or in which the State joins or is joined with another State but this provision
6 shall not apply in any case in which the employment of special counsel is
7 authorized by law enacted prior to the employment.

1 14. The Attorney-General shall make an annual detailed report to the
2 Governor of the performance of his duties and the operations of the Depart-
3 ment of Law and shall make such other reports to the Governor as the
4 Governor may require from time to time.

1 15. The prosecutors of the pleas of the various counties shall make an-
2 nual detailed reports to the Attorney-General of the performance of their
3 duties and the operations of their offices and shall make such other reports
4 to the Attorney-General as the Attorney-General may require from time to
5 time.

1 16. The Department of the Attorney-General heretofore existing and
2 the offices and positions of assistant attorneys-general, legal assistants to
3 the Attorney-General, special counsel or legal counsel to or by appointment
4 of or under the Attorney-General hereby are abolished and all other em-
5 ployees of the Department of the Attorney-General hereby are transferred
6 to the Department of Law and shall serve in appropriate similar positions
7 in said department and shall retain all of their rights and privileges under
8 Title 11, Civil Service, of the Revised Statutes.

1 17. All officers and positions of attorneys, counsel, solicitors, or other
2 legal advisers to any officer, department, board, body, commission or in-
3 strumentality in the Executive Department or branch of the State govern-
4 ment hereby are abolished, except such offices or positions in which the incum-
5 bents are employed, under full-time employment, solely in the performance
6 of administrative functions entailing the enforcement, prosecution and hear-
7 ing of issues as imposed by law upon such officer, department, board, body,
8 commission or instrumentality.

1 18. The offices and quarters heretofore occupied by the Department of
2 the Attorney-General and all books, papers, documents and other property of
3 the Department of the Attorney-General hereby are transferred to the De-
4 partment of Law as of the date upon which this act becomes effective.

1 19. All moneys appropriated at the time this act becomes effective to
2 the Attorney-General or to any officer, department, board, body, commission
3 or instrumentality in the Executive Department or branch of the State gov-
4 ernment for the compensation and expenses of attorneys, counsel, solicitors
5 or other legal advisers to such officer, department, board, body, commission
6 or instrumentality, whose offices or positions are abolished by this act, shall
7 be transferred and made available to the Department of Law as of said date
8 or as and when such appropriation shall become available.

1 20. Chapter seventeen of Title 52 of the Revised Statutes and "An act
2 concerning the State Highway Department," approved May twenty-fourth,
3 one thousand nine hundred and thirty-nine (P. L. 1939, c. 75); "An act con-

cerning the legal assistants to the Attorney-General," approved June twenty-seventh, one thousand nine hundred and thirty-nine (P. L. 1939, c. 101); "A supplement to an act entitled 'An act to define the duties and fix the salary of the Attorney-General,' approved February twenty-fourth, one thousand, eight hundred and fifty-four," approved March twenty-fifth, one thousand nine hundred and thirteen (P. L. 1913, c. 139); "An act to amend an act entitled 'A supplement to an act entitled "An act to define the duties and fix the salary of the Attorney-General," approved February twenty-fourth, one thousand eight hundred and fifty-four,' which said supplement was approved March twenty-fifth, one thousand nine hundred and thirteen," approved March fourth, one thousand nine hundred and eighteen (P. L. 1918, c. 234) are repealed.

21. This act shall take effect immediately.

COMMITTEE SUBSTITUTE FOR

SENATE, No. 133

STATE OF NEW JERSEY

ADOPTED MARCH 6, 1944

AN ACT to establish a Department of Law in the State Government.

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

1 1. The purpose of this act is to accomplish economy and efficiency by
2 centralizing, in one department, the facilities afforded by the State for the
3 rendering of legal services to the Governor and to all officers, departments,
4 boards, bodies, commissions and instrumentalities of the State Government
5 and to provide for the enforcement of the criminal law of the State by such
6 department where the ends of justice so require.

1 2. There is hereby established a Department of Law in the State Govern-
2 ment. The Attorney-General shall be the head of said department and the
3 Attorney-General shall be nominated by the Governor and appointed by
4 him with the advice and consent of the Senate and shall hold his office for
5 the term of five years.

1 3. The Department of Law shall be administered by the Attorney-
2 General and his deputy attorneys-general and deputy assistant attorneys-
3 general as herein provided.

4 The Attorney-General shall receive an annual salary of fifteen thousand
5 dollars (\$15,000.00).

1 4. The powers and duties of the Department of Law shall be the powers
2 and duties now or hereafter conferred upon or required of the Attorney-
3 General, either by the Constitution or by the common and statutory law of
4 the State, and as specifically but not exclusively as detailed herein, to wit:

5 a. Be present at the seat of the government during the sessions of
6 the Legislature;

7 b. Give to the Governor, to the members of the Senate and the Gen-
8 eral Assembly, and to all other officers, departments, boards, bodies,
9 commissions and instrumentalities of the State Government, legal advice
10 on such matters as they may from time to time require.

11 c. Examine and decide all legal matters submitted to him by the
12 Governor or the Legislature and act for them in any matter in which
13 they may be interested, and shall exclusively attend to and control all
14 litigation and controversies to which the State is a party or in which its
15 rights and interests are involved.

16 d. Carry out and enforce the provisions of the New Jersey secu-
17 rities law; also the civil rights law.

18 e. Act as the sole legal adviser, attorney or counsel, notwithstand-
19 ing the provisions of any other law, for all officers, departments, boards,
20 bodies, commissions and instrumentalities of the State Government in all
21 matters other than those requiring the performance of administrative
22 functions entailing the enforcement, prosecution and hearing of issues as
23 imposed by law upon them; and represent them in all suits, proceed-
24 ings or actions of any kind which may be brought for or against them
25 in any court of this State; and shall likewise interpret all statutes and
26 legal documents, inspect and approve contracts and titles and otherwise
27 control their legal activities.

28 f. Render aid in the prosecution of the criminal business of any
29 county at the written request of the prosecutor of the pleas of the county;
30 prosecute the criminal business of the State in a county having no pros-
31 ecutor of the pleas; attend for the trial of homicide cases and other
32 high crimes and misdemeanors, or for the prosecution of the criminal
33 business of the State, in any county, on the written request of a Jus-
34 tice of the Supreme Court or of the board of chosen freeholders of the
35 county; and attend for the prosecution of a specific investigation or of

36 a particular criminal case in any county on the written request of the
37 Governor.

38 g. Attend generally to all legal matters in which the State or any
39 officer, department, board, body, commission or instrumentality of the
40 State Government is a party or in which its rights or interests are
41 involved;

42 h. Enforce the provisions of the Constitution and all other laws of
43 the State, as well as perform all of the duties conferred and imposed
44 by law upon the Attorney-General.

1 5. Whenever the Attorney-General, personally or by his deputies or
2 assistants, shall attend in any county where there is no prosecutor, or at
3 the request of the Governor or of a Justice of the Supreme Court or of the
4 board of chosen freeholders or of the prosecutor of the pleas of the county,
5 for the prosecution of the criminal business of the State in said county or
6 of such part thereof as shall be designated in, or as shall fall within the
7 general purview of the matters designated in, the written request therefor,
8 the Attorney-General and his deputies or assistants shall have all the power
9 and authority of the prosecutor of the pleas for prosecuting the criminal
10 business of the State or such part thereof, including the investigation of
11 alleged crimes and misdemeanors, the attendance before the criminal courts
12 and grand juries of the county, the preparation and trial of indictments
13 for crimes and misdemeanors and the representation of the State in all pro-
14 ceedings in criminal cases on error or otherwise in the courts of this State.

15 Whenever the Attorney-General shall have taken over the duties of a
16 prosecutor of the pleas, he shall have all of the authority conferred by law
17 upon the prosecutor, and he may appoint such temporary assistants as he
18 may deem necessary, and shall also have power to appoint such aids, inves-
19 tigators or other personnel and clerical assistants as he shall deem neces-
20-22 sary.

23 Whenever the criminal business or any part of the criminal business of
24 any county is prosecuted by the Attorney-General, personally or by his depu-

25 ties or assistants, there shall be paid, by the treasurer of the county, such
26 sum for that special service as the Justice of the Supreme Court of that
27 judicial district or a judge of the court of common pleas of said county
28 shall certify and fix, on the application of the Attorney-General; *provided*,
29 that the compensation allowed shall not exceed that provided by law for
29½ the payment of the prosecutor in said county for the same or similar services;
30 *provided, however*, that no compensation so allowed shall affect the salary of
30½ the prosecutor or assistant prosecutors if any in said county.

31 In prosecuting such criminal business, the Attorney-General shall have
32 power to employ such investigators, clerical and other assistants and to
33 incur such expenses as he shall determine, and the cost thereof, including
34 the compensation allowed as aforesaid of any deputy or assistant attorneys-
35 general who shall be employed or designated by the Attorney-General for
36 that special purpose in addition to those regularly employed in the Depart-
37 ment of Law, shall likewise be paid by the treasurer of the county when
38 certified and fixed in the same manner.

1 6. The Attorney-General may appoint as his legal assistants in the
2 Department of Law deputy attorneys-general and assistant deputy attorneys-
3 general who shall perform such duties as the Attorney-General shall from
4 time to time designate. The Attorney-General may also appoint necessary
5 clerks and employees and fix their compensation.

1 7. Deputy attorneys-general in the Department of Law shall hold their
2 offices at the pleasure of the Attorney-General and shall receive such sal-
3 aries as he shall from time to time designate.

1 8. Assistant deputy attorneys-general of the Department of Law shall
2 be appointed by the Attorney-General at his pleasure and, after three years'
3 service in their positions, they shall hold their positions during efficiency
4 and good behavior and shall not be removed therefrom except for good cause,
5 and not because of religious or political opinions or affiliations, after a pub-
6 lic, fair and impartial hearing before the Civil Service Commission. They
7 shall receive such salaries, not exceeding the sum of seventy-five hundred
8 dollars (\$7,500.00) per year, as the Attorney-General shall from time to

9 time designate and shall devote their entire time to the performance of their
10 duties in the Department of Law, and shall not engage in the private prac-
11 tice of law.

1 9. No member of the Department of Law shall act as attorney or counsel
2 in any controversy in which the State has an interest, except in his official
3 capacity.

1 10. No member of the Department of Law shall receive any compensa-
2 tion, fees or costs in addition to his regular salary for or by reason of any
3 service performed by him for the State or for any political subdivision
4 thereof except by allowance or appropriation by the Legislature, and any
5 additional compensation, fees or costs so payable to or received by any mem-
6 ber of the Department of Law, not so allowed or appropriated, shall be paid
7 to the State Treasurer for the use of the State; but the provisions of this
8 section shall not be construed to prevent the payment of compensation of
9 any additional deputy attorney-general, who may be employed or designated
10 by the Attorney-General solely to act in any county under section five of
11 this act, by the county in which he is designated to act by the Attorney-
12 General.

1 11. No officer, department, board, body, commission or instrumentality
2 of the State Government shall employ any person to act as attorney, coun-
3 sel, solicitor, legal assistant or other legal adviser to such officer, department,
4 board, body, commission or instrumentality. Nor shall such officer, depart-
5 ment, board, body, commission or instrumentality of the State Government
6 employ any person in any legal capacity for the purpose of giving legal
7 advice or rendering legal services, but such officer, department, board, body,
8 commission or instrumentality may employ an attorney-at-law under full-
9 time employment solely in the performance of administrative functions entail-
10 ing the hearing of issues and determining facts in order that the said officer,
11 department, board, body, commission or instrumentality may perform his
12 or its functions as required by law; *provided, however,* that no such attorney
13 shall act in a legal capacity in the prosecution of any charge or complaint
14 before any such officer, department, board, body, commission or instru-
15 mentality.

1 12. The Attorney-General may assign a deputy attorney-general or an
2 assistant deputy attorney-general to serve in any legal capacity in or for
3 any officer, department, board, body, commission or instrumentality of the
4 State Government on a part-time or full-time basis whenever, in the judg-
5 ment of the Attorney-General, such assignment will contribute to the effi-
6 ciency of the operation of such office, department, board, body, commission
7 or instrumentality, but such member of the Department of Law shall remain
8 under the supervision and control of the Attorney-General while so serving
9 and his compensation shall be payable solely from appropriations made to the
10 Department of Law.

1 13. No special counsel shall be employed for the State or for or by
2 any officer, department, board, body, commission or instrumentality of the
3 State Government except by authority of the Attorney-General, and then
4 only with the approval of the Governor, and provided that appropriations
5 have been made therefor, unless the matter be of such an emergency and
6 shall be so declared by the Governor.

1 14. The Attorney-General shall make an annual detailed report to the
2 Governor and the Legislature of the performance of his duties and the opera-
3 tions of the Department of Law and shall make such other reports to the
4 Governor and the Legislature as the Governor or the Legislature may require
5 from time to time.

1 15. The prosecutors of the pleas of the various counties shall make
2 annual reports to the Attorney-General of the performance of their duties
3 and the operations of their offices and shall make such other reports to the
4 Attorney-General as the Attorney-General may require from time to time.

1 16. The Department of the Attorney-General heretofore existing and the
2 offices and positions of assistant attorneys-general, legal assistants to the
3 Attorney-General, special counsel or legal counsel to or by appointment of
4 or under the Attorney-General hereby are abolished, and all other employees
5 of the Department of the Attorney-General hereby are transferred to the
6 Department of Law and shall serve in appropriate similar positions in said

7 department and shall retain all of their rights and privileges under Title 11,
8 Civil Service, of the Revised Statutes.

1 17. All offices and positions of attorneys, counsel, solicitors, or other
2 legal advisers to any officer, department, board, body, commission or instru-
3 mentality of the State Government hereby are abolished, except such offices
4 or positions in which the incumbents are employed, under full-time employ-
5 ment, solely in the performance of administrative functions entailing the
6 enforcement, prosecution and hearing of issues as imposed by law upon such
7 officer, department, board, body, commission or instrumentality; *provided*,
8 *however*, that all boards, bodies, commissions, agencies or public corporate
9 instrumentalities of this State created by compact or agreement with a com-
10 monwealth or another State are excluded from the provisions and the effect
11 of this act.

1 18. The offices and quarters heretofore occupied by the Department of
2 the Attorney-General and all books, papers, documents and other property
3 of the Department of the Attorney-General hereby are transferred to the
4 Department of Law as of the date upon which this act becomes effective.

1 19. All moneys appropriated at the time this act becomes effective to
2 the Attorney-General or to any officer, department, board, body, commis-
3 sion or instrumentality of the State Government for the compensation and
4 expenses of attorneys, counsel, solicitors or other legal advisers to such offi-
5 cer, department, board, body, commission or instrumentality, whose offices
6 or positions are abolished by this act, shall be transferred and made avail-
7 able to the Department of Law as of said date or as and when such appro-
8 priation shall become available. Until appropriations may become available
9 for the next fiscal year, there is hereby appropriated the additional sum of
10 fourteen thousand dollars (\$14,000.00) for the payment of the salaries of the
11 Attorney-General as fixed herein and his deputies and assistants as fixed
12 by him, and also the expenses of the Attorney-General, his deputies and
13 assistants.

1 20. Chapter seventeen of Title 52 of the Revised Statutes and “An act
2 concerning the State Highway Department,” approved May twenty-fourth,
3 one thousand nine hundred and thirty-nine (P. L. 1939, c. 75); “An act con-
4 cerning the legal assistants to the Attorney-General,” approved June twenty-
5 seventh, one thousand nine hundred and thirty-nine (P. L. 1939, c. 101);
6 “A supplement to an act entitled ‘An act to define the duties and fix the
7 salary of the Attorney-General,’ approved February twenty-fourth, one thou-
8 sand eight hundred and fifty-four,” approved March twenty-fifth, one thou-
9 sand nine hundred and thirteen (P. L. 1913, c. 139); “An act to amend an
10 act entitled ‘A supplement to an act entitled “An act to define the duties
11 and fix the salary of the Attorney-General,” approved February twenty-
12 fourth, one thousand eight hundred and fifty-four,’ which said supplement
13 was approved March twenty-fifth, one thousand nine hundred and thirteen,”
14 approved March fourth, one thousand nine hundred and eighteen (P. L. 1918,
15 c. 234), are repealed.

1 21. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE FOR

SENATE, No. 133

STATE OF NEW JERSEY

ADOPTED MARCH 6, 1944

AN ACT to establish a Department of Law in the State Government.

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

1 1. The purpose of this act is to accomplish economy and efficiency by
2 centralizing, in one department, the facilities afforded by the State for the
3 rendering of legal services to the Governor and to all officers, departments,
4 boards, bodies, commissions and instrumentalities of the State Government
5 and to provide for the enforcement of the criminal law of the State by such
6 department where the ends of justice so require.

1 2. There is hereby established a Department of Law in the State Govern-
2 ment. The Attorney-General shall be the head of said department and the
3 Attorney-General shall be nominated by the Governor and appointed by
4 him with the advice and consent of the Senate and shall hold his office for
5 the term of five years.

1 3. The Department of Law shall be administered by the Attorney-
2 General and his deputy attorneys-general and deputy assistant attorneys-
3 general as herein provided.

4 The Attorney-General shall receive an annual salary of fifteen thousand
5 dollars (\$15,000.00).

1 4. The powers and duties of the Department of Law shall be the powers
2 and duties now or hereafter conferred upon or required of the Attorney-
3 General, either by the Constitution or by the common and statutory law of
4 the State, and as specifically but not exclusively as detailed herein, to wit:

- 5 a. Be present at the seat of the government during the sessions of
6 the Legislature;
- 7 b. Give to the Governor, to the members of the Senate and the Gen-
8 eral Assembly, and to all other officers, departments, boards, bodies,
9 commissions and instrumentalities of the State Government, legal advice
10 on such matters as they may from time to time require.
- 11 c. Examine and decide all legal matters submitted to him by the
12 Governor or the Legislature and act for them in any matter in which
13 they may be interested, and shall exclusively attend to and control all
14 litigation and controversies to which the State is a party or in which its
15 rights and interests are involved.
- 16 d. Carry out and enforce the provisions of the New Jersey secu-
17 rities law; also the civil rights law.
- 18 e. Act as the sole legal adviser, attorney or counsel, notwithstand-
19 ing the provisions of any other law, for all officers, departments, boards,
20 bodies, commissions and instrumentalities of the State Government in all
21 matters other than those requiring the performance of administrative
22 functions entailing the enforcement, prosecution and hearing of issues as
23 imposed by law upon them; and represent them in all suits, proceed-
24 ings or actions of any kind which may be brought for or against them
25 in any court of this State; and shall likewise interpret all statutes and
26 legal documents, inspect and approve contracts and titles and otherwise
27 control their legal activities.
- 28 f. Render aid in the prosecution of the criminal business of any
29 county at the written request of the prosecutor of the pleas of the county;
30 prosecute the criminal business of the State in a county having no pros-
31 ecutor of the pleas; attend for the trial of homicide cases and other
32 high crimes and misdemeanors, or for the prosecution of the criminal
33 business of the State, in any county, on the written request of a Jus-
34 tice of the Supreme Court or of the board of chosen freeholders of the
35 county; and attend for the prosecution of a specific investigation or of

36 a particular criminal case in any county on the written request of the
37 Governor.

38 g. Attend generally to all legal matters in which the State or any
39 officer, department, board, body, commission or instrumentality of the
40 State Government is a party or in which its rights or interests are
41 involved;

42 h. Enforce the provisions of the Constitution and all other laws of
43 the State, as well as perform all of the duties conferred and imposed
44 by law upon the Attorney-General.

1 5. Whenever the Attorney-General, personally or by his deputies or
2 assistants, shall attend in any county where there is no prosecutor, or at
3 the request of the Governor or of a Justice of the Supreme Court or of the
4 board of chosen freeholders or of the prosecutor of the pleas of the county,
5 for the prosecution of the criminal business of the State in said county or
6 of such part thereof as shall be designated in, or as shall fall within the
7 general purview of the matters designated in, the written request therefor,
8 the Attorney-General and his deputies or assistants shall have all the power
9 and authority of the prosecutor of the pleas for prosecuting the criminal
10 business of the State or such part thereof, including the investigation of
11 alleged crimes and misdemeanors, the attendance before the criminal courts
12 and grand juries of the county, the preparation and trial of indictments
13 for crimes and misdemeanors and the representation of the State in all pro-
14 ceedings in criminal cases on error or otherwise in the courts of this State.

15 Whenever the Attorney-General shall have taken over the duties of a
16 prosecutor of the pleas, he shall have all of the authority conferred by law
17 upon the prosecutor, and he may appoint such temporary assistants as he
18 may deem necessary, and shall also have power to appoint such aids, inves-
19 tigators or other personnel and clerical assistants as he shall deem neces-
20-22 sary.

23 Whenever the criminal business or any part of the criminal business of
24 any county is prosecuted by the Attorney-General, personally or by his depu-

25 ties or assistants, there shall be paid, by the treasurer of the county, such
26 sum for that special service as the Justice of the Supreme Court of that
27 judicial district or a judge of the court of common pleas of said county
28 shall certify and fix, on the application of the Attorney-General; *provided*,
29 that the compensation allowed shall not exceed that provided by law for
29½ the payment of the prosecutor in said county for the same or similar services;
30 *provided, however*, that no compensation so allowed shall affect the salary of
30½ the prosecutor or assistant prosecutors if any in said county.

31 In prosecuting such criminal business, the Attorney-General shall have
32 power to employ such investigators, clerical and other assistants and to
33 incur such expenses as he shall determine, and the cost thereof, including
34 the compensation allowed as aforesaid of any deputy or assistant attorneys-
35 general who shall be employed or designated by the Attorney-General for
36 that special purpose in addition to those regularly employed in the Depart-
37 ment of Law, shall likewise be paid by the treasurer of the county when
38 certified and fixed in the same manner.

1 6. The Attorney-General may appoint as his legal assistants in the
2 Department of Law deputy attorneys-general and assistant deputy attorneys-
3 general who shall perform such duties as the Attorney-General shall from
4 time to time designate. The Attorney-General may also appoint necessary
5 clerks and employees and fix their compensation.

1 7. Deputy attorneys-general in the Department of Law shall hold their
2 offices at the pleasure of the Attorney-General and shall receive such sal-
3 aries as he shall from time to time designate.

1 8. Assistant deputy attorneys-general of the Department of Law shall
2 be appointed by the Attorney-General at his pleasure and, after three years'
3 service in their positions, they shall hold their positions during efficiency
4 and good behavior and shall not be removed therefrom except for good cause,
5 and not because of religious or political opinions or affiliations, after a pub-
6 lic, fair and impartial hearing before the Civil Service Commission. They
7 shall receive such salaries, not exceeding the sum of seventy-five hundred
8 dollars (\$7,500.00) per year, as the Attorney-General shall from time to

9 time designate and shall devote their entire time to the performance of their
10 duties in the Department of Law, and shall not engage in the private prac-
11 tice of law.

1 9. No member of the Department of Law shall act as attorney or counsel
2 in any controversy in which the State has an interest, except in his official
3 capacity.

1 10. No member of the Department of Law shall receive any compensa-
2 tion, fees or costs in addition to his regular salary for or by reason of any
3 service performed by him for the State or for any political subdivision
4 thereof except by allowance or appropriation by the Legislature, and any
5 additional compensation, fees or costs so payable to or received by any mem-
6 ber of the Department of Law, not so allowed or appropriated, shall be paid
7 to the State Treasurer for the use of the State; but the provisions of this
8 section shall not be construed to prevent the payment of compensation of
9 any additional deputy attorney-general, who may be employed or designated
10 by the Attorney-General solely to act in any county under section five of
11 this act, by the county in which he is designated to act by the Attorney-
12 General.

1 11. No officer, department, board, body, commission or instrumentality
2 of the State Government shall employ any person to act as attorney, coun-
3 sel, solicitor, legal assistant or other legal adviser to such officer, department,
4 board, body, commission or instrumentality. Nor shall such officer, depart-
5 ment, board, body, commission or instrumentality of the State Government
6 employ any person in any legal capacity for the purpose of giving legal
7 advice or rendering legal services, but such officer, department, board, body,
8 commission or instrumentality may employ an attorney-at-law under full-
9 time employment solely in the performance of administrative functions entail-
10 ing the hearing of issues and determining facts in order that the said officer,
11 department, board, body, commission or instrumentality may perform his
12 or its functions as required by law; *provided, however*, that no such attorney
13 shall act in a legal capacity in the prosecution of any charge or complaint
14 before any such officer, department, board, body, commission or instru-
15 mentality.

1 12. The Attorney-General may assign a deputy attorney-general or an
2 assistant deputy attorney-general to serve in any legal capacity in or for
3 any officer, department, board, **body**, commission or instrumentality of the
4 State Government on a part-time or full-time basis whenever, in the judg-
5 ment of the Attorney-General, such assignment will contribute to the effi-
6 ciency of the operation of such office, department, board, body, commission
7 or instrumentality, but such member of the Department of Law shall remain
8 under the supervision and control of the Attorney-General while so serving
9 and his compensation shall be payable solely from appropriations made to the
10 Department of Law.

1 13. No special counsel shall be employed for the State or for or by
2 any officer, department, board, body, commission or instrumentality of the
3 State Government except by authority of the Attorney-General, and then
4 only with the approval of the Governor, and provided that appropriations
5 have been made therefor, unless the matter be of such an emergency and
6 shall be so declared by the Governor.

1 14. The Attorney-General shall make an annual detailed report to the
2 Governor and the Legislature of the performance of his duties and the opera-
3 tions of the Department of Law and shall make such other reports to the
4 Governor and the Legislature as the Governor or the Legislature may require
5 from time to time.

1 15. The prosecutors of the pleas of the various counties shall make
2 annual reports to the Attorney-General of the performance of their duties
3 and the operations of their offices and shall make such other reports to the
4 Attorney-General as the Attorney-General may require from time to time.

1 16. The Department of the Attorney-General heretofore existing and the
2 offices and positions of assistant attorneys-general, legal assistants to the
3 Attorney-General, special counsel or legal counsel to or by appointment of
4 or under the Attorney-General hereby are abolished, and all other employees
5 of the Department of the Attorney-General hereby are transferred to the
6 Department of Law and shall serve in appropriate similar positions in said

7 department and shall retain all of their rights and privileges under Title 11,
8 Civil Service, of the Revised Statutes.

1 17. All offices and positions of attorneys, counsel, solicitors, or other
2 legal advisers to any officer, department, board, body, commission or instru-
3 mentality of the State Government hereby are abolished, except such offices
4 or positions in which the incumbents are employed, under full-time employ-
5 ment, solely in the performance of administrative functions entailing the
6 enforcement, prosecution and hearing of issues as imposed by law upon such
7 officer, department, board, body, commission or instrumentality; *provided,*
8 *however,* that all boards, bodies, commissions, agencies or public corporate
9 instrumentalities of this State created by compact or agreement with a com-
10 monwealth or another State are excluded from the provisions and the effect
11 of this act.

1 18. The offices and quarters heretofore occupied by the Department of
2 the Attorney-General and all books, papers, documents and other property
3 of the Department of the Attorney-General hereby are transferred to the
4 Department of Law as of the date upon which this act becomes effective.

1 19. All moneys appropriated at the time this act becomes effective to
2 the Attorney-General or to any officer, department, board, body, commis-
3 sion or instrumentality of the State Government for the compensation and
4 expenses of attorneys, counsel, solicitors or other legal advisers to such offi-
5 cer, department, board, body, commission or instrumentality, whose offices
6 or positions are abolished by this act, shall be transferred and made avail-
7 able to the Department of Law as of said date or as and when such appro-
8 priation shall become available. Until appropriations may become available
9 for the next fiscal year, there is hereby appropriated the additional sum of
10 fourteen thousand dollars (\$14,000.00) for the payment of the salaries of the
11 Attorney-General as fixed herein and his deputies and assistants as fixed
12 by him, and also the expenses of the Attorney-General, his deputies and
13 assistants.

1 20. Chapter seventeen of Title 52 of the Revised Statutes and "An act
2 concerning the State Highway Department," approved May twenty-fourth,
3 one thousand nine hundred and thirty-nine (P. L. 1939, c. 75); "An act con-
4 cerning the legal assistants to the Attorney-General," approved June twenty-
5 seventh, one thousand nine hundred and thirty-nine (P. L. 1939, c. 101);
6 "A supplement to an act entitled 'An act to define the duties and fix the
7 salary of the Attorney-General,' approved February twenty-fourth, one thou-
8 sand eight hundred and fifty-four," approved March twenty-fifth, one thou-
9 sand nine hundred and thirteen (P. L. 1913, c. 139); "An act to amend an
10 act entitled 'A supplement to an act entitled "An act to define the duties
11 and fix the salary of the Attorney-General," approved February twenty-
12 fourth, one thousand eight hundred and fifty-four,' which said supplement
13 was approved March twenty-fifth, one thousand nine hundred and thirteen,"
14 approved March fourth, one thousand nine hundred and eighteen (P. L. 1918,
15 c. 234), are repealed.

1 21. This act shall take effect immediately.

STATE SERVICE BUREAU
PROPERTY OF
RECEIVED
MAY 12 1944

LEGISLATIVE INDEX

Vol. XXXI

Saturday, April 15-29, 1944

No. 16

NEW JERSEY STATE LIBRARY
TRENTON

CONTENTS

Index to Bills by Subjects.....	273-276	Assembly Bills Introduced.....	293-307
Bills Introduced by Each Legislator.....	277-279	Laws of 1944.....	308-310
Senate Bills Introduced.....	280-293	Notices.....	311
Committee Membership, 1944.....			312

INDEX OF BILLS BY SUBJECTS

Aged—		State dept.—Impeachment notices		Churches—	
Indigent—Funeral costs.....A 112		Atlantic City—Protection.....A 31		Episcopal—Trust fund.....A 244	
Indigent aid—Repeals acts.....S 159		Dredging—Licenses.....S 133		Merger.....A 274	
Indigents—Aid qualifications.....S 158		Monmouth County—Protection.....A 63		Civil Service—	
Indigents—Care.....A 147		Protection—Appropriations.....S 75, S 222		Attorneys—State service.....S 104	
Indigents—County subsidy.....A 173		Sea Girt—Protection.....S 190		Classifications—Revises.....S 240	
Support—Private corporations.....S 7		Blind—		Examinations—Suspends.....S 241	
Agriculture—		Federal grants.....A 151		Firemen, police—War service.....S 134	
Board—Membership.....S 229		Bonds—		Highways—Projects engineers.....S 92	
Fertilizer—Standards.....S 82		County, municipal—Retirement.....A 327		Housing authorities—Municipal.....S 128, A 317	
Alcoholic Beverages—		Municipal—Sewer.....S 193		Municipal—Temporary jobs.....A 294	
Discrimination—Repeals act.....S 191		Railroad—Savings banks.....S 232		Oral tests—Transcript.....A 292	
Inspectors—Salary, bonding limits.....A 251		Refunding—Debt limits.....S 216		Promotions—Veterans preference,.....A 194, A 340, A 341	
Licenses—Employes.....S 161		State issue—Teachers' pension fund.....S 248		State commission—Membership.....A 116	
License renewal—Defines.....A 123		U. S.—State funds.....S 204		State employes—Inquiry.....S 36	
Sale—Hours.....A 265		War—Public funds.....A 344		Collection Agencies—	
Appropriations—		Bonus—		Violations—Penalties.....A 324	
Beach protection.....S 75, S 222		Public employes.....S 2, S 38		Constitution—	
Beach protection—Atlantic City.....A 31		State employes.....S 224		State—Draft changes.....SCR 7	
Beach protection—Monmouth.....S 190		Bridges—		State—Referendum.....S 220	
Beach protection—Sea Girt.....S 190		Camden—Commission members.....A 23		State—Text.....SCR 9	
Commerce & Navigation Board.....A 285		Camden—Tax payments.....A 21		State, revised printing.....SR	
County.....A 63		Delaware commission—Members.....SCR 11		State revision—Committees.....SCR 1	
Delaware & Raritan Canal.....S 54		Guard rails.....A 221		Voting age—Lowers.....ACR 7	
Dental clinics—County.....S 118		Budgets—		Corporations—	
Dredging—Barnegat Bay.....S 129		Municipal—Validates.....A 97		Accounts receivable—Transfer.....A 328	
Economic development—State department.....A 1		Building & Loans—		Charitable—Delinquent taxes.....A 128	
Game preserve—Purchase.....S 35		Audits.....A 204		Deeds, Mortgages—Validates,.....S 26, S 27, A 137, A 219	
Highway—Cancels.....S 227		Checks—Signers.....A 206		Directors—Non-stockholders,.....A 326, A 350	
Historic sites—Land purchase.....S 263		Directors—Qualifications.....A 167		Fiduciaries—Nominees.....S 61	
Institutions—Housing.....S 132		Member soliciting.....A 207		Foreign—Tax definition.....A 330	
Interstate commission.....A 241		Memberships—Certificates.....A 166		Foreign—Tax exemption,.....A 42, A 348, A 352	
Labor Dept.—Clerks.....A 62		Officers—Loans.....A 205		Insolvent—Sales, mortgages.....S 89	
Labor Dept.—Expenses.....A 80		Reserves—Amount.....A 106		Medical service.....S 152	
Legislature—Expenses.....S 209		Canals—		Merchandise—Sale.....A 307, A 238	
Library.....A 104		Delaware & Raritan—Water Supply.....S 54		Names—Limits.....A 238	
Negroes—Inquiry.....S 48		Cancer—		Recreation—Incorporation.....S 268	
Parvin State Park.....A 110		Control—State division.....S 67		"Spying"—Forbids.....A 181	
Passaic Valley Water.....A 355		Cemeteries—		Stockholders—Decisions.....A 325	
Port Commission.....S 1, A 26		Funds—Investment.....A 299		Counties—	
Post-War Commission.....S 219		Permits—Revocation.....A 300		Aged—Private corporations.....S 7	
Schools—Nursery.....A 59		Regulates.....A 301		Attendance officers—Visiting teachers.....S 119	
Servicemen—Voting.....S 23		Tax.....A 298		Auditors—Naming.....S 154	
State.....S 200		Children—		Bergen—District Court.....S 49	
State Highway.....S 201		Abuse—Penalties.....S 140, S 142		Bergen—Sewer district.....A 245	
Treasurer, State—Railroad taxes.....S 176		Adoption.....A 149		Bonds—Retirement.....A 327	
Veterans Benefit Commission.....S 202, S 203		Boys—Movie ushers.....A 182		Bonds, refunding—Debt limits.....S 216	
Voorhees State Park.....S 163		Delinquency—Commission.....A 25		Bonus payments—Extends.....S 2, S 38	
Voting machines—Counties.....S 34		Dependent—Aid.....S 139		Budgets—Extension.....A 71	
Water Policy.....A 361		Employment—Bowling alleys.....A 121		Budgets—Time limit.....S 59	
Architects—		Life insurance—Schedule.....A 347		Camden—Police pensions.....S 225	
Seals.....A 291		Non-support.....S 140		Clerks—Fees.....A 302, A 352	
Banks—		"War orphans"—Defines.....S 179		Clerks—Filing fees.....A 40	
Branches.....A 43		Chiropody—		Clerks—Pensions.....S 242	
Closed—Supreme court funds.....S 148		Practice—Exceptions.....A 135		Clerks—Salaries.....S 80, S 256, S 260	
Dissolved—Trust funds.....S 211		Practice—Qualifications.....S 153		Clerks—Tenure.....A 113	
Fiduciaries—Nominees.....S 61				Clerks, deputy—Salaries.....A 120	
Foreign—Trustees.....A 180				Contracts—Union blacklist.....A 263	
Insolvent—State claims.....A 43				Courts—Attendants' salaries,.....S 174, S 215	
Loans, small—Interest.....A 2				Dental clinics—Schools.....S 118	
Loans—World War II veterans.....A 2				Detectives, chiefs—Salaries.....S 233	
Negotiable paper—Payment.....S 112				Election boards—Salaries.....S 178	
Notes—Interest rebate.....A 76				Election Supts.—Naming.....S 221	
Savings—Employes' pensions.....S 5				Employes—Dismissals.....A 92	
Savings—Merger.....S 39					
Savings—Railroad bonds.....S 232					
State deposits—Privileges.....S 13					
State deposits—Surety.....A 81					

LAWS OF 1944

(Unless otherwise noted, take effect immediately)

*Effective July 1, 1944—R. S. 1:2-3

Date	Chap.	Synopsis	R.S.	Bill No.	Date	Chap.	Synopsis	R.S.	Bill No.
Jan. 31	1	Leases—Validates		S 26	Mar. 29	44	Motor Vehicle Commission—Appointment	39:2-2	S 170
Jan. 31	2	Deeds—Validates		S 27	Mar. 29	45	Election Superintendents—Naming	19:32-1	S 221
Feb. 1	3	School elections—Registration	18:7-29.1	S 33	Mar. 31	46	School taxes—Installations..	54:4-75	S 64
Feb. 4	4	State personnel—Inquiry		S 36	Mar. 31	47	Highway route—Creates	27:6-1	S 87
Feb. 4	5	Auto registration—Affidavit..	39:3-4	S 8	Mar. 31	48	County pension funds—Receipts	43:10-18.7	A 86
Feb. 4	6	County, municipal bonus—Extends	40:11	S 2	Mar. 31	49	Municipal libraries—Appropriations	40:54-8	A 104
Feb. 9	7	Voting machines—Installations	19:48-3.3	S 34	Mar. 31	50	Deeds—Validates		A 145
Feb. 23	8	Presidential primary—Candidates' names	19:23-25.1	A 210	Mar. 31	51	Legislators—Revised Statutes		A 179
Feb. 23*	9	Soldier Voting	19:55-1	S 131	Mar. 31	52	Mental hospitals—Physicians' certificates	30:4-29	S 74
Feb. 23	10	Crime—Sentences	2:192-1	S 4	Mar. 31	53	Buses—Spitting	2:202-26	S 110
Feb. 23	11	False fire alarms—Penalty....	2:202-13	S 6	Mar. 31	54	U. S. lands—Taxation.....	52:30-3	S 53
Mar. 1	12	Travel fares—Black market	2:171A-1	S 186	Apr. 4	55	Schools—Financial statements	18:5-62	A 18
Mar. 1	13	State deposits—Stockholders' rights	52:14-33	S 13	Apr. 4	56	County, municipal finances—Statements	40:5-13	A 19
Mar. 1	14	Bus smoking—Penalty	2:202-26.1	S 41	Apr. 4	57	Land title—Riedman		A 48
Mar. 1	15	State Treasurer—Bank claims		S 43	Apr. 4	58	Carl Schmidt—Property		A 70
Mar. 1	16	Presidential ballots—Electors' names	19:14-8.1	S 46	Apr. 4	59	Public officials—Oaths	41:2-4	A 75
Mar. 1	17	County, Municipal budgets—Certification	40:2-52	S 59	Apr. 4	60	Municipal budgets—Validates		A 97
Mar. 1	18	Labor Dept. fees—Disposition		S 29	Apr. 5	61	County supervisors—Qualifications	40:21-57	A 209
Mar. 1	19	War housing—Extends act..	55:14C-2	A 78	Apr. 5	62	Post-war board—Appropriation		S 219
Mar. 7	20	Law department—Creates....	52:17-1 27:1-21	S 133	Apr. 5	63	Freeholders—Salaries	40:20-72	S 77
Mar. 9	21	Servicemen—Will probate....	3:2-24.1	S 28	Apr. 5	64	Civil service tests—Suspends	11:22-15.1 11:22-15.2 11:22-15.3 11:22-15.4	S 241
Mar. 9	22	Savings banks—Merger	17:6-72	S 39	Apr. 5	65	Civil Service—Classifications	11:1-1	S 240
Mar. 9	23	District Judges—Appointment	2:212-6	S 50	Apr. 5	66	Prosecutors—Salaries	2:182-10	S 78
Mar. 9	24	U. S. lands—Taxation.....	54:4-3.3 and 54:4-3.5	S 88	Apr. 5	67	Surrogates—Salaries	2:7-19	S 79
Mar. 9	25	Banks—Stock value	17:8-1 17:4-73	S 91	Apr. 5	68	County Clerks—Salaries	40:38-5	S 80
Mar. 9	26	Narcotics—Defines	24:18-2	S 101	Apr. 5	69	Sheriffs—Salaries	40:41-6	S 81
Mar. 9	27	Insurance rates—Licenses....	17:29-1	S 95	Apr. 5	70	Health Dept.—Federal funds	26:2-60	S 56
Mar. 9	28	Bergen Judicial Districts—Abolishes	2:212-4	S 106	Apr. 6	71	Servicemen—Tax exemptions	54:4-3.12	S 73
Mar. 9	29	Walker—Realty title		A 38	Apr. 6	72	Group health insurance.....	17:38-15	S 97
Mar. 9	30	Banks—Branches	17:4-17.1	A 43	Apr. 6	73	Group life insurance.....	17:34-31	S 98
Mar. 9	31	Police Judges—Appointment	2:220-2.1	A 103	Apr. 6	74	Inheritance taxes—Refund ..	54:35-10	S 113
Mar. 9	32	Asst. prosecutors—Grand juries	2:182-15	A 107	Apr. 6	75	Inheritance taxes—Adjustment	54:38-3	S 114
Mar. 9	33	Veterans Commission—Appropriation		S 202	Apr. 6	76	Accounts receivable—Assignment	2:60-257	S 116
Mar. 9	34	Labor Dept.—Clerks' Salaries		A 62	Apr. 6	77	Municipalities—Land exchange	40:60-51.3 40:60-51.4	S 120
Mar. 9	35	Boroughs—Street maintenance	40:88-10.1	A 85	Apr. 6	78	Female pheasants—Season....	23:4-8	A 30
Mar. 9	36	Deed recording—Photos	46:19-3	A 99	Apr. 6	79	State deposits—Security.....	52:18-18	A 81
Mar. 10	37	Highway route—Creates	27:6-1	A 84	Apr. 6	80	Unemployment Compensation—Refunds	13:21-14	A 95
Mar. 10	38	Servicemen—Auto licenses....	39:3-11.5	S 10	Apr. 6	81	Unemployment Compensation—Refunds	43:21-14.1	A 96
Mar. 10	39	Bergen Judicial District—Creates	2:212-4	S 107	Apr. 6	82	Building & Loans—Reserves	17:12-46	A 106
Mar. 10	40	Legislature—Appropriation		S 209	Apr. 6	83	Legal ads—Publication	35:2-3.1 35:2-3.2	A 144
Mar. 13	41	Railroad taxes—Appropriation		S 176	Apr. 6	84*	Aged—Needy aid	44:7-5	A 147
Mar. 24	42	Servicemen—Voting expenses		S 23					
Mar. 28	43	Manure—Standards	4:10-26	S 82					

†Effective January 1, 1945.

NOTATIONS

S 124 Wallace Feb. 21—Vests in Catherine and George W. Dingler, of Woodlynnne, title to real estate of Alice M. Dingler, allegedly escheated to State.
Feb. 21—Judiciary Com.

S 125 Farley Feb. 21 — Provides that bureaus of general inspection, structural inspection, explosives and electrical equipment in State Labor Department be supervised by professional engineer as Deputy Labor Commissioner at \$10,000 annually; specifies duties for such deputy.
Feb. 21—Labor Com.
Feb. 24—Disapproved, Fiscal Affairs Com.

S 126 Farley Feb. 21—Forbids netting or trapping of fish in Mullica River within one-eighth mile of any fishery paying taxes.
Mar. 31—Passed in Senate.
Apr. 10—Passed in Assembly.
Apr. 13—Approved, Chapter 111.

S 127 Farley Feb. 21 — Fixes at four years, terms of commission on improvement of colored population; provides appointments by Governor with Senate confirmation; provides \$3,000 annual salaries for members, \$3,600 salary for chairman.
Feb. 21—Appropriations Com.
Feb. 24—Disapproved, Fiscal Affairs Com.
Mar. 31—Reported with com. amend's.
Mar. 31—Read second time.
Mar. 31—Passed in Senate, amended.
Apr. 5—Received in Assembly.
Apr. 5—Judiciary Com.

S 128 Farley Feb. 21—Places in classified Civil Service employes of municipal housing authorities.
Mar. 31—Passed in Senate.
Apr. 5—Passed in Assembly.
Apr. 21—Filed in State Library.

S 129 Mathis Feb. 21 — Appropriates \$145,000 to Board of Commerce and Navigation to dredge channel in Barnegat Bay between Seaside Park and Lavalette.
Feb. 21—Appropriations Com.
Feb. 24—Action postponed by Fiscal Affairs Com.
Apr. 3—Disapproved, Fiscal Affairs Com.
Apr. 10—Reported with com. amend's.
Apr. 10—Read second time.
Apr. 10—Passed in Senate, amended.
Apr. 12—Received in Assembly.
Apr. 12—Judiciary Com.

S 130—Littell Feb. 21 — Permits widows of veterans who are eligible for retirement on pension from State, county, municipal or school employment and who are killed in present war to be eligible for such veterans pension.
Feb. 21—Vet. and Mil. Aff. Com.
Mar. 29—Reported.
Mar. 29—Read second time.
Mar. 29—Passed in Senate.
Mar. 31—Received in Assembly.
Mar. 31—Judiciary Com.
Apr. 3—Reported with com. amend's.
Apr. 3—Read second time.
Apr. 10—Passed in Assembly, amended.
Apr. 10—Received in Senate.
Apr. 10—Assemb. amend. passed in Sen.
Apr. 21—Approved, Chapter 191.

S 131 Stanger Feb. 21—(Without Reference) Provides method of voting for men and women qualified voters absent from State on military service; requires county clerks to furnish military service ballots to conform generally to ballot used in State election districts.
Feb. 21—Passed in Senate.
Feb. 21—Passed in Assembly.
Feb. 23—Approved, Chapter 9.

S 132 Wallace Apr. 3 — Appropriates \$650,000 for new housing for patients and inmates to relieve overcrowding at six State institutions.
Apr. 5—Passed in Senate.
Apr. 5—Received in Assembly.
Apr. 5—Appropriations Com.
Apr. 10—Reported.
Apr. 10—Read second time.
Apr. 12—Amended.
Apr. 12—Passed in Assembly, amended.
Apr. 12—Assemb. amend. passed in Sen.
Apr. 21—Approved, Chapter 192.

NOTATIONS

S 133 Farley Feb. 21 — Establishes Department of Law in State Executive Department headed by Attorney General at \$15,000 annual salary.
Feb. 21—Judiciary Com.
Feb. 24—Approved, Fiscal Affairs Com.
Mar. 6—Reported by com. sub.
Mar. 6—Read second time.
Mar. 6—Com. sub. passed in Senate.
Mar. 6—Received in Assembly.
Mar. 6—No Reference.
Mar. 6—Read second time.
Mar. 6—Passed in Assembly.
Mar. 7—Approved, Chapter 20.

S 134 Wallace Mar. 27—Places on preferred civil service lists persons passing tests for county or municipal policemen or firemen who enter armed services during wartime before appointment, provided such persons are honorably discharged and meet physical requirements.
Mar. 27—Municipalities Com.

S 135 Eastwood Mar. 27—Provides that school employes not eligible to Teachers' Pension and Annuity Fund be eligible to membership in State Employes' Retirement System in municipalities adopting Title 43, Chapter 15, Revised Statutes, authorizing county and municipal pension systems.
Mar. 27—Judiciary Com.
Mar. 31—Reported.
Mar. 31—Read second time.

S 136 Eastwood Mar. 27 — Permits retired State employes who resume active service to re-enter State Employes' Retirement System provided new salary equals compensation at time of such retirement.
Apr. 10—Passed in Senate.
Apr. 12—Passed in Assembly.
Apr. 21—Approved, Chapter 193.

S 137 Eastwood Mar. 27—Provides that State employes paid by counties or municipalities be entitled to pension benefits in counties and municipalities adopting Title 43, Chapter 15, Revised Statutes, authorizing county and municipal pension systems.
Mar. 27—Judiciary Com.
Mar. 31—Reported.
Mar. 31—Read second time.

S 138 Eastwood Feb. 23—Extends from 1946 to 1951 time within which annual payments be made as accrued liability contributions by State to State Employes Retirement System from which retirement allowances are paid for services of members prior to establishment of retirement system.
Feb. 28—Judiciary Com.
Mar. 31—Reported.
Mar. 31—Read second time.

S 139 Eastwood Mar. 27 — Permits granting of assistance to dependent children without hearing in emergency; governs method for establishing residence of dependent children; governs effective date of revocations or reductions in assistance orders; provides immediate assistance in desertion cases.
Apr. 5—Passed in Senate.
Apr. 13—Passed in Assembly.
Apr. 21—Approved, Chapter 194.

S 140 Eastwood Feb. 28—Increases from one to three years allowable penalty for wife desertion or nonsupport of children by husbands or wives.
Apr. 5—Passed in Senate.
Apr. 12—Passed in Assembly.
Apr. 21—Approved, Chapter 195.

S 141 Eastwood Mar. 31—(Without Reference) Grants Federal government easement across lands at Rahway Reformatory to facilitate oil pipe line.
Mar. 31—Passed in Senate.
Apr. 12—Passed in Assembly.
Apr. 19—Approved, Chapter 170.

S 142 Eastwood Mar. 27—Makes guilty of misdemeanor parents or other custodian of children who abuse or neglect such children; fixes penalties at \$500 maximum fine or three years maximum imprisonment and governs trial of such persons.
Apr. 5—Passed in Senate.
Apr. 12—Passed in Assembly.
Apr. 21—Approved, Chapter 196.

LEGISLATIVE HISTORY OF R.S. 52:17A-4
(Powers and duties of Division of Law)

COPY NO. 2

L. 1944, Chapter 20, sec. 4(e) was Senate No. 133 introduced by Senator Farley. The bill had no statement. It was amended in committee. Sec. 4(e) was amended as follows:

On page 3, lines 19-20 of the original bill, the phrase underlined in the enclosed photostat was omitted.

On page 2, line 25 and following of the enclosed photostat of the committee substitute, the phrase underlined was added.

There were no hearings or reports on the bill. I could not find any discussion of it by the New Jersey Bar, New Jersey Bar Journal, Constitutional Convention Proceedings, etc.

Sec. 4(e) was preceded by a similar provision in the Revised Statutes 52:17-2 h. and this was taken with only slight change in sentence construction from Laws 1904, chapter 62, sec. 1.

" ...

and to act as advisor or counsel for all state boards, commissions or other state officials, and to be, in connection with such assistants as may be employed in his department, the sole legal advisor, attorney or counsel thereof and to represent them in all suits or actions of any kind that may be brought for or against them in any courts of this state."

In connection with this legislative history, we would like to draw your attention to the supplemental brief of the Government in the case of Morss v. Forbes which discusses in detail the historical development of the Attorney General's Office. [~~The brief is enclosed~~].

Section 4(f) was not amended.

The above 1944 law was amended by:

- L. 1953, chapter 49 - S45
 January 13 - Introduced by Clapp.
 January 26 - Passed in Senate.
 February 9 - Passed in Assembly.
 March 19 - Approved, Chapter 49.
 No statement.

PROPERTY OF
 NEW JERSEY STATE LIBRARY

185 W. State Street
 Trenton, N. J.

Do Not Remove From Library
 DEPOSITORY COPY

Not amended during passage.

~~Pages 7, 8 and 9, which are pertinent to this legislative history are attached.~~

Changes in the text are indicated by underlining; the phrase underlined was added in place of "a Justice of the Supreme Court".

The following reports contain material pertinent to this statute. The specific pages are indicated.

Discussion of integration of prosecution powers in:

974.90 N.J. Jt. Comm. to Study Crime and the System
C929 of Criminal Justice in New Jersey. pp.
1968d 102-104, 163-168. ~~This volume is enclosed.~~
v. 1

Suggested integration of municipal courts and centralization of prosecution powers in:

974.90 N.J. Jt. Comm. to Study Crime and the System
C929 of Criminal Justice in New Jersey.
1968d pp. 57-75, 81-108, 133-139, 171-174, 194-198,
v. 3 201-204. ~~This volume is enclosed.~~

Discussion of need for subpoena power by the Attorney General in:

974.90 N.J. Jt. Comm. to Study Crime and the System
C929 of Criminal Justice in New Jersey.
1968d pp. 292-294. ~~This volume is enclosed.~~
v. 4

JH/PC

SENATE, No. 133

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 21, 1944

By Mr. FARLEY

Referred to Committee on Judiciary

AN ACT to establish a Department of Law in the Executive Department or branch of the State government and to prescribe the powers and duties of said department; to centralize in such department such facilities, afforded by the State for the rendering of legal services to the Governor and to the various officers, departments, boards, bodies, commissions and instrumentalities in the Executive Department or branch of the State government, as will promote economy and efficiency in the conduct of the State government; to provide for the enforcement of the criminal law of the State by such department when the ends of justice so require; to require the prosecutors of the pleas of the various counties to make report of the performance of their duties and the operation of their respective offices to the Attorney-General as head of the Department of Law; to abolish certain offices and positions; and to repeal chapter seventeen of Title 52 of the Revised Statutes and "An act concerning the State Highway Department," approved May twenty-fourth, one thousand nine hundred and thirty-nine (P. L. 1939, c. 75); "An act concerning the legal assistants to the Attorney-General," approved June twenty-seventh, one thousand nine hundred and thirty-nine (P. L. 1939, c. 101); "A supplement to an act entitled 'An act to define the duties and fix the salary of the Attorney-General,' approved February twenty-fourth, one thousand eight hundred and fifty-four," approved March twenty-fifth, one thousand nine hundred and thirteen (P. L.

1913, c. 139); "An act to amend an act entitled 'A supplement to an act entitled "An act to define the duties and fix the salary of the Attorney-General," approved February twenty-fourth, one thousand eight hundred and fifty-four,' which said supplement was approved March twenty-fifth, one thousand nine hundred and thirteen," approved March fourth, one thousand nine hundred and eighteen (P. L. 1918, c. 234).

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

1 1. The purpose of this act is to accomplish economy and efficiency by cen-
2 tralizing, in one department, the facilities afforded by the State for the ren-
3 dering of legal services to the Governor and to all officers, departments,
4 boards, bodies, commissions and instrumentalities in the Executive Depart-
5 ment or branch of the State government and to provide for the enforcement
6 of the criminal law of the State by such department where the ends of
7 justice so require.

1 2. There is hereby established a Department of Law in the Executive
2 Department or branch of the State government.

1 3. The head of the Department of Law shall be the Attorney-General,
2 who shall receive an annual salary of fifteen thousand dollars (\$15,000.00).

1 4. It shall be the duty of the Department of Law, by the Attorney-Gen-
2 eral or by such of his deputies as he shall designate, to

3 a. Be present at the seat of the government during the sessions of
4 the Legislature;

5 b. Give to the Governor, to the members of the Senate and the Gen-
6 eral Assembly, and to all other officers, departments, boards, bodies,
7 commissions and instrumentalities in the Executive Department or
8 branch of the State government, legal advice on such matters as they
9 may from time to time request;

10 c. Examine and decide all cases submitted for his opinion by the
11 Governor or by any officer, department, board, body, commission or in-
12 strumentality in the Executive Department or branch of the State gov-

13 ernment and inspect the title papers upon all applications for loans of
14 the school fund;

15 d. Carry out and enforce the provisions of the New Jersey securi-
16 ties law:

17 e. Act as the sole legal adviser, attorney or counsel, notwithstand-
18 ing the provisions of any other law, for all officers, departments, boards,
19 bodies, commissions and instrumentalities in the Executive Department
20 or branch of the State government in all matters other than those re-
21 quiring the performance of administrative functions entailing the enforce-
22 ment, prosecution and hearing of issues as imposed by law upon them;
23 and represent them in all suits, proceedings or actions of any kind
24 which may be brought for or against them in any courts of this State;

25 f. Render aid in the prosecution of the criminal business of any
26 county at the written request of the prosecutor of the pleas of the county;
27 prosecute the criminal business of the State in a county having no prose-
28 cutor of the pleas; attend for the trial of homicide cases and other high
29 crimes and misdemeanors, or for the prosecution of the criminal business
30 of the State, in any county, on the written request of a justice of the Su-
31 preme Court or of the board of chosen freeholders of the county; and at-
32 tend for the prosecution of a specific investigation or of a particular crim-
33 inal case in any county on the written request of the Governor.

34 g. Attend generally to all legal matters in which the State or any
35 officer, department, board, body, commission or instrumentality in the
36 Executive Department or branch of the State government is a party
37 or in which its rights or interests are involved;

38 h. Succeed to all the powers and be charged with all of the duties
39 conferred and imposed by law upon the Attorney-General.

1 5. Whenever the Attorney-General, personally or by his deputies, shall
2 attend in any county, at the request of the Governor or of a justice of the
3 Supreme Court or of the board of chosen freeholders or of the prosecutor
4 of the pleas of the county, for the prosecution of the criminal business of

5 the State in said county or of such part thereof as shall be designated in, or
6 as shall fall within the general purview of the matters designated in, the
7 written request therefor, the Attorney-General and his deputies shall have
8 all the power and authority of the prosecutor of the pleas for prosecuting
9 the criminal business of the State or such part thereof, including the in-
10 vestigation of alleged crimes and misdemeanors, the attendance before the
11 criminal courts and grand juries of the county, the preparation and trial of
12 indictments for crimes and misdemeanors and the representation of the State
13 in all proceedings in criminal cases on error or otherwise in the courts of
14 this State.

15 Whenever the criminal business or any part of the criminal business of
16 any county is prosecuted by the Attorney-General, personally or by his dep-
17 uties, there shall be paid, by the treasurer of the county, such sum for that
18 special service as the justice of the Supreme Court of that judicial district
19 or a judge of the court of common pleas of said county shall certify and
20 fix, on the application of the Attorney-General; *provided*, that the compen-
21 sation allowed shall not exceed that provided by law for the payment of the
22 prosecutor in said county for the same or similar services.

23 In prosecuting such criminal business, the Attorney-General shall have
24 power to employ such investigators, clerical and other assistants and to
25 incur such expenses as he shall determine and the cost thereof, including the
26 compensation allowed as aforesaid of any deputy attorneys-general who
27 shall be employed or designated by the Attorney-General for that special
28 purpose in addition to those regularly employed in the Department of Law,
29 shall likewise be paid by the treasurer of the county when certified and fixed
30 in the same manner.

1 6. The Attorney-General may appoint as his legal assistants in the
2 Department of Law deputy attorneys-general and assistant deputy attorneys-
3 general who shall perform such duties as the Attorney-General shall from
4 time to time designate.

1 7. Deputy attorneys-general in the Department of Law shall hold their
2 offices at the pleasure of the Attorney-General and shall receive such sal-
3 aries as he shall from time to time designate.

1 8. Assistant deputy attorneys-general of the Department of Law shall
2 be appointed by the Attorney-General at his pleasure and, after six years'
3 service in their positions, they shall hold their positions during efficiency
4 and good behavior and shall not be removed therefrom except for good
5 cause, and not because of religious or political opinions or affiliations, after
6 a public, fair and impartial hearing before the Civil Service Commission.
7 They shall receive such salaries, not exceeding the sum of seventy-five
8 hundred dollars (\$7,500.00) per year, as the Attorney-General shall from
9 time to time designate and shall devote their entire time to the perform-
10 ance of their duties in the Department of Law and shall not engage in the
11 private practice of law.

1 9. No member of the Department of Law shall act as attorney or counsel
2 in any controversy in which the State has an adverse interest, except in his
3 official capacity.

1 10. No member of the Department of Law shall receive any compensa-
2 tion, fees or costs in addition to his regular salary for or by reason of any
3 service performed by him for the State or for any political subdivision
4 thereof except by allowance or appropriation by the Legislature and any
5 additional compensation, fees or costs so payable to or received by any mem-
6 ber of the Department of Law, not so allowed or appropriated, shall be paid
7 to the State Treasurer for the use of the State, but the provisions of this
8 section shall not be construed to prevent the payment of compensation of
9 any additional deputy attorney-general, who may be employed or designated
10 by the Attorney-General to act in any county under section five of this act,
11 by the county in which he is designated to act by the Attorney-General.

1 11. No officer, department, board, body, commission or instrumentality
2 in the Executive Department or branch of the State government shall em-
3 ploy any person to act as attorney, counsel, solicitor, legal assistant or

4 other legal adviser to such officer, department, board, body, commission or
5 instrumentality except under full-time employment solely in the perform-
6 ance of administrative functions entailing the enforcement, prosecution and
7 hearing of issues as imposed by law upon such officer, department, board,
8 body, commission or instrumentality.

1 12. The Attorney-General may assign a deputy attorney-general or an
2 assistant deputy attorney-general to serve in any legal capacity in or for
3 any officer, department, board, body, commission or instrumentality of the
4 Executive Department or branch of the State government on a part-time or
5 full-time basis whenever, in the judgment of the Attorney-General, such as-
6 signment will contribute to the efficiency of the operation of such office,
7 department, board, body, commission or instrumentality, but such member of
8 the Department of Law shall remain under the supervision and control of
9 the Attorney-General while so serving and his compensation shall be pay-
10 able solely from appropriations made to the Department of Law.

1 13. No special counsel shall be employed for the State or for or by any
2 officer, department, board, body, commission or instrumentality in the Ex-
3 ecutive Department or branch of the State government except by authority
4 of the Attorney-General and then only in cases to be tried without the State
5 or in which the State joins or is joined with another State but this provision
6 shall not apply in any case in which the employment of special counsel is
7 authorized by law enacted prior to the employment.

1 14. The Attorney-General shall make an annual detailed report to the
2 Governor of the performance of his duties and the operations of the Depart-
3 ment of Law and shall make such other reports to the Governor as the
4 Governor may require from time to time.

1 15. The prosecutors of the pleas of the various counties shall make an-
2 nual detailed reports to the Attorney-General of the performance of their
3 duties and the operations of their offices and shall make such other reports
4 to the Attorney-General as the Attorney-General may require from time to
5 time.

1 16. The Department of the Attorney-General heretofore existing and
2 the offices and positions of assistant attorneys-general, legal assistants to
3 the Attorney-General, special counsel or legal counsel to or by appointment
4 of or under the Attorney-General hereby are abolished and all other em-
5 ployees of the Department of the Attorney-General hereby are transferred
6 to the Department of Law and shall serve in appropriate similar positions
7 in said department and shall retain all of their rights and privileges under
8 Title 11, Civil Service, of the Revised Statutes.

1 17. All officers and positions of attorneys, counsel, solicitors, or other
2 legal advisers to any officer, department, board, body, commission or in-
3 strumentality in the Executive Department or branch of the State govern-
4 ment hereby are abolished, except such offices or positions in which the incum-
5 bents are employed, under full-time employment, solely in the performance
6 of administrative functions entailing the enforcement, prosecution and hear-
7 ing of issues as imposed by law upon such officer, department, board, body,
8 commission or instrumentality.

1 18. The offices and quarters heretofore occupied by the Department of
2 the Attorney-General and all books, papers, documents and other property of
3 the Department of the Attorney-General hereby are transferred to the De-
4 partment of Law as of the date upon which this act becomes effective.

1 19. All moneys appropriated at the time this act becomes effective to
2 the Attorney-General or to any officer, department, board, body, commission
3 or instrumentality in the Executive Department or branch of the State gov-
4 ernment for the compensation and expenses of attorneys, counsel, solicitors
5 or other legal advisers to such officer, department, board, body, commission
6 or instrumentality, whose offices or positions are abolished by this act, shall
7 be transferred and made available to the Department of Law as of said date
8 or as and when such appropriation shall become available.

1 20. Chapter seventeen of Title 52 of the Revised Statutes and "An act
2 concerning the State Highway Department," approved May twenty-fourth,
3 one thousand nine hundred and thirty-nine (P. L. 1939, c. 75); "An act con-

cerning the legal assistants to the Attorney-General," approved June twenty-seventh, one thousand nine hundred and thirty-nine (P. L. 1939, c. 101); "A supplement to an act entitled 'An act to define the duties and fix the salary of the Attorney-General,' approved February twenty-fourth, one thousand, eight hundred and fifty-four," approved March twenty-fifth, one thousand nine hundred and thirteen (P. L. 1913, c. 139); "An act to amend an act entitled 'A supplement to an act entitled "An act to define the duties and fix the salary of the Attorney-General," approved February twenty-fourth, one thousand eight hundred and fifty-four,' which said supplement was approved March twenty-fifth, one thousand nine hundred and thirteen," approved March fourth, one thousand nine hundred and eighteen (P. L. 1918, c. 234) are repealed.

21. This act shall take effect immediately.

COMMITTEE SUBSTITUTE FOR

SENATE, No. 133

STATE OF NEW JERSEY

ADOPTED MARCH 6, 1944

AN ACT to establish a Department of Law in the State Government.

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

1 1. The purpose of this act is to accomplish economy and efficiency by
2 centralizing, in one department, the facilities afforded by the State for the
3 rendering of legal services to the Governor and to all officers, departments,
4 boards, bodies, commissions and instrumentalities of the State Government
5 and to provide for the enforcement of the criminal law of the State by such
6 department where the ends of justice so require.

1 2. There is hereby established a Department of Law in the State Govern-
2 ment. The Attorney-General shall be the head of said department and the
3 Attorney-General shall be nominated by the Governor and appointed by
4 him with the advice and consent of the Senate and shall hold his office for
5 the term of five years.

1 3. The Department of Law shall be administered by the Attorney-
2 General and his deputy attorneys-general and deputy assistant attorneys-
3 general as herein provided.

4 The Attorney-General shall receive an annual salary of fifteen thousand
5 dollars (\$15,000.00).

1 4. The powers and duties of the Department of Law shall be the powers
2 and duties now or hereafter conferred upon or required of the Attorney-
3 General, either by the Constitution or by the common and statutory law of
4 the State, and as specifically but not exclusively as detailed herein, to wit:

5 a. Be present at the seat of the government during the sessions of
6 the Legislature;

7 b. Give to the Governor, to the members of the Senate and the Gen-
8 eral Assembly, and to all other officers, departments, boards, bodies,
9 commissions and instrumentalities of the State Government, legal advice
10 on such matters as they may from time to time require.

11 c. Examine and decide all legal matters submitted to him by the
12 Governor or the Legislature and act for them in any matter in which
13 they may be interested, and shall exclusively attend to and control all
14 litigation and controversies to which the State is a party or in which its
15 rights and interests are involved.

16 d. Carry out and enforce the provisions of the New Jersey secu-
17 rities law; also the civil rights law.

18 e. Act as the sole legal adviser, attorney or counsel, notwithstand-
19 ing the provisions of any other law, for all officers, departments, boards,
20 bodies, commissions and instrumentalities of the State Government in all
21 matters other than those requiring the performance of administrative
22 functions entailing the enforcement, prosecution and hearing of issues as
23 imposed by law upon them; and represent them in all suits, proceed-
24 ings or actions of any kind which may be brought for or against them
25 in any court of this State; and shall likewise interpret all statutes and
26 legal documents, inspect and approve contracts and titles and otherwise
27 control their legal activities.

28 f. Render aid in the prosecution of the criminal business of any
29 county at the written request of the prosecutor of the pleas of the county;
30 prosecute the criminal business of the State in a county having no pros-
31 ecutor of the pleas; attend for the trial of homicide cases and other
32 high crimes and misdemeanors, or for the prosecution of the criminal
33 business of the State, in any county, on the written request of a Jus-
34 tice of the Supreme Court or of the board of chosen freeholders of the
35 county; and attend for the prosecution of a specific investigation or of

36 a particular criminal case in any county on the written request of the
37 Governor.

38 g. Attend generally to all legal matters in which the State or any
39 officer, department, board, body, commission or instrumentality of the
40 State Government is a party or in which its rights or interests are
41 involved;

42 h. Enforce the provisions of the Constitution and all other laws of
43 the State, as well as perform all of the duties conferred and imposed
44 by law upon the Attorney-General.

1 5. Whenever the Attorney-General, personally or by his deputies or
2 assistants, shall attend in any county where there is no prosecutor, or at
3 the request of the Governor or of a Justice of the Supreme Court or of the
4 board of chosen freeholders or of the prosecutor of the pleas of the county,
5 for the prosecution of the criminal business of the State in said county or
6 of such part thereof as shall be designated in, or as shall fall within the
7 general purview of the matters designated in, the written request therefor,
8 the Attorney-General and his deputies or assistants shall have all the power
9 and authority of the prosecutor of the pleas for prosecuting the criminal
10 business of the State or such part thereof, including the investigation of
11 alleged crimes and misdemeanors, the attendance before the criminal courts
12 and grand juries of the county, the preparation and trial of indictments
13 for crimes and misdemeanors and the representation of the State in all pro-
14 ceedings in criminal cases on error or otherwise in the courts of this State.

15 Whenever the Attorney-General shall have taken over the duties of a
16 prosecutor of the pleas, he shall have all of the authority conferred by law
17 upon the prosecutor, and he may appoint such temporary assistants as he
18 may deem necessary, and shall also have power to appoint such aids, inves-
19 tigators or other personnel and clerical assistants as he shall deem neces-
20-22 sary.

23 Whenever the criminal business or any part of the criminal business of
24 any county is prosecuted by the Attorney-General, personally or by his depu-

25 ties or assistants, there shall be paid, by the treasurer of the county, such
26 sum for that special service as the Justice of the Supreme Court of that
27 judicial district or a judge of the court of common pleas of said county
28 shall certify and fix, on the application of the Attorney-General; *provided*,
29 that the compensation allowed shall not exceed that provided by law for
29½ the payment of the prosecutor in said county for the same or similar services;
30 *provided, however*, that no compensation so allowed shall affect the salary of
30½ the prosecutor or assistant prosecutors if any in said county.

31 In prosecuting such criminal business, the Attorney-General shall have
32 power to employ such investigators, clerical and other assistants and to
33 incur such expenses as he shall determine, and the cost thereof, including
34 the compensation allowed as aforesaid of any deputy or assistant attorneys-
35 general who shall be employed or designated by the Attorney-General for
36 that special purpose in addition to those regularly employed in the Depart-
37 ment of Law, shall likewise be paid by the treasurer of the county when
38 certified and fixed in the same manner.

1 6. The Attorney-General may appoint as his legal assistants in the
2 Department of Law deputy attorneys-general and assistant deputy attorneys-
3 general who shall perform such duties as the Attorney-General shall from
4 time to time designate. The Attorney-General may also appoint necessary
5 clerks and employees and fix their compensation.

1 7. Deputy attorneys-general in the Department of Law shall hold their
2 offices at the pleasure of the Attorney-General and shall receive such sal-
3 aries as he shall from time to time designate.

1 8. Assistant deputy attorneys-general of the Department of Law shall
2 be appointed by the Attorney-General at his pleasure and, after three years'
3 service in their positions, they shall hold their positions during efficiency
4 and good behavior and shall not be removed therefrom except for good cause,
5 and not because of religious or political opinions or affiliations, after a pub-
6 lic, fair and impartial hearing before the Civil Service Commission. They
7 shall receive such salaries, not exceeding the sum of seventy-five hundred
8 dollars (\$7,500.00) per year, as the Attorney-General shall from time to

9 time designate and shall devote their entire time to the performance of their
10 duties in the Department of Law, and shall not engage in the private prac-
11 tice of law.

1 9. No member of the Department of Law shall act as attorney or counsel
2 in any controversy in which the State has an interest, except in his official
3 capacity.

1 10. No member of the Department of Law shall receive any compensa-
2 tion, fees or costs in addition to his regular salary for or by reason of any
3 service performed by him for the State or for any political subdivision
4 thereof except by allowance or appropriation by the Legislature, and any
5 additional compensation, fees or costs so payable to or received by any mem-
6 ber of the Department of Law, not so allowed or appropriated, shall be paid
7 to the State Treasurer for the use of the State; but the provisions of this
8 section shall not be construed to prevent the payment of compensation of
9 any additional deputy attorney-general, who may be employed or designated
10 by the Attorney-General solely to act in any county under section five of
11 this act, by the county in which he is designated to act by the Attorney-
12 General.

1 11. No officer, department, board, body, commission or instrumentality
2 of the State Government shall employ any person to act as attorney, coun-
3 sel, solicitor, legal assistant or other legal adviser to such officer, department,
4 board, body, commission or instrumentality. Nor shall such officer, depart-
5 ment, board, body, commission or instrumentality of the State Government
6 employ any person in any legal capacity for the purpose of giving legal
7 advice or rendering legal services, but such officer, department, board, body,
8 commission or instrumentality may employ an attorney-at-law under full-
9 time employment solely in the performance of administrative functions entail-
10 ing the hearing of issues and determining facts in order that the said officer,
11 department, board, body, commission or instrumentality may perform his
12 or its functions as required by law; *provided, however,* that no such attorney
13 shall act in a legal capacity in the prosecution of any charge or complaint
14 before any such officer, department, board, body, commission or instru-
15 mentality.

1 12. The Attorney-General may assign a deputy attorney-general or an
2 assistant deputy attorney-general to serve in any legal capacity in or for
3 any officer, department, board, body, commission or instrumentality of the
4 State Government on a part-time or full-time basis whenever, in the judg-
5 ment of the Attorney-General, such assignment will contribute to the effi-
6 ciency of the operation of such office, department, board, body, commission
7 or instrumentality, but such member of the Department of Law shall remain
8 under the supervision and control of the Attorney-General while so serving
9 and his compensation shall be payable solely from appropriations made to the
10 Department of Law.

1 13. No special counsel shall be employed for the State or for or by
2 any officer, department, board, body, commission or instrumentality of the
3 State Government except by authority of the Attorney-General, and then
4 only with the approval of the Governor, and provided that appropriations
5 have been made therefor, unless the matter be of such an emergency and
6 shall be so declared by the Governor.

1 14. The Attorney-General shall make an annual detailed report to the
2 Governor and the Legislature of the performance of his duties and the opera-
3 tions of the Department of Law and shall make such other reports to the
4 Governor and the Legislature as the Governor or the Legislature may require
5 from time to time.

1 15. The prosecutors of the pleas of the various counties shall make
2 annual reports to the Attorney-General of the performance of their duties
3 and the operations of their offices and shall make such other reports to the
4 Attorney-General as the Attorney-General may require from time to time.

1 16. The Department of the Attorney-General heretofore existing and the
2 offices and positions of assistant attorneys-general, legal assistants to the
3 Attorney-General, special counsel or legal counsel to or by appointment of
4 or under the Attorney-General hereby are abolished, and all other employees
5 of the Department of the Attorney-General hereby are transferred to the
6 Department of Law and shall serve in appropriate similar positions in said

7 department and shall retain all of their rights and privileges under Title 11,
8 Civil Service, of the Revised Statutes.

1 17. All offices and positions of attorneys, counsel, solicitors, or other
2 legal advisers to any officer, department, board, body, commission or instru-
3 mentality of the State Government hereby are abolished, except such offices
4 or positions in which the incumbents are employed, under full-time employ-
5 ment, solely in the performance of administrative functions entailing the
6 enforcement, prosecution and hearing of issues as imposed by law upon such
7 officer, department, board, body, commission or instrumentality; *provided,*
8 *however,* that all boards, bodies, commissions, agencies or public corporate
9 instrumentalities of this State created by compact or agreement with a com-
10 monwealth or another State are excluded from the provisions and the effect
11 of this act.

1 18. The offices and quarters heretofore occupied by the Department of
2 the Attorney-General and all books, papers, documents and other property
3 of the Department of the Attorney-General hereby are transferred to the
4 Department of Law as of the date upon which this act becomes effective.

1 19. All moneys appropriated at the time this act becomes effective to
2 the Attorney-General or to any officer, department, board, body, commis-
3 sion or instrumentality of the State Government for the compensation and
4 expenses of attorneys, counsel, solicitors or other legal advisers to such offi-
5 cer, department, board, body, commission or instrumentality, whose offices
6 or positions are abolished by this act, shall be transferred and made avail-
7 able to the Department of Law as of said date or as and when such appro-
8 priation shall become available. Until appropriations may become available
9 for the next fiscal year, there is hereby appropriated the additional sum of
10 fourteen thousand dollars (\$14,000.00) for the payment of the salaries of the
11 Attorney-General as fixed herein and his deputies and assistants as fixed
12 by him, and also the expenses of the Attorney-General, his deputies and
13 assistants.

1 20. Chapter seventeen of Title 52 of the Revised Statutes and “An act
2 concerning the State Highway Department,” approved May twenty-fourth,
3 one thousand nine hundred and thirty-nine (P. L. 1939, c. 75); “An act con-
4 cerning the legal assistants to the Attorney-General,” approved June twenty-
5 seventh, one thousand nine hundred and thirty-nine (P. L. 1939, c. 101);
6 “A supplement to an act entitled ‘An act to define the duties and fix the
7 salary of the Attorney-General,’ approved February twenty-fourth, one thou-
8 sand eight hundred and fifty-four,” approved March twenty-fifth, one thou-
9 sand nine hundred and thirteen (P. L. 1913, c. 139); “An act to amend an
10 act entitled ‘A supplement to an act entitled “An act to define the duties
11 and fix the salary of the Attorney-General,” approved February twenty-
12 fourth, one thousand eight hundred and fifty-four,’ which said supplement
13 was approved March twenty-fifth, one thousand nine hundred and thirteen,”
14 approved March fourth, one thousand nine hundred and eighteen (P. L. 1918,
15 c. 234), are repealed.

1 21. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE FOR

SENATE, No. 133

STATE OF NEW JERSEY

ADOPTED MARCH 6, 1944

AN ACT to establish a Department of Law in the State Government.

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

1 1. The purpose of this act is to accomplish economy and efficiency by
2 centralizing, in one department, the facilities afforded by the State for the
3 rendering of legal services to the Governor and to all officers, departments,
4 boards, bodies, commissions and instrumentalities of the State Government
5 and to provide for the enforcement of the criminal law of the State by such
6 department where the ends of justice so require.

1 2. There is hereby established a Department of Law in the State Govern-
2 ment. The Attorney-General shall be the head of said department and the
3 Attorney-General shall be nominated by the Governor and appointed by
4 him with the advice and consent of the Senate and shall hold his office for
5 the term of five years.

1 3. The Department of Law shall be administered by the Attorney-
2 General and his deputy attorneys-general and deputy assistant attorneys-
3 general as herein provided.

4 The Attorney-General shall receive an annual salary of fifteen thousand
5 dollars (\$15,000.00).

1 4. The powers and duties of the Department of Law shall be the powers
2 and duties now or hereafter conferred upon or required of the Attorney-
3 General, either by the Constitution or by the common and statutory law of
4 the State, and as specifically but not exclusively as detailed herein, to wit:

- 5 a. Be present at the seat of the government during the sessions of
6 the Legislature;
- 7 b. Give to the Governor, to the members of the Senate and the Gen-
8 eral Assembly, and to all other officers, departments, boards, bodies,
9 commissions and instrumentalities of the State Government, legal advice
10 on such matters as they may from time to time require.
- 11 c. Examine and decide all legal matters submitted to him by the
12 Governor or the Legislature and act for them in any matter in which
13 they may be interested, and shall exclusively attend to and control all
14 litigation and controversies to which the State is a party or in which its
15 rights and interests are involved.
- 16 d. Carry out and enforce the provisions of the New Jersey secu-
17 rities law; also the civil rights law.
- 18 e. Act as the sole legal adviser, attorney or counsel, notwithstand-
19 ing the provisions of any other law, for all officers, departments, boards,
20 bodies, commissions and instrumentalities of the State Government in all
21 matters other than those requiring the performance of administrative
22 functions entailing the enforcement, prosecution and hearing of issues as
23 imposed by law upon them; and represent them in all suits, proceed-
24 ings or actions of any kind which may be brought for or against them
25 in any court of this State; and shall likewise interpret all statutes and
26 legal documents, inspect and approve contracts and titles and otherwise
27 control their legal activities.
- 28 f. Render aid in the prosecution of the criminal business of any
29 county at the written request of the prosecutor of the pleas of the county;
30 prosecute the criminal business of the State in a county having no pros-
31 ecutor of the pleas; attend for the trial of homicide cases and other
32 high crimes and misdemeanors, or for the prosecution of the criminal
33 business of the State, in any county, on the written request of a Jus-
34 tice of the Supreme Court or of the board of chosen freeholders of the
35 county; and attend for the prosecution of a specific investigation or of

36 a particular criminal case in any county on the written request of the
37 Governor.

38 g. Attend generally to all legal matters in which the State or any
39 officer, department, board, body, commission or instrumentality of the
40 State Government is a party or in which its rights or interests are
41 involved;

42 h. Enforce the provisions of the Constitution and all other laws of
43 the State, as well as perform all of the duties conferred and imposed
44 by law upon the Attorney-General.

1 5. Whenever the Attorney-General, personally or by his deputies or
2 assistants, shall attend in any county where there is no prosecutor, or at
3 the request of the Governor or of a Justice of the Supreme Court or of the
4 board of chosen freeholders or of the prosecutor of the pleas of the county,
5 for the prosecution of the criminal business of the State in said county or
6 of such part thereof as shall be designated in, or as shall fall within the
7 general purview of the matters designated in, the written request therefor,
8 the Attorney-General and his deputies or assistants shall have all the power
9 and authority of the prosecutor of the pleas for prosecuting the criminal
10 business of the State or such part thereof, including the investigation of
11 alleged crimes and misdemeanors, the attendance before the criminal courts
12 and grand juries of the county, the preparation and trial of indictments
13 for crimes and misdemeanors and the representation of the State in all pro-
14 ceedings in criminal cases on error or otherwise in the courts of this State.

15 Whenever the Attorney-General shall have taken over the duties of a
16 prosecutor of the pleas, he shall have all of the authority conferred by law
17 upon the prosecutor, and he may appoint such temporary assistants as he
18 may deem necessary, and shall also have power to appoint such aids, inves-
19 tigators or other personnel and clerical assistants as he shall deem neces-
20-22 sary.

23 Whenever the criminal business or any part of the criminal business of
24 any county is prosecuted by the Attorney-General, personally or by his depu-

25 ties or assistants, there shall be paid, by the treasurer of the county, such
26 sum for that special service as the Justice of the Supreme Court of that
27 judicial district or a judge of the court of common pleas of said county
28 shall certify and fix, on the application of the Attorney-General; *provided*,
29 that the compensation allowed shall not exceed that provided by law for
29½ the payment of the prosecutor in said county for the same or similar services;
30 *provided, however*, that no compensation so allowed shall affect the salary of
30½ the prosecutor or assistant prosecutors if any in said county.

31 In prosecuting such criminal business, the Attorney-General shall have
32 power to employ such investigators, clerical and other assistants and to
33 incur such expenses as he shall determine, and the cost thereof, including
34 the compensation allowed as aforesaid of any deputy or assistant attorneys-
35 general who shall be employed or designated by the Attorney-General for
36 that special purpose in addition to those regularly employed in the Depart-
37 ment of Law, shall likewise be paid by the treasurer of the county when
38 certified and fixed in the same manner.

1 6. The Attorney-General may appoint as his legal assistants in the
2 Department of Law deputy attorneys-general and assistant deputy attorneys-
3 general who shall perform such duties as the Attorney-General shall from
4 time to time designate. The Attorney-General may also appoint necessary
5 clerks and employees and fix their compensation.

1 7. Deputy attorneys-general in the Department of Law shall hold their
2 offices at the pleasure of the Attorney-General and shall receive such sal-
3 aries as he shall from time to time designate.

1 8. Assistant deputy attorneys-general of the Department of Law shall
2 be appointed by the Attorney-General at his pleasure and, after three years'
3 service in their positions, they shall hold their positions during efficiency
4 and good behavior and shall not be removed therefrom except for good cause,
5 and not because of religious or political opinions or affiliations, after a pub-
6 lic, fair and impartial hearing before the Civil Service Commission. They
7 shall receive such salaries, not exceeding the sum of seventy-five hundred
8 dollars (\$7,500.00) per year, as the Attorney-General shall from time to

9 time designate and shall devote their entire time to the performance of their
10 duties in the Department of Law, and shall not engage in the private prac-
11 tice of law.

1 9. No member of the Department of Law shall act as attorney or counsel
2 in any controversy in which the State has an interest, except in his official
3 capacity.

1 10. No member of the Department of Law shall receive any compensa-
2 tion, fees or costs in addition to his regular salary for or by reason of any
3 service performed by him for the State or for any political subdivision
4 thereof except by allowance or appropriation by the Legislature, and any
5 additional compensation, fees or costs so payable to or received by any mem-
6 ber of the Department of Law, not so allowed or appropriated, shall be paid
7 to the State Treasurer for the use of the State; but the provisions of this
8 section shall not be construed to prevent the payment of compensation of
9 any additional deputy attorney-general, who may be employed or designated
10 by the Attorney-General solely to act in any county under section five of
11 this act, by the county in which he is designated to act by the Attorney-
12 General.

1 11. No officer, department, board, body, commission or instrumentality
2 of the State Government shall employ any person to act as attorney, coun-
3 sel, solicitor, legal assistant or other legal adviser to such officer, department,
4 board, body, commission or instrumentality. Nor shall such officer, depart-
5 ment, board, body, commission or instrumentality of the State Government
6 employ any person in any legal capacity for the purpose of giving legal
7 advice or rendering legal services, but such officer, department, board, body,
8 commission or instrumentality may employ an attorney-at-law under full-
9 time employment solely in the performance of administrative functions entail-
10 ing the hearing of issues and determining facts in order that the said officer,
11 department, board, body, commission or instrumentality may perform his
12 or its functions as required by law; *provided, however*, that no such attorney
13 shall act in a legal capacity in the prosecution of any charge or complaint
14 before any such officer, department, board, body, commission or instru-
15 mentality.

1 12. The Attorney-General may assign a deputy attorney-general or an
2 assistant deputy attorney-general to serve in any legal capacity in or for
3 any officer, department, board, **body**, commission or instrumentality of the
4 State Government on a part-time or full-time basis whenever, in the judg-
5 ment of the Attorney-General, such assignment will contribute to the effi-
6 ciency of the operation of such office, department, board, body, commission
7 or instrumentality, but such member of the Department of Law shall remain
8 under the supervision and control of the Attorney-General while so serving
9 and his compensation shall be payable solely from appropriations made to the
10 Department of Law.

1 13. No special counsel shall be employed for the State or for or by
2 any officer, department, board, body, commission or instrumentality of the
3 State Government except by authority of the Attorney-General, and then
4 only with the approval of the Governor, and provided that appropriations
5 have been made therefor, unless the matter be of such an emergency and
6 shall be so declared by the Governor.

1 14. The Attorney-General shall make an annual detailed report to the
2 Governor and the Legislature of the performance of his duties and the opera-
3 tions of the Department of Law and shall make such other reports to the
4 Governor and the Legislature as the Governor or the Legislature may require
5 from time to time.

1 15. The prosecutors of the pleas of the various counties shall make
2 annual reports to the Attorney-General of the performance of their duties
3 and the operations of their offices and shall make such other reports to the
4 Attorney-General as the Attorney-General may require from time to time.

1 16. The Department of the Attorney-General heretofore existing and the
2 offices and positions of assistant attorneys-general, legal assistants to the
3 Attorney-General, special counsel or legal counsel to or by appointment of
4 or under the Attorney-General hereby are abolished, and all other employees
5 of the Department of the Attorney-General hereby are transferred to the
6 Department of Law and shall serve in appropriate similar positions in said

7 department and shall retain all of their rights and privileges under Title 11,
8 Civil Service, of the Revised Statutes.

1 17. All offices and positions of attorneys, counsel, solicitors, or other
2 legal advisers to any officer, department, board, body, commission or instru-
3 mentality of the State Government hereby are abolished, except such offices
4 or positions in which the incumbents are employed, under full-time employ-
5 ment, solely in the performance of administrative functions entailing the
6 enforcement, prosecution and hearing of issues as imposed by law upon such
7 officer, department, board, body, commission or instrumentality; *provided,*
8 *however,* that all boards, bodies, commissions, agencies or public corporate
9 instrumentalities of this State created by compact or agreement with a com-
10 monwealth or another State are excluded from the provisions and the effect
11 of this act.

1 18. The offices and quarters heretofore occupied by the Department of
2 the Attorney-General and all books, papers, documents and other property
3 of the Department of the Attorney-General hereby are transferred to the
4 Department of Law as of the date upon which this act becomes effective.

1 19. All moneys appropriated at the time this act becomes effective to
2 the Attorney-General or to any officer, department, board, body, commis-
3 sion or instrumentality of the State Government for the compensation and
4 expenses of attorneys, counsel, solicitors or other legal advisers to such offi-
5 cer, department, board, body, commission or instrumentality, whose offices
6 or positions are abolished by this act, shall be transferred and made avail-
7 able to the Department of Law as of said date or as and when such appro-
8 priation shall become available. Until appropriations may become available
9 for the next fiscal year, there is hereby appropriated the additional sum of
10 fourteen thousand dollars (\$14,000.00) for the payment of the salaries of the
11 Attorney-General as fixed herein and his deputies and assistants as fixed
12 by him, and also the expenses of the Attorney-General, his deputies and
13 assistants.

1 20. Chapter seventeen of Title 52 of the Revised Statutes and “An act
2 concerning the State Highway Department,” approved May twenty-fourth,
3 one thousand nine hundred and thirty-nine (P. L. 1939, c. 75); “An act con-
4 cerning the legal assistants to the Attorney-General,” approved June twenty-
5 seventh, one thousand nine hundred and thirty-nine (P. L. 1939, c. 101);
6 “A supplement to an act entitled ‘An act to define the duties and fix the
7 salary of the Attorney-General,’ approved February twenty-fourth, one thou-
8 sand eight hundred and fifty-four,” approved March twenty-fifth, one thou-
9 sand nine hundred and thirteen (P. L. 1913, c. 139); “An act to amend an
10 act entitled ‘A supplement to an act entitled “An act to define the duties
11 and fix the salary of the Attorney-General,” approved February twenty-
12 fourth, one thousand eight hundred and fifty-four,’ which said supplement
13 was approved March twenty-fifth, one thousand nine hundred and thirteen,”
14 approved March fourth, one thousand nine hundred and eighteen (P. L. 1918,
15 c. 234), are repealed.

1 21. This act shall take effect immediately.

STATE SERVICE BUREAU RECEIVED
 PROPERTY OF
 MAY 12 1944

LEGISLATIVE INDEX

Vol. XXXI

Saturday, April 15-29, 1944

No. 16

NEW JERSEY STATE LIBRARY
 TRENTON

CONTENTS

Index to Bills by Subjects.....	273-276	Assembly Bills Introduced.....	293-307
Bills Introduced by Each Legislator.....	277-279	Laws of 1944.....	308-310
Senate Bills Introduced.....	280-293	Notices.....	311
Committee Membership, 1944.....			312

INDEX OF BILLS BY SUBJECTS

Aged—		State dept.—Impeachment notices		Churches—	
Indigent—Funeral costs.....A 112		Atlantic City—Protection.....A 31		Episcopal—Trust fund.....A 244	
Indigent aid—Repeals acts.....S 159		Dredging—Licenses.....S 133		Merger.....A 274	
Indigents—Aid qualifications.....S 158		Monmouth County—Protection.....A 63		Civil Service—	
Indigents—Care.....A 147		Protection—Appropriations...S 75, S 222		Attorneys—State service.....S 104	
Indigents—County subsidy.....A 173		Sea Girt—Protection.....S 190		Classifications—Revises.....S 240	
Support—Private corporations.....S 7		Blind—		Examinations—Suspends.....S 241	
Agriculture—		Federal grants.....A 151		Firemen, police—War service.....S 134	
Board—Membership.....S 229		Bonds—		Highways—Projects engineers.....S 92	
Fertilizer—Standards.....S 82		County, municipal—Retirement.....A 327		Housing authorities—Municipal.....S 128, A 317	
Alcoholic Beverages—		Municipal—Sewer.....S 193		Municipal—Temporary jobs.....A 294	
Discrimination—Repeals act.....S 191		Railroad—Savings banks.....S 232		Oral tests—Transcript.....A 292	
Inspectors—Salary, bonding limits..A 251		Refunding—Debt limits.....S 216		Promotions—Veterans preference,.....A 194, A 340, A 341	
Licenses—Employes.....S 161		State issue—Teachers' pension fund.....S 248		State commission—Membership.....A 116	
License renewal—Defines.....A 123		U. S.—State funds.....S 204		State employes—Inquiry.....S 36	
Sale—Hours.....A 265		War—Public funds.....A 344		Collection Agencies—	
Appropriations—		Bonus—		Violations—Penalties.....A 324	
Beach protection.....S 75, S 222		Public employes.....S 2, S 38		Constitution—	
Beach protection—Atlantic City.....A 31		State employes.....S 224		State—Draft changes.....SCR 7	
Beach protection—Monmouth.....S 190		Bridges—		State—Referendum.....S 220	
Beach protection—Sea Girt.....A 285		Camden—Commission members.....A 23		State—Text.....SCR 9	
Commerce & Navigation Board.....A 63		Camden—Tax payments.....A 21		State, revised printing.....SR	
County.....A 54		Delaware commission—Members.....SCR 11		State revision—Committees.....SCR 1	
Delaware & Raritan Canal.....S 54		Guard rails.....A 221		Voting age—Lowers.....ACR 7	
Dental clinics—County.....S 118		Budgets—		Corporations—	
Dredging—Barnegat Bay.....S 129		Municipal—Validates.....A 97		Accounts receivable—Transfer.....A 328	
Economic development—State department.....A 1		Building & Loans—		Charitable—Delinquent taxes.....A 128	
Game preserve—Purchase.....S 35		Audits.....A 204		Deeds, Mortgages—Validates,.....S 26, S 27, A 137, A 219	
Highway—Cancels.....S 227		Checks—Signers.....A 206		Directors—Non-stockholders,.....A 326, A 350	
Historic sites—Land purchase.....S 263		Directors—Qualifications.....A 167		Fiduciaries—Nominees.....S 61	
Institutions—Housing.....S 132		Member soliciting.....A 207		Foreign—Tax definition.....A 330	
Interstate commission.....A 241		Memberships—Certificates.....A 166		Foreign—Tax exemption,.....A 42, A 348, A 352	
Labor Dept.—Clerks.....A 62		Officers—Loans.....A 205		Insolvent—Sales, mortgages.....S 89	
Labor Dept.—Expenses.....A 80		Reserves—Amount.....A 106		Medical service.....S 152	
Legislature—Expenses.....S 209		Canals—		Merchandise—Sale.....A 307, A 238	
Library.....A 104		Delaware & Raritan—Water Supply.....S 54		Names—Limits.....A 238	
Negroes—Inquiry.....S 48		Cancer—		Recreation—Incorporation.....S 268	
Parvin State Park.....A 110		Control—State division.....S 67		"Spying"—Forbids.....A 181	
Passaic Valley Water.....A 355		Cemeteries—		Stockholders—Decisions.....A 325	
Port Commission.....S 1, A 26		Funds—Investment.....A 299		Counties—	
Post-War Commission.....S 219		Permits—Revocation.....A 300		Aged—Private corporations.....S 7	
Schools—Nursery.....A 59		Regulates.....A 301		Attendance officers—Visiting teachers.....S 119	
Servicemen—Voting.....S 23		Tax.....A 298		Auditors—Naming.....S 154	
State.....S 200		Children—		Bergen—District Court.....S 49	
State Highway.....S 201		Abuse—Penalties.....S 140, S 142		Bergen—Sewer district.....A 245	
Treasurer, State—Railroad taxes..S 176		Adoption.....A 149		Bonds—Retirement.....A 327	
Veterans Benefit Commission.....S 202, S 203		Boys—Movie ushers.....A 182		Bonds, refunding—Debt limits.....S 216	
Voorhees State Park.....S 163		Delinquency—Commission.....A 25		Bonus payments—Extends.....S 2, S 38	
Voting machines—Counties.....S 34		Dependent—Aid.....S 139		Budgets—Extension.....A 71	
Water Policy.....A 361		Employment—Bowling alleys.....A 121		Budgets—Time limit.....S 59	
Architects—		Life insurance—Schedule.....A 347		Camden—Police pensions.....S 225	
Seals.....A 291		Non-support.....S 140		Clerks—Fees.....A 302, A 352	
Banks—		"War orphans"—Defines.....S 179		Clerks—Filing fees.....A 40	
Branches.....A 43		Chiropody—		Clerks—Pensions.....S 242	
Closed—Supreme court funds.....S 148		Practice—Exceptions.....A 135		Clerks—Salaries.....S 80, S 256, S 260	
Dissolved—Trust funds.....S 211		Practice—Qualifications.....S 153		Clerks—Tenure.....A 113	
Fiduciaries—Nominees.....S 61				Clerks, deputy—Salaries.....A 120	
Foreign—Trustees.....A 180				Contracts—Union blacklist.....A 263	
Insolvent—State claims.....A 43				Courts—Attendants' salaries,.....S 174, S 215	
Loans, small—Interest.....A 2				Dental clinics—Schools.....S 118	
Loans—World War II veterans.....A 2				Detectives, chiefs—Salaries.....S 233	
Negotiable paper—Payment.....S 112				Election boards—Salaries.....S 178	
Notes—Interest rebate.....A 76				Election Supts.—Naming.....S 221	
Savings—Employes' pensions.....S 5				Employes—Dismissals.....A 92	
Savings—Merger.....S 39					
Savings—Railroad bonds.....S 232					
State deposits—Privileges.....S 13					
State deposits—Surety.....A 81					

LAWS OF 1944

(Unless otherwise noted, take effect immediately)

*Effective July 1, 1944—R. S. 1:2-3

Date	Chap.	Synopsis	R.S.	Bill No.	Date	Chap.	Synopsis	R.S.	Bill No.
Jan. 31	1	Leases—Validates		S 26	Mar. 29	44	Motor Vehicle Commission—Appointment	39:2-2	S 170
Jan. 31	2	Deeds—Validates		S 27	Mar. 29	45	Election Superintendents—Naming	19:32-1	S 221
Feb. 1	3	School elections—Registration	18:7-29.1	S 33	Mar. 31	46	School taxes—Installations..	54:4-75	S 64
Feb. 4	4	State personnel—Inquiry		S 36	Mar. 31	47	Highway route—Creates	27:6-1	S 87
Feb. 4	5	Auto registration—Affidavit..	39:3-4	S 8	Mar. 31	48	County pension funds—Receipts	43:10-18.7	A 86
Feb. 4	6	County, municipal bonus—Extends	40:11	S 2	Mar. 31	49	Municipal libraries—Appropriations	40:54-8	A 104
Feb. 9	7	Voting machines—Installations	19:48-3.3	S 34	Mar. 31	50	Deeds—Validates		A 145
Feb. 23	8	Presidential primary—Candidates' names	19:23-25.1	A 210	Mar. 31	51	Legislators—Revised Statutes		A 179
Feb. 23*	9	Soldier Voting	19:55-1	S 131	Mar. 31	52	Mental hospitals—Physicians' certificates	30:4-29	S 74
Feb. 23	10	Crime—Sentences	2:192-1	S 4	Mar. 31	53	Buses—Spitting	2:202-26	S 110
Feb. 23	11	False fire alarms—Penalty....	2:202-13	S 6	Mar. 31	54	U. S. lands—Taxation.....	52:30-3	S 53
Mar. 1	12	Travel fares—Black market	2:171A-1	S 186	Apr. 4	55	Schools—Financial statements	18:5-62	A 18
Mar. 1	13	State deposits—Stockholders' rights	52:14-33	S 13	Apr. 4	56	County, municipal finances—Statements	40:5-13	A 19
Mar. 1	14	Bus smoking—Penalty	2:202-26.1	S 41	Apr. 4	57	Land title—Riedman		A 48
Mar. 1	15	State Treasurer—Bank claims		S 43	Apr. 4	58	Carl Schmidt—Property		A 70
Mar. 1	16	Presidential ballots—Electors' names	19:14-8.1	S 46	Apr. 4	59	Public officials—Oaths	41:2-4	A 75
Mar. 1	17	County, Municipal budgets—Certification	40:2-52	S 59	Apr. 4	60	Municipal budgets—Validates		A 97
Mar. 1	18	Labor Dept. fees—Disposition		S 29	Apr. 5	61	County supervisors—Qualifications	40:21-57	A 209
Mar. 1	19	War housing—Extends act..	55:14C-2	A 78	Apr. 5	62	Post-war board—Appropriation		S 219
Mar. 7	20	Law department—Creates....	52:17-1 27:1-21	S 133	Apr. 5	63	Freeholders—Salaries	40:20-72	S 77
Mar. 9	21	Servicemen—Will probate....	3:2-24.1	S 28	Apr. 5	64	Civil service tests—Suspends	11:22-15.1 11:22-15.2 11:22-15.3 11:22-15.4	S 241
Mar. 9	22	Savings banks—Merger	17:6-72	S 39	Apr. 5	65	Civil Service—Classifications	11:1-1	S 240
Mar. 9	23	District Judges—Appointment	2:212-6	S 50	Apr. 5	66	Prosecutors—Salaries	2:182-10	S 78
Mar. 9	24	U. S. lands—Taxation.....	54:4-3.3 and 54:4-3.5	S 88	Apr. 5	67	Surrogates—Salaries	2:7-19	S 79
Mar. 9	25	Banks—Stock value	17:8-1 17:4-73	S 91	Apr. 5	68	County Clerks—Salaries	40:38-5	S 80
Mar. 9	26	Narcotics—Defines	24:18-2	S 101	Apr. 5	69	Sheriffs—Salaries	40:41-6	S 81
Mar. 9	27	Insurance rates—Licenses....	17:29-1	S 95	Apr. 5	70	Health Dept.—Federal funds	26:2-60	S 56
Mar. 9	28	Bergen Judicial Districts—Abolishes	2:212-4	S 106	Apr. 6	71	Servicemen—Tax exemptions	54:4-3.12	S 73
Mar. 9	29	Walker—Realty title		A 38	Apr. 6	72	Group health insurance.....	17:38-15	S 97
Mar. 9	30	Banks—Branches	17:4-17.1	A 43	Apr. 6	73	Group life insurance.....	17:34-31	S 98
Mar. 9	31	Police Judges—Appointment	2:220-2.1	A 103	Apr. 6	74	Inheritance taxes—Refund ..	54:35-10	S 113
Mar. 9	32	Asst. prosecutors—Grand juries	2:182-15	A 107	Apr. 6	75	Inheritance taxes—Adjustment	54:38-3	S 114
Mar. 9	33	Veterans Commission—Appropriation		S 202	Apr. 6	76	Accounts receivable—Assignment	2:60-257	S 116
Mar. 9	34	Labor Dept.—Clerks' Salaries		A 62	Apr. 6	77	Municipalities—Land exchange	40:60-51.3 40:60-51.4	S 120
Mar. 9	35	Boroughs—Street maintenance	40:88-10.1	A 85	Apr. 6	78	Female pheasants—Season....	23:4-8	A 30
Mar. 9	36	Deed recording—Photos	46:19-3	A 99	Apr. 6	79	State deposits—Security.....	52:18-18	A 81
Mar. 10	37	Highway route—Creates	27:6-1	A 84	Apr. 6	80	Unemployment Compensation—Refunds	13:21-14	A 95
Mar. 10	38	Servicemen—Auto licenses....	39:3-11.5	S 10	Apr. 6	81	Unemployment Compensation—Refunds	43:21-14.1	A 96
Mar. 10	39	Bergen Judicial District—Creates	2:212-4	S 107	Apr. 6	82	Building & Loans—Reserves	17:12-46	A 106
Mar. 10	40	Legislature—Appropriation		S 209	Apr. 6	83	Legal ads—Publication	35:2-3.1 35:2-3.2	A 144
Mar. 13	41	Railroad taxes—Appropriation		S 176	Apr. 6	84*	Aged—Needy aid	44:7-5	A 147
Mar. 24	42	Servicemen—Voting expenses		S 23					
Mar. 28	43	Manure—Standards	4:10-26	S 82					

†Effective January 1, 1945.

NOTATIONS

S 124 Wallace Feb. 21—Vests in Catherine and George W. Dingler, of Woodlynnne, title to real estate of Alice M. Dingler, allegedly escheated to State.
Feb. 21—Judiciary Com.

S 125 Farley Feb. 21 — Provides that bureaus of general inspection, structural inspection, explosives and electrical equipment in State Labor Department be supervised by professional engineer as Deputy Labor Commissioner at \$10,000 annually; specifies duties for such deputy.
Feb. 21—Labor Com.
Feb. 24—Disapproved, Fiscal Affairs Com.

S 126 Farley Feb. 21—Forbids netting or trapping of fish in Mullica River within one-eighth mile of any fishery paying taxes.
Mar. 31—Passed in Senate.
Apr. 10—Passed in Assembly.
Apr. 13—Approved, Chapter 111.

S 127 Farley Feb. 21 — Fixes at four years, terms of commission on improvement of colored population; provides appointments by Governor with Senate confirmation; provides \$3,000 annual salaries for members, \$3,600 salary for chairman.
Feb. 21—Appropriations Com.
Feb. 24—Disapproved, Fiscal Affairs Com.
Mar. 31—Reported with com. amend's.
Mar. 31—Read second time.
Mar. 31—Passed in Senate, amended.
Apr. 5—Received in Assembly.
Apr. 5—Judiciary Com.

S 128 Farley Feb. 21—Places in classified Civil Service employes of municipal housing authorities.
Mar. 31—Passed in Senate.
Apr. 5—Passed in Assembly.
Apr. 21—Filed in State Library.

S 129 Mathis Feb. 21 — Appropriates \$145,000 to Board of Commerce and Navigation to dredge channel in Barnegat Bay between Seaside Park and Lavalette.
Feb. 21—Appropriations Com.
Feb. 24—Action postponed by Fiscal Affairs Com.
Apr. 3—Disapproved, Fiscal Affairs Com.
Apr. 10—Reported with com. amend's.
Apr. 10—Read second time.
Apr. 10—Passed in Senate, amended.
Apr. 12—Received in Assembly.
Apr. 12—Judiciary Com.

S 130—Littell Feb. 21 — Permits widows of veterans who are eligible for retirement on pension from State, county, municipal or school employment and who are killed in present war to be eligible for such veterans pension.
Feb. 21—Vet. and Mil. Aff. Com.
Mar. 29—Reported.
Mar. 29—Read second time.
Mar. 29—Passed in Senate.
Mar. 31—Received in Assembly.
Mar. 31—Judiciary Com.
Apr. 3—Reported with com. amend's.
Apr. 3—Read second time.
Apr. 10—Passed in Assembly, amended.
Apr. 10—Received in Senate.
Apr. 10—Assemb. amend. passed in Sen.
Apr. 21—Approved, Chapter 191.

S 131 Stanger Feb. 21—(Without Reference) Provides method of voting for men and women qualified voters absent from State on military service; requires county clerks to furnish military service ballots to conform generally to ballot used in State election districts.
Feb. 21—Passed in Senate.
Feb. 21—Passed in Assembly.
Feb. 23—Approved, Chapter 9.

S 132 Wallace Apr. 3 — Appropriates \$650,000 for new housing for patients and inmates to relieve overcrowding at six State institutions.
Apr. 5—Passed in Senate.
Apr. 5—Received in Assembly.
Apr. 5—Appropriations Com.
Apr. 10—Reported.
Apr. 10—Read second time.
Apr. 12—Amended.
Apr. 12—Passed in Assembly, amended.
Apr. 12—Assemb. amend. passed in Sen.
Apr. 21—Approved, Chapter 192.

NOTATIONS

S 133 Farley Feb. 21 — Establishes Department of Law in State Executive Department headed by Attorney General at \$15,000 annual salary.
Feb. 21—Judiciary Com.
Feb. 24—Approved, Fiscal Affairs Com.
Mar. 6—Reported by com. sub.
Mar. 6—Read second time.
Mar. 6—Com. sub. passed in Senate.
Mar. 6—Received in Assembly.
Mar. 6—No Reference.
Mar. 6—Read second time.
Mar. 6—Passed in Assembly.
Mar. 7—Approved, Chapter 20.

S 134 Wallace Mar. 27—Places on preferred civil service lists persons passing tests for county or municipal policemen or firemen who enter armed services during wartime before appointment, provided such persons are honorably discharged and meet physical requirements.
Mar. 27—Municipalities Com.

S 135 Eastwood Mar. 27—Provides that school employes not eligible to Teachers' Pension and Annuity Fund be eligible to membership in State Employes' Retirement System in municipalities adopting Title 43, Chapter 15, Revised Statutes, authorizing county and municipal pension systems.
Mar. 27—Judiciary Com.
Mar. 31—Reported.
Mar. 31—Read second time.

S 136 Eastwood Mar. 27 — Permits retired State employes who resume active service to re-enter State Employes' Retirement System provided new salary equals compensation at time of such retirement.
Apr. 10—Passed in Senate.
Apr. 12—Passed in Assembly.
Apr. 21—Approved, Chapter 193.

S 137 Eastwood Mar. 27—Provides that State employes paid by counties or municipalities be entitled to pension benefits in counties and municipalities adopting Title 43, Chapter 15, Revised Statutes, authorizing county and municipal pension systems.
Mar. 27—Judiciary Com.
Mar. 31—Reported.
Mar. 31—Read second time.

S 138 Eastwood Feb. 23—Extends from 1946 to 1951 time within which annual payments be made as accrued liability contributions by State to State Employes Retirement System from which retirement allowances are paid for services of members prior to establishment of retirement system.
Feb. 28—Judiciary Com.
Mar. 31—Reported.
Mar. 31—Read second time.

S 139 Eastwood Mar. 27 — Permits granting of assistance to dependent children without hearing in emergency; governs method for establishing residence of dependent children; governs effective date of revocations or reductions in assistance orders; provides immediate assistance in desertion cases.
Apr. 5—Passed in Senate.
Apr. 13—Passed in Assembly.
Apr. 21—Approved, Chapter 194.

S 140 Eastwood Feb. 28—Increases from one to three years allowable penalty for wife desertion or nonsupport of children by husbands or wives.
Apr. 5—Passed in Senate.
Apr. 12—Passed in Assembly.
Apr. 21—Approved, Chapter 195.

S 141 Eastwood Mar. 31—(Without Reference) Grants Federal government easement across lands at Rahway Reformatory to facilitate oil pipe line.
Mar. 31—Passed in Senate.
Apr. 12—Passed in Assembly.
Apr. 19—Approved, Chapter 170.

S 142 Eastwood Mar. 27—Makes guilty of misdemeanor parents or other custodian of children who abuse or neglect such children; fixes penalties at \$500 maximum fine or three years maximum imprisonment and governs trial of such persons.
Apr. 5—Passed in Senate.
Apr. 12—Passed in Assembly.
Apr. 21—Approved, Chapter 196.