

ASSEMBLY, No. 435

(P. L. 1918, p. 1041)

STATE OF NEW JERSEY

INTRODUCED MARCH 28, 1933

By Mr. ALTMAN

Referred to Committee on Judiciary

AN ACT to amend an act entitled "An act to secure the payment of laborers, mechanics, merchants, traders and persons employed upon or furnishing materials towards the performing of any work in cities, towns, townships and other municipalities of this State" (Revision of 1918), approved March fifth, one thousand nine hundred and eighteen.

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

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

3 1. Any person who as laborer, mechanic, merchant or trader or subcon-
4 tractor, shall hereafter, in pursuance of or conformity with the terms of any
5 contract for any public improvement made between any person or corpora-
6 tion and any county, city, town, township, public commission, public board or
7 other municipality in this State authorized by law to make contracts for the
8 making of any public improvements, perform any labor or furnish any mate-
9 rials, including the furnishing of oil, gasoline or lubricants, toward the per-
10 formance or completion of any such contract shall, on complying with the
11 provision of the second section of this act, have a lien for the value of such
12 labor or materials, or both, upon the moneys in the control of said munici-
13 pality due or to grow due under said contract to the full value of such claim
14 or demand, and these liens may be filed, and to the extent of the amount due

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15 to grow due under said contract, become absolute liens to the full or par
16 value of all such work and materials in favor of every person and his rep-
17 resentatives and assigns who shall be employed by or furnish materials to the
18 contractor or to any subcontractor under him, *provided* that no such mu-
19 nicipality shall be required to pay a greater amount than the contract price of
20 the work and materials furnished or the value thereof when no specific con-
21 tract is made with respect to the same by the contractor or subcontractor,
22 respectively.

1 2. This act shall take effect immediately.

STATEMENT

This act is designed to meet the opinion of the Court of Chancery in the case of the West Jersey Sea Shore Co. vs. the County of Cape May (148 Atlantic Reporter, page 401), and is designed to extend the benefits of the act to persons furnishing oil, gasoline and lubricants on contract.