

ASSEMBLY, No. 39

STATE OF NEW JERSEY

INTRODUCED MARCH 31, 1948

By Mr. W. H. JONES

Referred to Committee on Law Revision

AN ACT concerning the retirement and death of certain judicial officers and payments to be made as a result thereof.

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

1 1. Any Chief Justice of the new Supreme Court, any Associate Justice
2 of the new Supreme Court, or any Judge of the Superior Court who
3 (a) shall have served at least ten years in the aggregate in one or more of
4 the judicial offices of Chancellor, Chief Justice of the old Supreme Court,
5 Associate Justice of the old Supreme Court, judge of the circuit court,
6 Vice-Chancellor, Judge of the Court of Errors and Appeals, judge of the
7 court of common pleas, Chief Justice of the new Supreme Court, Associate
8 Justice of the new Supreme Court, or Judge of the Superior Court, and
9 (b) shall be retired upon attaining the age of seventy years under the pro-
10 visions of Art. VI, Sec. VI, Par. 3, of the Constitution of one thousand nine
11 hundred and forty-seven, shall be paid thereafter an annual pension during
12 the remainder of his natural life in an amount equal to three-fourths of the
13 annual salary received by him at the time of his retirement.

1 2. Whenever a person (a) holds the office of Chancellor, Chief Justice
2 of the old Supreme Court, Associate Justice of the old Supreme Court,
3 judge of the circuit court, Vice-Chancellor, Chief Justice of the new Su-
4 preme Court, Associate Justice of the new Supreme Court, or Judge of the

5 Superior Court, and (b) shall have served at least ten years in the aggregate in one or more of the judicial offices of Chancellor, Chief Justice of the old Supreme Court, Associate Justice of the old Supreme Court, judge of the circuit court, Vice-Chancellor, Judge of the Court of Errors and Appeals, judge of the court of common pleas, Chief Justice of the new Supreme Court, Associate Justice of the new Supreme Court, or Judge of the Superior Court, and (c) has attained the age of seventy years or more, he may retire from such service upon filing his resignation of his judicial office in the office of the Secretary of State accompanied by the statement that it is so filed for the purpose of taking advantage of the provisions of this act. He shall be paid thereafter an annual pension during the remainder of his natural life in an amount equal to three-fourths of the annual salary received by him at the time of his retirement.

1 3. Any Chancellor, Chief Justice of the old Supreme Court, Associate Justice of the old Supreme Court, judge of the circuit court, Vice-Chancellor, Chief Justice of the new Supreme Court, Associate Justice of the new Supreme Court or Judge of the Superior Court who (a) shall have served at least ten years in the aggregate in one or more of the judicial offices of Chancellor, Chief Justice of the old Supreme Court, Associate Justice of the old Supreme Court, judge of the circuit court, Vice-Chancellor, Judge of the Court of Errors and Appeals, or judge of the court of common pleas, and (b) shall have attained the age of seventy years or more when his term of office expires, and (c) shall be, because of age, subject to compulsory retirement or ineligible for reappointment, shall be paid thereafter an annual pension during the remainder of his natural life in an amount equal to three-fourths of the annual salary received by him at the time of his retirement.

1 4. If the Chief Justice of the new Supreme Court, any Associate Justice of the new Supreme Court, or any Judge of the Superior Court, shall, while in office, become physically or otherwise incapacitated for full and efficient service to the State in his judicial capacity, he may give notice

5 thereof and of his desire to retire to the Governor. The Governor shall
6 thereupon appoint three physicians of skill and repute in their profession
7 and residents of this State, who shall examine the applicant for retirement
8 and report to the Governor as to his physical or other disability and
9 whether in all reasonable probability, if they find the disability existent, it
10 will continue permanently and does and will continue to prevent the ap-
11 plicant from giving full and efficient service to the State in the perform-
12 ance of his judicial duties. If it is made to appear by such report that
13 the disability exists and that it will in all reasonable probability continue
14 permanently and if the Governor approves the report the Governor shall file
15 it with his approval endorsed thereon in the office of the Secretary of State.
16 Upon such filing of the report, the applicant shall be retired and he shall
17 thereafter be paid an annual pension during the remainder of his natural
18 life in an amount equal to three-fourths of the annual salary received by him
19 at the time of his retirement.

1 5. Whenever any person holding the office of Chancellor, Chief Justice
2 of the old Supreme Court, Associate Justice of the old Supreme Court,
3 judge of the circuit court, Vice-Chancellor, Chief Justice of the new Supreme
4 Court, Associate Justice of the new Supreme Court, or Judge of the Superior
5 Court shall die while in office or shall die after retirement on a pension pay-
6 able under the provisions of this act and, in either case, shall leave a widow
7 surviving him whom he married before he had attained the age of fifty years,
8 an annual pension shall be paid thereafter to such surviving widow, so long
9 as she lives and remains unmarried, in an amount equal to one-fourth of the
10 annual salary received by her deceased husband at the time of his death or
11 retirement, as the case may be.

1 6. The payments provided for in this act shall be made semimonthly by
2 the State Treasurer out of State funds.

1 7. This act is intended as additional legislation and shall not be construed
2 as repealing any prior act or acts in whole or in part; but no person who

3 has taken advantage of the provisions of Revised Statutes, section 43:6-1 to
4 Revised Statutes, section 43:6-6 shall take advantage of the provisions of
5 this act.

1 8. This act shall take effect immediately.

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