

PROPERTY OF
NEW JERSEY STATE LIBRARY

L.1936 - C.208 - A-248.

OCT 24 1974

Feb.3 - Introduced by Maloney.

Mar.9 - Passed in Assembly.

June 1 - Passed in Senate, amended.

June 16 - Senate amendment passed in Assembly.

June 23 - Approved, chapter 208.

Statement on bill (copy enclosed)

Amended during passage (copy enclosed)

181 W. State Street
Trenton, N.J.

Amended by:

L.1938 - C.328 - A-644.

Apr.25 - Introduced by Wilensky.

May 17 - Committee Substitute passed in Assembly.

June 6 - Passed in Senate.

June 14 - Approved, C.328.

No statement.

Copy enclosed of original bill and the Committee Substitute
which subsequently passed.

L.1941 - C.147 - S-220.

Mar. 10 - Introduced by Proctor.

Apr. 24 - Committee Substitute passed in Senate.

May 19 - Passed in Assembly.

May 24 - Approved, chapter 147.

Statement (copy enclosed).

Copy enclosed of original bill and Committee Substitute
which subsequently passed.

L.1941 - C.409 - S-410.

June 9 - Introduced by Schroeder.

June 30 - Passed in Senate.

Dec. 22 - Passed in Assembly.

Dec. 27 - Approved chapter 409.

Not amended during passage.

Statement (copy enclosed).

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L.1953 - C.342 - A-642.

Apr. 1 - Introduced by A.M. Smith.
Apr. 9 - Passed in Assembly.
June 25 - Passed in Senate.
July 30 - Approved, chapter 342.
Not amended during passage.
No statement.

Note: This law inserts the word paid in 35:1-2.2
before the word circulation.

L.1953 - C.411 - A-406.

Mar. 16 - Introduced by Joya.
Mar. 30 - Passed in Assembly.
Apr. 9 - Passed in Senate.
Aug. 17 - Returned to Assembly with Governor's recommended
amendment.
Sept. 10 - Re-enacted with recommended amendment in both
Assembly and Senate.
Sept. 18 - Approved, chapter 411.
Statement (copy enclosed).
Copy enclosed of Governor's recommended amendment.

L.1962 - C.186 - S-312.

Nov. 19 - Introduced by Stout, Kelly and Sandman-
Nov. 19 - Passed Senate under emergency resolution.
Dec. 3 - Passed Assembly.
Dec. 7 - Approved, Chapter 186.
Not amended during passage.
No statement.

Note: This law adds the entire last paragraph of
35:1-2.2.

L. 1968 - C.133 - S-489.

Feb. 13 - Introduced by Dumont, Tanzman, Bateman.
Apr. 18 - Passed in Senate.
May 13 - Passed in Assembly.
July 9 - Approved, c.133.
Statement (copy enclosed).

No hearings or reports were located on any of the foregoing
laws.

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Case noted in statement on L.1953 - C.411 A-406.
In re Bond Printing Co., Inc., 24 N.J. Misc. 215, 48A 2d 291.
copy enclosed of this decision.

Checked the following without success.

New Jersey Law Journal - Index 1956-1966.

JH/EH
Encl.

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CHAPTER 133 LAWS OF N. J. 1968

APPROVED 7-9-68

SENATE, No. 489

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1968

By Senators DUMONT and TANZMAN

Referred to Committee on Revision and Amendment of Laws

AN ACT relating to publication of notices or advertisements by counties and municipalities, and supplementing chapter 1 of Title 35 of the Revised Statutes.

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

1 1. Notwithstanding any other provision of law whenever, by
2 law, it is required that there be published by printing and publish-
3 ing in a newspaper, which meets the qualifications set forth in
4 Revised Statutes 35:1-2.2, ordinances, resolutions or notices or
5 advertisements of any sort, kind or character by any county, or by
6 any city or other municipality or municipal corporation, or by any
7 municipal board or official board, or body, or office, or officials, or
8 by any person or corporation of such county, such notice or ad-
9 vertisement may be published in a newspaper published in such
10 county or municipality, as may be required by the statute pre-
11 scribing the method of publication, except that there shall hereafter
12 be no requirement that the newspaper be printed in any such
13 county or municipality provided that the said newspaper is printed
14 in the State of New Jersey.

1 2. All acts and parts of acts inconsistent herewith are superseded
2 to the extent of such inconsistency.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to eliminate the requirement in some statutes that county and municipal notices be published in a newspaper printed in said county or municipality. It does not eliminate the requirement that the newspaper be published in the county or municipality as may be required by the statute providing for such publication.

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1936

By Miss MALONEY

Referred to Committee on Judiciary

AN Act defining official newspapers and publications in which advertising of counties, cities and all other municipalities, municipal corporations or municipal boards or bodies or officers or officials, and all persons or corporations, may be placed.

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

1 1. Whenever it is required by law to be published by any county, city or
2 other municipality or municipal corporation, or by any municipal board or
3 official board, or body, or office, or officials, or by any person, persons or
4 corporation, any ordinances, resolution, or notices or advertisements of any
5 sort, kind or character by printing and publishing the same in a newspaper
6 or newspapers, such newspapers or newspaper must meet the following
7 qualifications, namely: Said newspaper or newspapers shall be printed in the
8 English language, shall have been published continuously for not less than one
9 year and shall have been entered as second class mail matter under the postal
10 laws and regulations of the United States.

1 2. All acts or parts of acts inconsistent with this act are hereby repealed.

1 3. This act is to take place immediately.

STATEMENT

The object of this act is to confine legal advertising as far as possible to newspapers as distinguished from advertising circulars or papers that are published simply for the purpose of advertising and which papers do not have a bona fide newspaper circulation. The provisions of this act are identical with the requirements of chapter 177, P. L. 1935, governing the selection of newspapers for advertising of legal notices by the State of New Jersey, any department or official thereof.

[OFFICIAL COPY REPRINT]
SENATE AMENDMENTS TO
ASSEMBLY, No. 248

STATE OF NEW JERSEY

ADOPTED JUNE 1, 1936

Section 1, line 6, after the word "must" add the words "in addition to any other qualification now required by law,"

Section 1, line 7, after the word "be" insert the word "entirely"

Section 2, strike out the entire section.

Section 3, strike out the words "place immediately" and insert in lieu thereof the words "effect September first, one thousand nine hundred and thirty-six"

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1936

By Miss MALONEY

Referred to Committee on Judiciary

AN Act defining official newspapers and publications in which advertising of counties, cities and all other municipalities, municipal corporations or municipal boards or bodies or officers or officials, and all persons or corporations, may be placed.

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

1 1. Whenever it is required by law to be published by any county, city or
2 other municipality or municipal corporation, or by any municipal board or
3 official board, or body, or office, or officials, or by any person, persons or
4 corporation, any ordinances, resolution, or notices or advertisements of any
5 sort, kind or character by printing and publishing the same in a newspaper
6 or newspapers, such newspapers or newspaper must in addition to any
7 other qualification now required by law meet the following qualifications,
7½ namely: Said newspaper or newspapers shall be entirely printed in the
8 English language, shall have been published continuously for not less than one
9 year and shall have been entered as second class mail matter under the postal
10 laws and regulations of the United States.

1 2. This act is to take effect September first, one thousand nine hundred
2 and thirty-six.

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11
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ASSEMBLY, No. 644

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1938

By Mr. WILENSKY

Referred to Committee on Judiciary

AN Act concerning newspapers, and amending section 35:1-2.1 of the Revised Statutes.

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

1 1. Section 35:1-2.1 of the Revised Statutes be and the same is hereby
2 amended to read as follows:

3 35:1-2.1. State publications; qualifications of newspapers. Whenever
4 it is required to publish resolutions, official proclamations, notices or adver-
5 tising of any sort, kind or character, including proposals for bids on public
6 work and otherwise by this State or by any board or body constituted and
7 established for the performance of any State duty or by any State, county,
8 city, borough, township and village official or office or commission, the news-
9 paper or newspapers selected for such publication must meet and satisfy the
10 following qualifications, namely: said newspaper or newspapers shall be
11 printed in the English language, shall have been published continuously for
12 not less than [one] two years and shall have been entered as second-class mail
13 matter under the postal laws and regulations of the United States[.] for a
14 period of two years.

1 2. All acts or parts of acts inconsistent with this act are hereby re-
2 pealed.

1 3. This act shall take effect immediately.

COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 644

STATE OF NEW JERSEY

ADOPTED MAY 9, 1938

AN ACT concerning newspapers, and amending sections 35:1-2.1 and 35:1-2.2
of the Revised Statutes.

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

1 1. Sections 35:1-2.1 and 35:1-2.2 of the Revised Statutes be and the same
2 are hereby amended to read as follows:

3 35:1-2.1. State publications; qualifications of newspapers. Whenever it
4 is required to publish resolutions, official proclamations, notices or advertis-
5 ing of any sort, kind or character, including proposals for bids on public
6 work and otherwise, by this State or by any board or body constituted and
7 established for the performance of any State duty or by any State official
8 or office or commission, the newspaper or newspapers selected for such pub-
9 lication must meet and satisfy the following qualifications, namely: said
10 newspaper or newspapers shall be entirely printed in the English language,
11 shall have been published continuously for not less than [one] two years
12 and shall have been entered as second-class mail matter under the postal laws
13 and regulations of the United States.

14 35:1-2.2. Publications by counties, municipalities, individuals and corpo-
15 rations; qualifications of newspapers. Whenever, by law, it is required that
16 there be published by printing and publishing in a newspaper or newspa-
17 pers ordinances, resolutions or notices or advertisements of any sort, kind
18 or character by any county, city or other municipality or municipal corpora-
19 tion, or by any municipal board or official board, or body, or office, or officials,

20 or by any person or corporation, such newspaper or newspapers must, in ad-
21 dition to any other qualification now required by law, meet the following
22 qualifications, namely: said newspaper or newspapers shall be entirely
23 printed in the English language, shall have been published continuously for
24 not less than [one] two years and shall have been entered as second-class
25 mail matter under the postal laws and regulations of the United States.

1 2. All acts or parts of acts inconsistent with this act are hereby re-
2 pealed.

1 3. This act shall take effect immediately.

SENATE, No. 220

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1941

By Mr. PROCTOR

Referred to Committee on Miscellaneous Business

AN ACT concerning newspapers, and amending sections 35:1-2.1 and 35:1-2.2 of
the Revised Statutes.

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

1 1. Section 35:1-2.1 of the Revised Statutes is amended to read as follows:

2 35:1-2.1. [State publications; qualifications of newspapers.] When-
3 ever it is required to publish resolutions, official proclamations, notices or
4 advertising of any sort, kind or character, including proposals for bids on
5 public work and otherwise, by this State or by any board or body constituted
6 and established for the performance of any State duty or by any State official
7 or office or commission, the newspaper or newspapers selected for such pub-
8 lication must meet and satisfy the following qualifications, namely: said
9 newspaper or newspapers shall be entirely printed in the English language,
10 shall have been published continuously for not less than two years and shall
11 have been entered for two years as second-class mail matter under the postal
12 laws and regulations of the United States. In case a newspaper cannot meet
13 these qualifications itself but has acquired another newspaper which meets
14 these qualifications, the acquiring newspaper shall be deemed to meet these
15 qualifications if it is published in the same municipality and entered in the
16 same post office as was the acquired newspaper.

1 2. Section 35:1-2.2 of the Revised Statutes is amended to read as fol-
2 lows:

3 35:1-2.2. [Publications by counties, municipalities, individuals and cor-
4 porations; qualifications of newspapers.] Whenever, by law, it is required
5 that there be published by printing and publishing in a newspaper or news-
6 papers ordinances, resolutions or notices or advertisements of any sort, kind
7 or character by any county, city or other municipality or municipal corpora-
8 tion, or by any municipal board or official board, or body, or office, or officials,
9 or by any person or corporation, such newspaper or newspapers must, in ad-
10 dition to any other qualification now required by law, meet the following
11 qualifications, namely: said newspaper or newspapers shall be entirely
12 printed in the English language, shall have been published continuously for
13 not less than two years and shall have been entered for two years as second-
14 class mail matter under the postal laws and regulations of the United States.
15 In case a newspaper cannot meet these qualifications itself but has acquired
16 another newspaper which meets these qualifications, the acquiring news-
17 paper shall be deemed to meet these qualifications if it is published in the
18 same municipality and entered in the same post office as was the acquired
19 newspaper.

1 3. All acts or parts of acts inconsistent with this act are repealed.

1 4. This act shall take effect immediately.

STATEMENT

The purpose of this amendment is to clarify present qualifications of news-
papers for legal advertisements and to prevent defeat of the intent of the
present law.

COMMITTEE SUBSTITUTE FOR

SENATE, No. 220

STATE OF NEW JERSEY

ADOPTED MARCH 31, 1941

AN Act concerning newspapers, and amending sections 35:1-2.1 and 35:1-2.2 of the Revised Statutes.

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

1 1. Section 35:1-2.1 of the Revised Statutes is amended to read as follows:
2 35:1-2.1. [State publications; qualifications of newspapers.] When-
3 ever it is required to publish resolutions, official proclamations, notices or
4 advertising of any sort, kind or character, including proposals for bids on
5 public work and otherwise, by this State or by any board or body constituted
6 and established for the performance of any State duty or by any State official
7 or office or commission, the newspaper or newspapers selected for such pub-
8 lication must meet and satisfy the following qualifications, namely: said
9 newspaper or newspapers shall be entirely printed in the English language,
10 shall be printed and published within the State of New Jersey, shall be a
11 newspaper of general circulation possessing a news content of not less than
12 thirty-five per centum (35%), shall have been published continuously for not
13 less than two years and shall have been entered for two years as second-class
14 mail matter under the postal laws and regulations of the United States. In
15 case a newspaper cannot meet these qualifications itself but has acquired
16 another newspaper which meets these qualifications, the acquiring newspaper
17 shall be deemed to meet these qualifications if it is published in the same mu-
18 nicipality and entered in the same post office as was the acquired newspaper.

1 2. Section 35:1-2.2 of the Revised Statutes is amended to read as fol-
2 lows:

3 35:1-2.2. [Publications by counties, municipalities, individuals and cor-
4 porations; qualifications of newspapers.] Whenever, by law, it is required
5 that there be published by printing and publishing in a newspaper or news-
6 papers ordinances, resolutions or notices or advertisements of any sort, kind
7 or character by any county, city or other municipality or municipal corpora-
8 tion, or by any municipal board or official board, or body, or office, or officials,
9 or by any person or corporation, such newspaper or newspapers must, in ad-
10 dition to any other qualification now required by law, meet the following
11 qualifications, namely: said newspaper or newspapers shall be entirely
12 printed in the English language, shall have been published continuously for
13 not less than two years and shall have been entered for two years as second-
14 class mail matter under the postal laws and regulations of the United States.
15 In case a newspaper cannot meet these qualifications itself but has acquired
16 another newspaper which meets these qualifications, the acquiring news-
17 paper shall be deemed to meet these qualifications if it is published in the
18 same municipality and entered in the same post office as was the acquired
19 newspaper.

1 3. All acts or parts of acts inconsistent with this act are repealed.

1 4. This act shall take effect immediately.

STATEMENT

The purpose of this amendment is to clarify present qualifications of newspapers for legal advertisements and to prevent defeat of the intent of the present law.

[OFFICIAL COPY REPRINT]
REVISED COMMITTEE SUBSTITUTE FOR
SENATE, No. 220

STATE OF NEW JERSEY

ADOPTED MARCH 31, 1941

AN Act concerning newspapers, and amending sections 35:1-2.1 and 35:1-2.2 of
the Revised Statutes.

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

1 1. Section 35:1-2.1 of the Revised Statutes is amended to read as follows:

2 35:1-2.1. Whenever it is required to publish resolutions, official
3 proclamations, notices or advertising of any sort, kind or character,
4 including proposals for bids on public work and otherwise, by this
5 State or by any board or body constituted and established for
6 the performance of any State duty or by any State official
7 or office or commission, the newspaper or newspapers selected for such pub-
8 lication must meet and satisfy the following qualifications, namely: said
9 newspaper or newspapers shall be entirely printed in the English language,
10 shall be printed and published within the State of New Jersey, shall be a news-
11 paper of general circulation possessing an average news content of not less
12 than thirty-five per centum (35%), shall have been published continuously for
13 not less than two years and shall have been entered for two years as second-
14 class mail matter under the postal laws and regulations of the United States.
15 In case a newspaper cannot meet these qualifications itself but has acquired
16 another newspaper which meets these qualifications, the acquiring newspaper
17 shall be deemed to meet these qualifications if it is published in the same mu-
18 nicipality and entered in the same post office as was the acquired newspaper.

1 2. Section 35:1-2.2 of the Revised Statutes is amended to read as fol-
2 lows:

3 35:1-2.2. Whenever, by law, it is required that there be pub-
4-5 lished by printing and publishing in a newspaper or newspapers
6 ordinances, resolutions or notices or advertisements of any sort, kind
7 or character by any county, city or other municipality or municipal corpora-
8 tion, or by any municipal board or official board, or body, or office, or officials,
9 or by any person or corporation, such newspaper or newspapers must, in ad-
10 dition to any other qualification now required by law, meet the following
11 qualifications, namely: said newspaper or newspapers shall be entirely
11½ printed in the English language, shall be printed and published within
12 the State of New Jersey, shall be a newspaper of general circulation
12½ possessing an average news content of not less than thirty-five per
13 centum (35%), shall have been published continuously for not less
13½ than two years and shall have been entered for two years as second-
14 class mail matter under the postal laws and regulations of the United States.
15 In case a newspaper cannot meet these qualifications itself but has acquired
16 another newspaper which meets these qualifications, the acquiring news-
17 paper shall be deemed to meet these qualifications if it is published in the
18 same municipality and entered in the same post office as was the acquired
19 newspaper.

1 3. All acts or parts of acts inconsistent with this act are repealed.

1 4. This act shall take effect immediately.

STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1941

By Mr. SCHROEDER

Referred to Committee on Miscellaneous Business

AN ACT concerning newspapers, and amending sections 35:1-2.1 and 35:1-2.2
of the Revised Statutes.

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

1 1. Section 35:1-2.1 of the Revised Statutes is amended to read as fol-
2 lows:

3 35:1-2.1. Whenever it is required to publish resolutions, official procla-
4 mations, notices or advertising of any sort, kind or character, including pro-
5 posals for bids on public work and otherwise, by this State or by any board
6 or body constituted and established for the performance of any State duty
7 or by any State official or office or commission, the newspaper or newspapers
8 selected for such publication must meet and satisfy the following qualifica-
9 tions, namely: said newspaper or newspapers shall be entirely printed in the
10 English language, shall be printed and published within the State of New Jer-
11 sey, shall be a newspaper of general circulation possessing an average news
12 content of not less than thirty-five per centum (35%), shall have been pub-
13 lished continuously in the municipality where its publication office is situ-
14 ate for not less than two years and shall have been entered for two years
15 as second-class mail matter under the postal laws and regulations of the
16 United States. In case a newspaper cannot meet these qualifications, itself,
17 but has acquired another newspaper which meets these qualifications, the
18 acquiring newspaper shall be deemed to meet these qualifications if it is

19 published in the same municipality and entered in the same post office as
20 was the acquired newspaper.

1 2. Section 35:1-2.2 of the Revised Statutes is amended to read as fol-
2 lows:

3 35:1-2.2, Whenever, by law, it is required that there be published by
4 printing and publishing in a newspaper or newspapers ordinances, resolu-
5 tions or notices or advertisements of any sort, kind or character by any
6 county, city or other municipality or municipal corporation, or by any munic-
7 ipal board or official board, or body, or office, or officials, or by any person
8 or corporation, such newspaper or newspapers must, in addition to any
9 other qualification now required by law, meet the following qualifications,
10 namely: said newspaper or newspapers shall be entirely printed in the English
11 language, shall be printed and published within the State of New Jersey,
12 shall be a newspaper of general circulation possessing an average news con-
13 tent of not less than thirty-five per centum (35%), shall have been published
14 continuously in the municipality where its publication office is situate for
15 not less than two years and shall have been entered for two years as sec-
16 ond-class mail matter under the postal laws and regulations of the United
17 States. In case a newspaper cannot meet these qualifications itself but has
18 acquired another newspaper which meets these qualifications, the acquiring
19 newspaper shall be deemed to meet these qualifications if it is published in
20 the same municipality and entered in the same post office as was the acquired
21 newspaper.

1 3. All acts or parts of acts inconsistent with this act are repealed.

1 4. This act shall take effect immediately.

STATEMENT

The purpose of this amendment is to clarify present qualifications of news-
papers for legal advertisements and to prevent defeat of the intent of the
present law.

STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1941

By Mr. SCHROEDER

Referred to Committee on Miscellaneous Business

AN Act concerning newspapers, and amending sections 35:1-2.1 and 35:1-2.2
of the Revised Statutes.

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

1 1. Section 35:1-2.1 of the Revised Statutes is amended to read as fol-
2 lows:

3 35:1-2.1. Whenever it is required to publish resolutions, official procla-
4 mations, notices or advertising of any sort, kind or character, including pro-
5 posals for bids on public work, and otherwise, by this State or by any board
6 or body constituted and established for the performance of any State duty
7 or by any State official or office or commission, the newspaper or newspapers
8 selected for such publication must meet and satisfy the following qualifica-
9 tions, namely: said newspaper or newspapers shall be entirely printed in the
10 English language, shall be printed and published within the State of New Jer-
11 sey, shall be a newspaper of general circulation possessing an average news
12 content of not less than thirty-five per centum (35%), shall have been pub-
13 lished continuously in the municipality where its publication office is situ-
14 ate for not less than two years and shall have been entered for two years
15 as second-class mail matter under the postal laws and regulations of the
16 United States. In case a newspaper cannot meet these qualifications, itself,
17 but has acquired another newspaper which meets these qualifications, the
18 acquiring newspaper shall be deemed to meet these qualifications if it is

19 published in the same municipality and entered in the same post office as
20 was the acquired newspaper.

1 2. Section 35:1-2.2 of the Revised Statutes is amended to read as fol-
2 lows:

3 35:1-2.2. Whenever, by law, it is required that there be published by
4 printing and publishing in a newspaper or newspapers ordinances, resolu-
5 tions or notices or advertisements of any sort, kind or character by any
6 county, city or other municipality or municipal corporation, or by any munic-
7 ipal board or official board, or body, or office, or officials, or by any person
8 or corporation, such newspaper or newspapers must, in addition to any
9 other qualification now required by law, meet the following qualifications,
10 namely: said newspaper or newspapers shall be entirely printed in the English
11 language, shall be printed and published within the State of New Jersey,
12 shall be a newspaper of general circulation possessing an average news con-
13 tent of not less than thirty-five per centum (35%), shall have been published
14 continuously in the municipality where its publication office is situate for
15 not less than two years and shall have been entered for two years as sec-
16 ond-class mail matter under the postal laws and regulations of the United
17 States. In case a newspaper cannot meet these qualifications itself but has
18 acquired another newspaper which meets these qualifications, the acquiring
19 newspaper shall be deemed to meet these qualifications if it is published in
20 the same municipality and entered in the same post office as was the acquired
21 newspaper.

1 3. All acts or parts of acts inconsistent with this act are repealed.

1 4. This act shall take effect immediately.

ASSEMBLY, No. 406

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Mr. JOYA

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning legal newspapers,, and amending sections 35:1-2.1 and
35:1-2.2 of the Revised Statutes.

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

1 1. Section 35:1-2.1 of the Revised Statutes is amended to read as
2 follows:

3 35:1-2.1. Whenever it is required to publish resolutions, official proclama-
4 tions, notices or advertising of any sort, kind or character, including pro-
5 posals for bids on public work and otherwise, by this State or by any board
6 or body constituted and established for the performance of any State duty
7 or by any State official or office or commission, the newspaper or newspapers
8 selected for such publication must meet and satisfy the following qualifica-
9 tions, namely: said newspaper or newspapers shall be entirely printed in
10 the English language, shall be printed and published within the State of
11 New Jersey, shall be a newspaper of general circulation possessing an aver-
12 age news content of not less than thirty-five per centum (35%), shall have
13 been published continuously in the municipality where its publication office is
14 situate for not less than two years and shall have been entered for two years
15 as second-class mail matter under the postal laws and regulations of the
16 United States. In case a newspaper cannot meet these qualifications, itself,
17 but has acquired another newspaper which meets these qualifications, the

18 acquiring newspaper shall be deemed to meet these qualifications if it is
19 published in the same municipality and entered in the same post office as
20 was the acquired newspaper. Continuous publication within the meaning of
21 this section shall not be deemed interrupted by any involuntary suspension
22 of publication resulting from loss, destruction, failure or unavailability of
23 operating facilities, equipment or personnel from whatever cause, and any
24 newspaper so affected shall not be disqualified hereunder in the event that
25 publication is resumed within one week after it again becomes possible.

1 2. Section 35:1-2.2 of the Revised Statutes is amended to read as
2 follows:

3 35:1-2.2. Whenever, by law it is required that there be published by
4 printing and publishing in a newspaper or newspapers ordinances, resolu-
5 tions or notices or advertisements of any sort, kind or character by any
6 county, city or other municipality or municipal corporation, or by any mu-
7 nicipal board or official board, or body, or office, or officials, or by any per-
8 son or corporation, such newspaper or newspapers must, in addition to any
9 other qualification now required by law, meet the following qualifications,
10 namely: said newspaper or newspapers shall be entirely printed in the
11 English language, shall be printed and published within the State of New
12 Jersey, shall be a newspaper of general circulation possessing an average
13 news content of not less than thirty-five per centum (35%), shall have been
14 published continuously in the municipality where its publication office is
15 situate for not less than two years and shall have been entered for two years
16 as second-class mail matter under the postal laws and regulations of the
17 United States. In case a newspaper cannot meet these qualifications itself
18 but has acquired another newspaper which meets these qualifications, the
19 acquiring newspaper shall be deemed to meet these qualifications if it is
20 published in the same municipality and entered in the same post office as was
21 the acquired newspaper. Continuous publication within the meaning of this
22 section shall not be deemed interrupted by any involuntary suspension of
23 publication resulting from loss, destruction, failure or unavailability of oper-

24 ating facilities, equipment or personnel from whatever cause, and any news-
25 paper so affected shall not be disqualified hereunder in the event that pub-
26 lication is resumed within one week after it again becomes possible.

1 3. This act shall take effect immediately.

STATEMENT

The proposed amendment is similar to the legislation adopted in Pennsylvania affecting newspaper publication and heeds the warning set forth in the opinion of the Circuit Court of New Jersey in the case of *In re Bond Printing Co., Inc.*, 48 (2nd series) Atlantic Reporter 291 et seq.

"I can also conceive of other hardships which this legislation could impose on qualified newspapers throughout the State. For instance, a fire or other calamity could so thoroughly wipe out a newspaper plant that it would be necessary to establish a complete new set-up. It is conceivable that in some other municipality a new plant might be readily available, but the transfer of the publication office from one municipality to another would involve the loss of the newspaper's status."

Mr. Thomas moved that the message be received and spread in full upon the Minutes.

Which motion was adopted.

The Clerk read the following message from the Governor:

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953. }

ASSEMBLY BILL No. 406

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 406.

The general purpose of this bill is to protect a newspaper against the loss of its qualification to accept legal advertising under the requirement that it shall be "published *continuously* in the municipality where its publication office is situate for not less than two years". There are occasions when a purely involuntary suspension of publication would work an undue hardship under this provision. The bill as drawn, however, still fails to meet the objections expressed in my message of last year with respect to a similar bill and, in addition, it is in conflict with Assembly 642, which has been approved.

Accordingly, I am returning herewith Assembly Bill No. 406 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend page 1, section 1, line 11, by inserting after the word "general" the word "paid".

Amend page 2, section 1, line 22, by inserting after the word "publication" the words "for a period not exceeding six months,".

Amend page 2, section 1, lines 22 and 23, by striking out the words "failure or unavailability of operating facilities, equipment or personnel from whatever

cause," and insert in lieu thereof the words "mechanical or electrical failure of typesetting equipment or printing presses or the unavailability, due to conditions beyond the control of the publisher, of paper or other materials and supplies necessary for operation, or resulting from a labor dispute with a recognized labor union,".

Amend page 2, section 1, line 25, by striking out the words "one week after it again becomes possible" and inserting in lieu thereof the words "said period of six months".

Amend page 2, section 2, line 12, by inserting after the word "general" the word "paid".

Amend pages 2 and 3, section 2, lines 23 through 26, by striking out all of said lines and inserting in lieu thereof the following: "publication for a period not exceeding six months resulting from loss, destruction, mechanical or electrical failure of typesetting equipment or printing presses or the unavailability, due to conditions beyond the control of the publisher, of paper or other materials and supplies necessary for operation, or resulting from a labor dispute with a recognized labor union, and any newspaper so affected shall not be disqualified hereunder in the event that publication is resumed within said period of six months.".

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

Mr. Thomas moved that the message be received and spread in full upon the Minutes.

Which motion was adopted.

there is no such proof, we are not called upon to determine the question thus posed.

[7] Lastly, it is urged that the public notice of the introduction and the time and place fixed for the consideration of the ordinance was misleading, in that it referred to the transaction as a "gift" rather than a "purchase" of the property, and therefore the ordinance is a nullity.

The point is frivolous. The record shows that the ordinance was published in full, and thus the public was advised as to its specific content.

The writ is dismissed, with costs.



In re BOND PRINTING CO., Inc.

Circuit Court of New Jersey,

Monmouth County,

July 30, 1946.

1. Statutes $\Rightarrow$ 181(1)

In construing statutes, court must ascertain the legislative intent and give effect to it.

2. Newspapers $\Rightarrow$ 3(1)

A newspaper which had possessed all statutory qualifications for legal advertising for many years could change its name without affecting its status but could not maintain its status after purchaser of newspaper not only changed the name but moved the publication office to a nearby city. N.J.S.A. 35:1-2.1, 35:1-2.2, 35:1-3.

3. Newspapers $\Rightarrow$ 3(1)

A newspaper qualified under statute for legal advertising cannot transfer that status to any purchasing or acquiring non-qualified paper if its purchaser moves its publication office to another municipality and this is true even though a fire or other calamity so thoroughly wipe out a newspaper plant that it would be necessary to establish a complete new set-up involving transfer of the publication office from one

municipality to another. N.J.S.A. 35:1-2.1, 35:1-2.2.

4. Newspapers $\Rightarrow$ 3(1)

Qualifications of a newspaper seeking to be declared a qualified newspaper for legal advertising must be tested with respect to whether or not the paper has been published in the same municipality where-in publication office is presently situated for a period of not less than two years, and if paper fails to meet that test, court must adjudge it to be an unqualified paper until the minimum period of two years has elapsed. N.J.S.A. 2:26-66, 35:1-2.1, 35:1-2.2.

Proceeding in the matter of the application of the Bond Printing Company, Inc., trading as Asbury Park Sun, for a declaratory judgment for a determination of its rights, status and other legal relations under the statutes relating to legal advertising.

Judgment in accordance with opinion.

Vincent P. Keuper, of Asbury Park, and Joseph Lanigan, of Trenton, for applicant.

Morgan R. Sciffert, of New Brunswick, for defendant New Jersey Press Ass'n.

KINKEAD, Judge.

The Bond Printing Company, Inc., trading as the Asbury Park Sun, has filed a petition for a declaratory judgment pursuant to the provisions of R.S. 2:26-66 et seq., N.J.S.A., adjudging the rights, status and legal relations of the Asbury Park Sun under R.S. 35:1-2.1 and 35:1-2.2, as amended by Chapter 409, Pamph.L.1941, N.J.S.A.

By consent of the petitioner, the New Jersey Press Association has been admitted as a party defendant to the proceeding for the reason that it has an interest therein, because the newspaper publishing business is concerned and affected by the legal question involved in this proceeding.

For many years, a newspaper known as the Red Bank Daily Standard was published in the Borough of Red Bank, which borough is approximately 15 miles from the City of Asbury Park. In the latter part of 1945, the Bond Printing Company, Inc. was formed, and it purchased the assets of the

Red Bank Daily Standard. In the month of December 1945, an announcement was published in the Red Bank Daily Standard that said newspaper would thereafter be known as the Asbury Park Sun. Furthermore, pursuant to the provisions of R.S. 35:1-3, N.J.S.A., there was filed and duly recorded in the office of the clerk of Monmouth County and in the office of the Secretary of State a certificate, whereby the name The Red Bank Daily Standard was changed to that of the Asbury Park Sun.

The publication office of the newspaper was moved from Red Bank to Asbury Park. For a short period of time thereafter, no newspaper was published, but finally during the month of January 1946, the Asbury Park Sun commenced publication.

The two statutes involved in this application specify the qualifications which are necessary to render any newspaper eligible for state, county or municipal legal advertising. The two statutes are practically identical, with the exception that R.S. 35:1-2.1, N.J.S.A., applies to state advertising, and R.S. 35:1-2.2, N.J.S.A., applies to county and municipal advertising.

The requisites qualifying any newspaper for legal advertising are substantially as follows:

1. It shall be entirely printed in the English language.
2. It shall be printed and published within the State of New Jersey.
3. It shall be a newspaper of general circulation, possessing an average news content of not less than thirty-five per centum.
4. *It shall have been published continuously in the municipality where its publication office is situate for not less than two years. (Italics supplied.)*
5. It shall have been entered for two years as second class mail matter under the postal laws and regulations of the United States.

In this proceeding, we are principally concerned with the interpretation of the fourth qualification as above specified.

In December 1945, the Red Bank Daily Standard had possessed for many years all of the statutory qualifications requisite for

legal advertising. Furthermore, it could have changed its name to the Asbury Park Sun without affecting its status, if it had continued to maintain its publication office in Red Bank.

The issue, therefore, which this proceeding presents for decision is as to whether the Standard, after changing its name to the Asbury Park Sun, can also proceed to change its publication office from Red Bank to Asbury Park without affecting its statutory qualifications.

There is nothing in the respective statutes which prohibits any legally qualified newspaper from doing what the Standard has done in the instant case, and there is nothing therein which sanctions such a course.

There are no cases in this state, or in any other jurisdiction, which are dispositive of the issue. There are a limited number of decisions which bear remotely on the points involved. In *Lewis v. City of Newark*, 74 N.J.L. 308, 65 A. 1039, the Newark Advertiser, an evening paper, published a morning paper called the Morning Star. This latter paper had been published for only two months, whereas the legislative act required that a newspaper must be continuously published for one year in order to qualify for publication of legal notices and proceedings. It was argued that the Advertiser published the Star as a morning edition, and thus it was in effect the same newspaper. The court held that the titles were different and that the newspapers were separate and distinct within the contemplation of the laws governing the publication of ordinances.

In *Montesano v. Liberty Warehouse Co.*, 121 N.J.L. 124, 1 A.2d 462, 463, the Jersey Observer was printed in Hoboken and had its main office there. A branch office was established in Union City, to which some of the newspapers were dispatched and from there locally distributed. It was conceded that the printing was not done at the branch office, but it was also conceded that a newspaper may be published where it is not printed. The Court of Errors and Appeals held that the newspaper was not published in Union City and gave the definition that "the place of publication of a

newspaper is where the paper is first put into circulation, where it is first issued to be delivered or sent, by mail or otherwise, to its subscribers."

In *Bayer v. Mayor, etc., of Hoboken*, 44 N.J.L. 131, a newspaper known as the *Hoboken Advertiser* had its office in Hoboken. In addition, the entire matter for the newspaper was composed, set up and placed in forms in Hoboken, after which the forms were sent over to New York City where the press work was done. The papers were then brought back to the office in Hoboken from whence they were issued to subscribers. The Supreme Court held that the newspaper, within the reason and spirit of the law, was printed and published in Hoboken.

[1] In construing legislation, it is the duty of the Court to ascertain the legislative intent and give effect to it. Mr. Justice Hcher, speaking for the Supreme Court in *Lynch v. Long Branch*, 111 N.J. L. 148, at page 151, 167 A. 664, at page 666, held: "It is an established rule in the exposition of statutes that the intention of the Legislature is to be derived from a view of the whole and of every part of the statute, taken and compared together. The real intention, when ascertained, will prevail over the literal sense of terms. When words are not explicit, the intention is to be collected from the context and the occasion and the necessity of the law and from the mischief felt, and the remedy in view; and the intention is to be taken or presumed according to what is consonant to reason and good discretion. In re *Merrill*, 88 N.J.Eq. 261, 273, 102 A. 400."

[2] When a newspaper has become qualified by being published continuously for two years in the same municipality, can it then move about the state and change its publication office at will without affecting its status?

I think not. I believe that a qualified newspaper retains its status only during such period as it continues to be published in the same municipality where it had acquired its statutory qualification.

A newspaper is an important factor in the life and well-being of the community where it is published, and the area where it

circulates. It becomes identified with its domicile in a special manner because of its influence on public opinion and its power for good.

The two statutes under consideration were clearly enacted for the protection of the newspaper business as a whole, and part of the protection provided was to require a newspaper to prove its stability by publishing continuously in a municipality for at least two years before it could become eligible to derive revenue from state, county or municipal legal advertising.

The *Red Bank Daily Standard* had been established for a number of years in Red Bank. It was legally qualified in Red Bank. It could have retained its qualification by continuing to publish there as the *Red Bank Daily Standard*. It could have changed its name to the *Asbury Park Sun* and have retained its qualification if it had continued to be published in Red Bank. But the qualification acquired in Red Bank could not be transferred to the new publication office in Asbury Park.

The phrasing of the final paragraph of each statute is significant: "In case a newspaper cannot meet these qualifications itself but has acquired another newspaper which meets these qualifications, the acquiring newspaper shall be deemed to meet these qualifications if it is published in the same municipality and entered in the same post office as was the acquired newspaper."

[3] Thus a qualified newspaper cannot transfer its status to any purchasing or acquiring nonqualified paper, if its purchaser moves its publication office to another municipality. The publication office must remain in the same community, otherwise such a sale does not carry with it to the acquiring newspaper the qualified legal advertising status of the acquired paper.

To adopt the reasoning of the petitioner would be to conclude that the legislative intent was to permit a qualified newspaper, to move its publication office about the state at will, without loss of its qualified status, while at the same time, precluding a qualified paper from transferring its qualified status by the type of sale above outlined. I cannot concur in that reasoning, and must hold to the contrary.

There can be no question but that the ruling of the Court imposes a hardship on the Asbury Park Sun. The qualified status which the Red Bank Daily Standard had acquired during its publication in Red Bank has been lost, and the Asbury Park Sun will be required to be published continuously in Asbury Park for a period of at least two years before it can regain that qualified status.

I can also conceive of other hardships which this legislation could impose on qualified newspapers throughout the state. For instance, a fire or other calamity could so thoroughly wipe out a newspaper plant that it would be necessary to establish a complete new setup. It is conceivable that in some other municipality a new plant might be readily available. But the transfer of the publication office from one municipality to another would involve the loss of the newspaper's status.

Such matters, however, are the concern of the New Jersey Press Association. If they are deemed sufficiently important, I daresay that remedial legislation will be introduced by the legislature.

In fairness to the Asbury Park Sun, I should state that it is quite clear that this legislation was not designed for protection against such a publication as that newspaper has proven itself to be. The Asbury Park Sun, from its inception, has been a vigorous, virile, and interesting newspaper. Its stability has already been established. It has made its impress on the area where it serves, and its success in the newspaper field seems to be assured.

I feel that I should state further that the New Jersey Press Association, in contesting this application, does not impugn the motives of the Asbury Park Sun. At the time of the hearing of this matter before the Court, counsel for the defendant read into the record the following letter of the New Jersey Press Association which authorized him to appear on behalf of the Association in this proceeding:

"In opposing the petition, the Association has no ill will for the Asbury Park Sun, but is here because any judgment by this Court would affect all newspapers and

all municipalities in the state. The Association, which has supported all legislation to raise the standards of newspapers in the state, feels obligated to make every reasonable effort to sustain the laws which it has supported over the years.

"What properly constitutes a newspaper for publication of public notices involves matters of far-reaching importance. It is vital to both individual and public interests to be put on notice regarding any action, public or private, which may affect the rights of the individual, the community, or some group in the community." Because of the quasi-public nature of newspapers, it is vitally important that we have an adequate and proper definition of what constitutes a newspaper eligible for legal notices.

"Sometimes it is desired by those placing legal notices, both public and private, to select the least effective newspaper rather than the most effective medium for publication. Statutory definition of a newspaper helps prevent attempts to nullify the public purpose of legal notices."

While it is amply clear that the statutes in question were primarily enacted to protect established newspapers from the so-called "fly-by-night" type, it is equally clear that the legislation affects with equal force, until January 1948, even such a robust, stable publication as the Asbury Park Sun has demonstrated itself to be.

[4] I conclude that any time a newspaper seeks a declaratory judgment, adjudging it to be a qualified newspaper under R.S. 35:1-2.1, N.J.S.A., and R.S. 35:1-2.2, N.J.S.A., that the Court must test its qualification with respect to the fourth requisite by determining whether or not said newspaper has been published continuously in the same municipality where its publication office is presently situate for a period of not less than two years. When, as in the instant case, a newspaper fails to meet that test, the Court must adjudge it a non-qualified paper, until the minimum period of two years has elapsed. The petitioner's application for a declaratory judgment is accordingly denied.