

20:1-3.1

August 19, 1969

LEGISLATIVE HISTORY OF R.S. 20:1-3.1
(Land etc. needed for defense; procedure; compensation)

L. 1942, chapter 14 - A1

February 2 - Introduced for Speaker.
February 9 - Passed in Assembly, amended.
February 9 - Passed in Senate, amended.
February 9 - Senate amendment passed in Assembly.
February 14 - Approved, chapter 14.
Amended during passage, copy attached.

COPY NO. 1

The above law was amended by:

L. 1947, chapter 353 - A423

March 11 - Introduced by Brescher.
March 24 - Passed in Assembly.
April 1 - Passed in Senate.
June 26 - Approved, Chapter 353
Not amended during passage.

We have no clippings dating back to the enactment of these laws.
No hearings or reports were located.

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ASSEMBLY, No. 1

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1942

By Mr. AMLICKE

(For the Speaker)

Referred to Committee on National Defense

AN ACT concerning the ascertainment and payment for property condemned or taken for public use in certain cases and the right to enter into possession of said property so taken or condemned, and supplementing Title 20 of the Revised Statutes.

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

1 1. Whenever any county or municipality shall determine to acquire
2 unimproved lands, to be used by the United States of America, the State
3 of New Jersey or said county or municipality, for national or State Defense,
4 by condemnation pursuant to Title 20 of the Revised Statutes, and shall state
5 in its petition for condemnation, in said proceedings, the sum of money esti-
6 mated by said petitioner to be just compensation for the lands so to be taken
7 and that it is necessary for the purposes of national or State Defense that
8 said petitioner enter into possession of said lands immediately, which state-
9 ments shall be verified in the same manner as the other allegations of said
10 petition, the Justice of the Supreme Court or judge of the circuit court, to
11 whom said petition is presented, on the application for the appointment of
12 commissioners, in said proceeding, may order that said sum of money may be
13 paid into the Court of Chancery to be held and disposed of for the pur-
14 poses of and in the manner provided by this act, and that immediately upon

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15 the payment of said sum of money into the Court of Chancery said county
16 or municipality may enter upon and take possession of said lands for the
17 purposes for which the same were determined to be taken, and that notice
18 of said payment of said sum into the Court of Chancery shall be given to
19 the owner, owners, occupants and other persons interested in said lands, as
20 the case may be, in the same manner as is required by section 20:1-3 of
21 the Revised Statutes as to notice of hearing of the petition.

1 2. Said sum of money shall be paid into the Court of Chancery by order
2 of the Chancellor on petition addressed to him to which petition shall be
3 annexed a copy of the petition in condemnation.

1 3. Upon the making of said order by said justice or judge and the pay-
2 ment of said sum of money into the Court of Chancery, the said county or
3 municipality may enter upon and take possession of said lands for the pur-
4 poses for which the same were determined to be taken and such entry upon
5 and taking possession of said lands shall constitute a waiver of the right
6 of said county or municipality to abandon the proceedings taken to condemn
7 the same, then or thereafter.

1 4. The amount of the award made in said condemnation proceedings
2 either by the report of the commissioners therein or by final judgment
3 entered in any proceeding on appeal from the report of the commissioners,
4 as the case may be, shall be payable out of the fund so paid into the Court
5 of Chancery, which shall be distributed, among the claimants thereto, upon
6 petition addressed to the Chancellor, in the same manner as payment and
7 distribution is made of moneys paid into the Court of Chancery in pro-
8 ceedings in condemnation, pursuant to Title 20 of the Revised Statutes, and
9 the report of the commissioners filed or the final judgment entered in any
10 proceedings on appeal from such report in the proceedings for condemna-
11 tion, as the case may be, shall be ptenary evidence of the right of the owner,
12 owners, occupants and other persons interested in said lands, as the case
13 may be, to recover the amount awarded thereby first out of said fund so
14 deposited in the Court of Chancery.

1 5. If the amount of said award shall exceed the amount of said fund,
2 the said report of the commissioners or said final judgment, as the case may
3 be, shall be plenary evidence of the right of the owner, owners, occupants
4 and other persons interested in said lands, as the case may be, to recover
5 the amount of the excess of said award, over and above the amount of said
6 fund, with interest and costs, in an action upon contract in any court of
7 competent jurisdiction to be instituted against the petitioner after neglect
8 to pay the same into the Court of Chancery for twenty days after the time
9 of the filing of said report or the entry of said final judgment, as the case
10 may be, and shall from said time be enforceable as a lien upon the lands taken
11 and any improvements thereon.

1 6. Written notice of the payment of any such excess with interest and
2 costs into the Court of Chancery shall be given to the owner, owners, occu-
3 pants and other persons interested in the land so taken, as the case may be,
4 in the same manner as is required by section 20:1-15 of the Revised Statutes
5 in cases where the entire award is paid into said court.

1 7. In event that the amount of said fund shall be less than the amount of
2 said award, and said excess, with interest and costs, shall not be paid into
3 the Court of Chancery, as hereinbefore provided, distribution of said fund
4 shall be made pro rata to the various claimants thereto according to their
5 various claims, as allowed by the Court of Chancery, and the Court of Chan-
6 cery shall by its order, at the same time, determine the amounts payable to
7 each of such claimants out of such excess, with interest and costs, which de-
8 termination shall be conclusive evidence of the rights of the claimants therein.

1 8. In the event that the amount of said award, with interest and costs,
2 shall be less than the fund so paid into the Court of Chancery the excess of
3 said fund shall be repaid to said county or municipality by order of the
4 Chancellor upon the petition of said county or municipality.

1 9. In event that all of the owners, occupants and other persons interested
2 in said lands so taken shall agree in writing, duly acknowledged, to accept
3 the said sum so deposited in the Court of Chancery as full compensation for

4 said lands, said agreement in writing shall be conclusive evidence of the
5 value of said lands for the purposes of said award and conclusive evidence of
6 the right of said owners, occupants and other persons interested in said lands
7 to receive said fund upon the making of said award.

1 10. The provisions of this act shall not be construed to prevent any mu-
2 nicipality from retaining from or recovering out of any moneys paid by it
3 into the Court of Chancery, under the provisions of this act, any sum or
4 sums due to such municipality at the time of the filing of the petition in con-
5 demnation, for taxes or other municipal liens or charges against the lands
6 taken in condemnation.

1 11. This act shall take effect immediately.

STATEMENT

The purpose of this act is to help speed national defense by permitting the State, any county, or any municipal corporation, to take possession of unimproved land so that work on airports and other defense projects may be started immediately instead of waiting until a Commissioner's Report is filed under the present act.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1942

By Mr. AMLICKE

(For the Speaker)

Referred to Committee on National Defense

AN Act concerning the ascertainment and payment of compensation for property condemned or taken for public use in certain cases and the right to enter into possession of said property so taken or condemned, and supplementing Title 20 of the Revised Statutes.

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

1 1. Whenever any county or municipality shall determine to acquire
2 unimproved lands, to be used by the United States of America, the State
3 of New Jersey or said county or municipality, for national or State Defense,
4 by condemnation pursuant to Title 20 of the Revised Statutes, and shall state
5 in its petition for condemnation, in said proceedings, the sum of money esti-
6 mated by said petitioner to be just compensation for the lands so to be taken
7 and that it is necessary for the purposes of national or State Defense that
8 said petitioner enter into possession of said lands immediately, which state-
9 ments shall be verified in the same manner as the other allegations of said
10 petition, the Justice of the Supreme Court or judge of the circuit court, to
11 whom said petition is presented, on the application for the appointment of
12 commissioners, in said proceeding, may order that said sum of money may be
13 paid into the Court of Chancery to be held and disposed of for the pur-
14 poses of and in the manner provided by this act, and that immediately upon

15 the payment of said sum of money into the Court of Chancery said county
16 or municipality may enter upon and take possession of said lands for the
17 purposes for which the same were determined to be taken, and that notice
18 of said payment of said sum into the Court of Chancery shall be given to
19 the owner, owners, occupants and other persons interested in said lands, as
20 the case may be, in the same manner as is required by section 20:1-3 of
21 the Revised Statutes as to notice of hearing of the petition.

1 2. Said sum of money shall be paid into the Court of Chancery by order
2 of the Chancellor on petition addressed to him to which petition shall be
3 annexed a copy of the petition in condemnation.

1 3. Upon the making of said order by said justice or judge and the pay-
2 ment of said sum of money into the Court of Chancery, the said county or
3 municipality may enter upon and take possession of said lands for the pur-
4 poses for which the same were determined to be taken and such entry upon
5 and taking possession of said lands shall constitute a waiver of the right
6 of said county or municipality to abandon the proceedings taken to condemn
7 the same, then or thereafter.

1 4. The amount of the award made in said condemnation proceedings
2 either by the report of the commissioners therein or by final judgment
3 entered in any proceeding on appeal from the report of the commissioners,
4 as the case may be, shall be payable out of the fund so paid into the Court
5 of Chancery, which shall be distributed, among the claimants thereto, upon
6 petition addressed to the Chancellor, in the same manner as payment and
7 distribution is made of moneys paid into the Court of Chancery in pro-
8 ceedings in condemnation, pursuant to Title 20 of the Revised Statutes, and
9 the report of the commissioners filed or the final judgment entered in any
10 proceedings on appeal from such report in the proceedings for condemna-
11 tion, as the case may be, shall be plenary evidence of the right of the owner,
12 owners, occupants and other persons interested in said lands, as the case
13 may be, to recover the amount awarded thereby first out of said fund so
14 deposited in the Court of Chancery.

1 5. If the amount of said award shall exceed the amount of said fund,
2 the said report of the commissioners or said final judgment, as the case may
3 be, shall be plenary evidence of the right of the owner, owners, occupants
4 and other persons interested in said lands, as the case may be, to recover
5 the amount of the excess of said award, over and above the amount of said
6 fund, with interest and costs, in an action upon contract in any court of
7 competent jurisdiction to be instituted against the petitioner after neglect
8 to pay the same into the Court of Chancery for twenty days after the time
9 of the filing of said report or the entry of said final judgment, as the case
10 may be, and shall from said time be enforceable as a lien upon the lands taken
11 and any improvements thereon.

1 6. Written notice of the payment of any such excess with interest and
2 costs into the Court of Chancery shall be given to the owner, owners, occu-
3 pants and other persons interested in the land so taken, as the case may be,
4 in the same manner as is required by section 20:1-15 of the Revised Statutes
5 in cases where the entire award is paid into said court.

1 7. In event that the amount of said fund shall be less than the amount of
2 said award, and said excess, with interest and costs, shall not be paid into
3 the Court of Chancery, as hereinbefore provided, distribution of said fund
4 shall be made pro rata to the various claimants thereto according to their
5 various claims, as allowed by the Court of Chancery, and the Court of Chan-
6 cery shall by its order, at the same time, determine the amounts payable to
7 each of such claimants out of such excess, with interest and costs, which de-
8 termination shall be conclusive evidence of the rights of the claimants therein.

1 8. In the event that the amount of said award, with interest and costs,
2 shall be less than the fund so paid into the Court of Chancery the excess of
3 said fund shall be repaid to said county or municipality by order of the
4 Chancellor upon the petition of said county or municipality.

1 9. In event that all of the owners, occupants and other persons interested
2 in said lands so taken shall agree in writing, duly acknowledged, to accept
3 the said sum so deposited in the Court of Chancery as full compensation for

4 said lands, said agreement in writing shall be conclusive evidence of the
5 value of said lands for the purposes of said award and conclusive evidence of
6 the right of said owners, occupants and other persons interested in said lands
7 to receive said fund upon the making of said award.

1 10. The provisions of this act shall not be construed to prevent any mu-
2 nicipality from retaining from or recovering out of any moneys paid by it
3 into the Court of Chancery, under the provisions of this act, any sum or
4 sums due to such municipality at the time of the filing of the petition in con-
5 demnation, for taxes or other municipal liens or charges against the lands
6 taken in condemnation.

1 11. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]
SENATE AMENDMENTS TO
ASSEMBLY, No. 1

STATE OF NEW JERSEY

ADOPTED FEBRUARY 9, 1942

Page 1, section 1, line 1, amend by inserting after the word "whenever" the words "the State or any commission, official, board or body thereof or".

Page 1, section 1, line 2, amend by striking out the word "unimproved" and inserting after the word "lands" the words "easements, rights-of-way or other property".

Page 1, section 1, line 3, amend by inserting after the word "for" the word "furthering".

Page 1, section 1, line 7, amend by striking out the words "the purposes of" and inserting in lieu thereof the word "furthering".

Page 1, section 1, line 8, amend by inserting after the word "lands" the words "easements, rights-of-way or other property".

Page 2, section 1, line 15, amend by inserting after the word "Chancery" the words "the State or said commission, official, board or body thereof or".

Page 2, section 1, line 16, amend by inserting after the word "lands" the words "easements, rights-of-way or other property".

Page 2, section 1, line 19, amend by striking out the words "owner," "other" and "in said lands, as".

Page 2, section 1, line 20, amend by striking out the words "the case may be".

Page 2, section 3, line 2, amend by inserting before the word "said" the words "State or said commission, official, board or body thereof or".

Page 2, section 3, line 3, amend by inserting after the word "lands" the words "easements, rights-of-way or other property".

Page 2, section 3, line 5, amend by inserting after the word "lands" the words "easements, rights-of-way or other property".

Page 2, section 3, line 6, amend by inserting before the word "said" the words "the State or said commission, official, board or body thereof or".

Page 2, section 4, line 11, amend by striking out the word "owner,".

Page 2, section 4, line 12, amend by striking out the words "other" "in said lands, as the case".

Page 2, section 4, line 13, amend by striking out the words "may be,".

Page 3, section 5, line 3, amend by striking out the word "owner".

Page 3, section 5, line 4, amend by striking out the words "other" "in said lands, as the case may be,".

Page 3, section 5, line 10, amend by striking out the word "and" and inserting in lieu thereof "but" and by striking out the words "from said time" and inserting in lieu thereof "not" and inserting after the word "lands" the words "easements, rights-of-way or other property".

Page 3, section 6, line 2, amend by striking out the word "owner,".

Page 3, section 6, line 3, amend by striking out the words "other" and "in the land so taken, as the case may be,".

Page 3, section 8, line 3, amend by inserting before the words "said county" the words "the State or said commission, official, board or body thereof or".

Page 3, section 8, line 4, amend by inserting before the words "said county" the words "the State or said commission, official, board or body thereof or".

Page 3, section 9, line 1, amend by striking out the word "other".

Page 3, section 9, line 2, amend by striking out the words "in said lands so taken".

Page 4, section 9, line 4, amend by inserting after the word "lands" the words "easements, rights-of-way or other property".

Page 4, section 9, line 5, amend by inserting after the word "lands" the words "easements, rights-of-way or other property".

Page 4, section 9, line 6, amend by striking out "other", "in said lands".

Page 4, section 10, lines 4 and 5, amend by striking out the words "at the time of the filing of the petition in condemnation,".

Page 4, section 10, line 5, amend by striking out the words "the lands" and inserting in lieu thereof "any property".

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1942

By Mr. AMLICKE

(For the Speaker)

Referred to Committee on National Defense

AN ACT concerning the ascertainment and payment of compensation for property condemned or taken for public use in certain cases and the right to enter into possession of said property so taken or condemned, and supplementing Title 20 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
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1 1. Whenever the State or any commission, official, board or body thereof
2 or any county or municipality shall determine to acquire lands, easements,
3 rights-of-way or other property to be used by the United States of Amer-
4 ica, the State of New Jersey or said county or municipality, for furthering
5 national or State Defense, by condemnation pursuant to Title 20 of the
6 Revised Statutes, and shall state in its petition for condemnation, in said
7 proceedings, the sum of money estimated by said petitioner to be just com-
8 pensation for the lands so to be taken and that it is necessary for further-
8½ ing national or State Defense that said petitioner enter into possession of
9 said lands, easements, rights-of-way or other property immediately, which
9½ statements shall be verified in the same manner as the other allegations of said
10 petition, the Justice of the Supreme Court or judge of the circuit court, to
11 whom said petition is presented, on the application for the appointment of
12 commissioners, in said proceeding, may order that said sum of money may be

13 paid into the Court of Chancery to be held and disposed of for the pur-
14 poses of and in the manner provided by this act, and that immediately upon
15 the payment of said sum of money into the Court of Chancery the State or
16 said commission, official, board or body thereof or said county or munici-
17 pality may enter upon and take possession of said lands, easements, rights-
18 of-way or other property for the purposes for which the same were deter-
19 mined to be taken, and that notice of said payment of said sum into the Court
20 of Chancery shall be given to the owners, occupants and persons interested
21 in the same manner as is required by section 20:1-3 of the Revised Statutes
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1 2. Said sum of money shall be paid into the Court of Chancery by order
2 of the Chancellor on petition addressed to him to which petition shall be
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5 way or other property for the purposes for which the same were determined
6 to be taken, and such entry upon and taking possession of said lands, ease-
7 ments, rights-of-way or other property shall constitute a waiver of the right
8 of the State or said commission, official, board or body thereof or said county
9 or municipality to abandon the proceedings taken to condemn the same, then or
10 thereafter.

1 4. The amount of the award made in said condemnation proceedings
2 either by the report of the commissioners therein or by final judgment
3 entered in any proceeding on appeal from the report of the commissioners,
4 as the case may be, shall be payable out of the fund so paid into the Court
5 of Chancery, which shall be distributed, among the claimants thereto, upon
6 petition addressed to the Chancellor, in the same manner as payment and
7 distribution is made of moneys paid into the Court of Chancery in pro-
8 ceedings in condemnation, pursuant to Title 20 of the Revised Statutes, and

9 the report of the commissioners filed or the final judgment entered in any
10 proceedings on appeal from such report in the proceedings for condemna-
11 tion, as the case may be, shall be plenary evidence of the right of the owners,
12 occupants and persons interested to recover the amount awarded thereby
13 first out of said fund so deposited in the Court of Chancery.

1 5. If the amount of said award shall exceed the amount of said fund,
2 the said report of the commissioners or said final judgment, as the case may
3 be, shall be plenary evidence of the right of the owners, occupants and persons
4 interested to recover the amount of the excess of said award, over and above
5 the amount of said fund, with interest and costs, in an action upon contract
6 in any court of competent jurisdiction to be instituted against the peti-
7 tioner after neglect to pay the same into the Court of Chancery for twenty
8 days after the time of the filing of said report or the entry of said final judg-
9 ment, as the case may be, but shall not be enforceable as a lien upon the lands,
10 easements, rights-of-way or other property taken and any improvements
11 thereon.

1 6. Written notice of the payment of any such excess with interest and
2 costs into the Court of Chancery shall be given to the owners, occupants and
3 persons interested in the same manner as is required by section 20-1-15 of
4 the Revised Statutes in cases where the entire award is paid into said court.

1 7. In event that the amount of said fund shall be less than the amount of
2 said award, and said excess, with interest and costs, shall not be paid into
3 the Court of Chancery, as hereinbefore provided, distribution of said fund
4 shall be made pro rata to the various claimants thereto according to their
5 various claims, as allowed by the Court of Chancery, and the Court of Chan-
6 cery shall by its order, at the same time, determine the amounts payable to
7 each of such claimants out of such excess, with interest and costs, which de-
8 termination shall be conclusive evidence of the rights of the claimants therein.

1 8. In the event that the amount of said award, with interest and costs,
2 shall be less than the fund so paid into the Court of Chancery the excess of
3 said fund shall be repaid to the State or said commission, official, board or

4 body thereof or said county or municipality by order of the Chancellor upon
5 the petition of the State or said commission, official, board or body thereof
6 or said county or municipality.

1 9. In event that all of the owners, occupants and persons interested shall
2 agree in writing, duly acknowledged, to accept the said sum so deposited in
3 the Court of Chancery as full compensation for said lands, easements, rights-
4 of-way or other property, said agreement in writing shall be conclusive evi-
5 dence of the value of said lands, easements, rights-of-way or other property
6 for the purposes of said award and conclusive evidence of the right of said
7 owners, occupants and persons interested to receive said fund upon the mak-
8 ing of said award.

1 10. The provisions of this act shall not be construed to prevent any mu-
2 nicipality from retaining from or recovering out of any moneys paid by it
3 into the Court of Chancery, under the provisions of this act, any sum or
4 sums due to such municipality, for taxes or other municipal liens or charges
5 against any property taken in condemnation.

1 11. This act shall take effect immediately.

ASSEMBLY, No. 423

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1947

By Mr. BRESCHER

Referred to Committee on Judiciary

AN ACT to amend "An act concerning the ascertainment and payment of compensation for property condemned or taken for public use in certain cases and the right to enter into possession of said property so taken or condemned, and supplementing Title 20 of the Revised Statutes," approved February fourteenth, one thousand nine hundred and forty-two (P. L. 1942, c. 14).

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 is amended to
2 read as follows:

3 1. Whenever the State or any commission, official, board or body thereof
4 or any county or municipality shall determine to acquire lands, easements,
5 rights-of-way or other property to be used by the United States of America,
6 the State of New Jersey or said county or municipality, for furthering
7 national or State defense, or for developing or building airports or providing
8 surface or aerial approaches thereto, by condemnation pursuant to Title 20
9 of the Revised Statutes, and shall state in its petition for condemnation, in
10 said proceedings, the sum of money estimated by said petitioner to be just
11 compensation for the lands, easements, rights-of-way or other property so to
12 be taken and that it is necessary for furthering national or State defense,
13 or for developing or building airports or providing surface or aerial ap-

14 proaches thereto, that said petitioner enter into possession of said lands,
15 easements, rights-of-way or other property immediately, which statements
16 shall be verified in the same manner as the other allegations of said petition,
17 the Justice of the Supreme Court or judge of the Circuit Court, to whom the
18 said petition is presented, on the application for the appointment of com-
19 missioners, in said proceeding, may order that said sum of money may be
20 paid into the Court of Chancery to be held and disposed of for the purposes
21 of and in the manner provided by this act, and that immediately upon the
22 payment of said sum of money into the Court of Chancery the State or said
23 commission, official, board or body thereof or said county or municipality
24 may enter upon and take possession of said lands, easements, rights-of-way
25 or other property for the purposes for which the same were determined to
26 be taken, and that notice of said payment of said sum into the Court of
27 Chancery shall be given to the owners, occupants and persons interested in
28 the same manner as is required by section 20:1-3 of the Revised Statutes as
29 to notice of hearing of the petition.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to amend existing law relating to condemnation by the State, counties and municipalities for furthering national or State defense, so as to give the State, counties and municipalities a similar right of condemnation for airport purposes, thus expediting the condemnation procedure so that the State, counties and municipalities may take immediate advantage of Federal grants for airport purposes.

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ASSEMBLY, No. 423

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1947

By Mr. BRESCHER

Referred to Committee on Judiciary

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7 national or State defense, or for developing or building airports or providing
8 surface or aerial approaches thereto, by condemnation pursuant to Title 20
9 of the Revised Statutes, and shall state in its petition for condemnation, in
10 said proceedings, the sum of money estimated by said petitioner to be just
11 compensation for the lands, easements, rights-of-way or other property so to
12 be taken and that it is necessary for furthering national or State defense,
13 or for developing or building airports or providing surface or aerial ap-

14 proaches thereto, that said petitioner enter into possession of said lands,
15 easements, rights-of-way or other property immediately, which statements
16 shall be verified in the same manner as the other allegations of said petition,
17 the Justice of the Supreme Court or judge of the Circuit Court, to whom the
18 said petition is presented, on the application for the appointment of com-
19 missioners, in said proceeding, may order that said sum of money may be
20 paid into the Court of Chancery to be held and disposed of for the purposes
21 of and in the manner provided by this act, and that immediately upon the
22 payment of said sum of money into the Court of Chancery the State or said
23 commission, official, board or body thereof or said county or municipality
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25 or other property for the purposes for which the same were determined to
26 be taken, and that notice of said payment of said sum into the Court of
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29 to notice of hearing of the petition.

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