

SENATE, No. 141

(R. S. 2:26-9)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1938

By Mr. HENDRICKSON

(Without Reference)

AN ACT to permit executors and administrators to have an action for any trespass done to the person of their testator or intestate and to amend section 2:26-9 of the Revised Statutes.

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

1 1. Section 2:26-9 of the Revised Statutes is hereby amended to read as
2 follows:

3 2:26-9. Executors and administrators may have an action for any tres-
4 pass done to the person or property, real or personal, of their testator or
5 intestate against the trespasser, and recover their damages as their testator
6 or intestate would [could] have had if he was living.

1 2. This act shall take effect immediately.

STATEMENT

This bill is intended to remedy an unintentional omission in section 2:26-9 of the Revised Statutes by permitting executors or administrators to have an action for a trespass to the person of their testator or intestate as well as for a trespass to the property of their testator or intestate and thus to bring the section into accord with the law as in force at the time of the passage of the Revised Statutes.

LEGISLATIVE INDEX

763

NOTATIONS

S 115 Van Winkle Feb. 14 — Increases from 10 per cent to 25 per cent proportion by which securities deposited with banks and trust companies as collateral must exceed loans.

May 24—Recommitted to Mis. Bus. Com.

S 116 Van Winkle Feb. 14—Increases required surplus of savings banks from 15 per cent to 25 per cent of deposits.

Apr. 18—Passed in Senate.

May 23—Passed in Assembly.

May 25—Approved, Chapter 219.

S 117 Van Winkle Feb. 14—Extends to May 16, 1941, certain emergency powers of State Banking Commissioner.

Apr. 18—Com. sub. passed in Senate.

May 23—Passed in Assembly.

May 25—Approved, Chapter 220.

S 118 Van Winkle Feb. 14—Allows fixing of interest on public funds in bank by agreement between municipalities and banks.

Feb. 14—Banking and Insurance Com.

S 119 Taggart Mar. 7—Permits convictions for receiving stolen goods if goods were bought from minor unless police were notified.

Mar. 28—Passed in Senate.

June 6—Passed in Assembly.

June 14—Approved, Chapter 348.

S 120 Taggart Feb. 14—Grants gas tax refund to auto buses paying annual municipal license fee.

Feb. 14—Taxation Com.

S 121 Taggart Feb. 14 — Creates State Fish and Game Commission of 21 members, one from each county.

Feb. 14—Game and Fisheries Com.

S 122 Taggart Mar. 14—Forbids pension payments by State, municipalities or school districts to any person while in penal institution after conviction of crime involving moral turpitude.

May 9—Passed in Senate, amended.

May 24—Passed in Assembly.

May 25—Approved, Chapter 221.

S 123 (Held Open.)

S 124 Toolan Feb. 14 — Allows banks, trust companies, savings banks and insurance companies to invest in securities of Federal Home Loan Banks.

Apr. 18—Passed in Senate.

May 23—Passed in Assembly.

May 25—Approved, Chapter 222.

S 125 Scott Feb. 14 — Allows common council in cities under 12,000 population to fix mayor's salary.

Mar. 29—Passed in Senate, amended.

May 24—Passed in Assembly, amended.

May 24—Assem. amend. passed in Sen.

June 4—Approved, Chapter 302.

S 126 Hendrickson Feb. 14 — Increases terms of members of Boards of Freeholders from three to five years.

Apr. 25—Recommitted to Judiciary Com.

Apr. 26—Reported by com. sub.

Apr. 26—Read second time.

May 17—Laid over.

S 127 Durand Feb. 14—Requires fingerprinting of public school pupils.

Mar. 7—Passed in Senate.

Mar. 8—Received in Assembly.

Mar. 8—Miscellaneous Business Com.

S 128 Taggart Feb. 21—Exempts women working in cafes, restaurants or other public entertainment places in municipalities bordering Atlantic Ocean from purview of act limiting hours of female employment at night.

Feb. 21—Labor Com.

S 129 Taggart Feb. 21 — Repeals act making up deficits in grade crossing elimination fund from motor fuel taxes.

Apr. 25—Passed in Senate.

Apr. 26—Received in Assembly.

May 16—Recommitted to Mis. Bus. Com.

S 130 Taggart Feb. 21—Adds Route 55 to State Highway System in Atlantic County.

Mar. 7—Passed in Senate.

Mar. 28—Passed in Assembly.

Apr. 4—Approved, Chapter 83.

S 131 Taggart Feb. 21—Adds Route 56 to State Highway System in Atlantic County.

Mar. 7—Passed in Senate.

Mar. 28—Passed in Assembly.

Apr. 4—Approved, Chapter 84.

NOTATIONS

S 132 Taggart Feb. 21—Limits striped bass netting season to period between November 15 and March 1; fixes 12 inches as legal minimum length.

Feb. 21—Game and Fisheries Com.

May 2—Reported by com. sub.

May 2—Read second time.

S 133 Stout Feb. 21—Validates municipal ordinances despite failure to publish in legally designated newspapers.

Mar. 29—Passed in Senate.

May 23—Passed in Assembly.

May 25—Approved, Chapter 223.

S 134 Foran Feb. 21—Reduces gas tax from three cents to two cents a gallon.

Feb. 21—Taxation Com.

S 135 Foran Feb. 21 — Empowers State Fish and Game Commission to cooperate with Federal Government wild life conservation project.

Mar. 7—Passed in Senate.

Apr. 26—Passed in Assembly.

May 7—Approved, Chapter 157.

S 136 Allardice Feb. 21—Adds Route 56 to State Highway System in Ocean County.

Mar. 7—Passed in Senate.

May 3—Passed in Assembly.

May 14—Approved, Chapter 177.

S 137 Allardice Feb. 21—Regulates withdrawal of foreign corporations from this State after submitting proof that corporation taxes have been paid.

Mar. 28—Passed in Senate.

May 3—Passed in Assembly.

May 14—Approved, Chapter 178.

S 138 Allardice Feb. 21—Provides \$2,200 pension for employes and former employes of State Department of Shell Fisheries who have served 35 years and are 70 years old.

Apr. 26—Passed in Senate.

May 2—Received in Assembly.

May 2—Miscellaneous Business Com.

S 139 Allardice Feb. 21 — Permits railroad companies to maintain warning devices at grade crossings within limits of public highways.

Feb. 21—Transportation Com.

Mar. 14—Reported.

Mar. 14—Read second time.

Mar. 28—Laid over.

S 140 Gardner Feb. 21 — Creates State Bureau of Narcotic Control to license narcotic drug dealers.

Feb. 21—Public Health Com.

S 141 Hendrickson Feb. 21—Permits ex-ecutors and administrators to maintain actions for trespass against persons of their testators or intestates.

Feb. 24—Passed in Senate.

Mar. 7—Passed in Assembly.

Mar. 16—Approved, Chapter 29.

S 142 Stanger Feb. 21—Prohibits sale of eggs removed from incubators unless such eggs have been broken and denatured.

Mar. 29—Withdrawn.

S 143 Stanger Feb. 21—Increases annual allotment of motor vehicle funds for construction and maintenance of borough and township roads.

Feb. 21—Highways Com.

S 144 Stanger Feb. 21—Establishes turkey breeding research farm at Millville under direction of State Agricultural Experiment Station; appropriates \$8,500.

Apr. 18—Passed in Senate.

May 3—Passed in Assembly.

May 14—Approved, Chapter 179.

S 145 Hendrickson Feb. 21 — Permits State Health Department to stop pollution of water causing or threatening injury to health or property.

Mar. 28—Passed in Senate.

May 23—Passed in Assembly.

May 25—Approved, Chapter 224.

S 146 Hendrickson Feb. 21 — Transfers records and work of WPA geodetic control survey project to Department of Conservation and Development.

Mar. 7—Passed in Senate.

May 3—Passed in Assembly, amended.

May 17—Assem. amend. passed in Sen.

May 25—Approved, Chapter 225.