20:1-2 et al. January [illegible]

Legislative History: Eminent Domain RS 20:1-2

Copy 3

L. 1953 Chapter 20 (Senate 17) was one of the laws introduced by Senator Clapp to conform to the new Title 2A.
The bill had no statement.

In the Tentative Draft to the Revision of Titles 2 and 3, etc. Part II prepared by the Advisory Committee on Revision of Statutes, 1951 the wording of the section was somewhat different. It read as follows:

> 20:1-2. Summary action for appointment of commissioners. The party exercising the right of taking shall, pursuant to the rules of the supreme court, institute in the superior court a summary action for the appointment of 3 commissioners to fix the compensation to be paid. The papers in the action shall be filed with the superior court as in other actions in that court. Source R.S.20:1-2.

The section was followed by a Reporter's Note.

> Note of Reporter. Neither under the present practice nor under the proposed rule is a proceeding for the appointment of condemnation commissioners a judicial function, except as the legislature confers it upon the court. Under R.S. 20:1-2 the judge of the circuit court was a legislative agent; likewise under the proposed amendment to that statute the court becomes a legislative agent. Ryan v. Housing Authority, 125 N.J. L. 336, 340 (Sup. 1940). The legislature could, if it saw fit, withdraw the power it confers on the court by this statute and delegate it to an administrative agency.
>
> The virtue of the proposed amendment is that the proceeding for the appointment of commissioners would no longer be the anomalous proceeding it is today; it would be just another summary action under Rule 3:79.
>
> The matter of venue in such an action would be governed by Rule 3:79-3; since jurisdiction would have to be laid, as heretofore, in the county where the real property is situate.
>
> In view of the express legislative direction in the prior statute (R.S. 20:1-7 and 20:1-10), requiring the papers in the action to be filed in the office of the clerk of the county where the land is situate,

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This is a Combination of three separate listings on L 1953, c. 20.

Proposed Rule 76A-1- also published - The Tentative Draft read as follows:

3:76A-1. Complaint. The complaint in a summary action for the appointment of 3 commissioners to fix the compensation to be paid on the condemnation of property shall be verified by the oath of the engineer or agent of the plaintiff, and shall contain

a. A particular description of the lands and property required,
b. The names of the owner and occupant, if any there be, the persons appearing of record to have any interest in the property, and such persons claiming an interest therein as the plaintiff desires to join as parties defendant, and
c. The residence of said owner, occupant, persons having any interest in the land, and claimants, if the same can be ascertained.

Source. R.S. 20:1-2.

Note of Reporter. The title to the action will be the same as in other summary actions. Under Rule 3:10-1 the title of the complaint will include the names of all parties and will be entitled in the court; today the court's name does not appear, and the title of the action may read thus:

"Petition
In the Matter of the Application of the City of A.B. for the Appointment of 3 Commissioners to Fix the Compensation to Be Paid for Certain Lands of X.Y. and others, situate in said City, to be Taken and Condemned for Public Use".

We cannot find any material indicating when the [illegible] Rule 76A-1 was eliminated.

Rule 3:10-1 (now Rule 4:67-1) was amended on June 28, 1953.

20:1-2 Hab.

~~20:1-20 Hab.~~ 10

January 15, 1962

LEGISLATIVE HISTORY
of
20:1-10 (Eminent Domain)

Laws 1953, Chapter 20 - Senate 17 - was one of the laws introduced by Senator Clapp to conform to the new Title 2A.

This billhhad no statement.

In the Tentative Draft, Revision of Titles 2 and 3 and Sections of Other Titles prepared by the New Jersey Advisory Committee on Revision of Statutes (1951) the text of this section was as follows:

> 20:1-10. REPORT OF COMMISSIONERS; FILING; FAILURE TO FILE WITHIN TIME LIMITED.
>
> The report of the commissioners shall be made in writing under the hands of the commissioners or any 2 of them and filed by them with the superior court within the time limited by the court, to remain of record therein.
>
> If the report is not made within the time limited, the powers of the commissioners shall cease, and an application may be made to the court for the appointment of new commissioners on such notice as the court may direct.

There were no reporters' notes to this section.

No mention of this section was made in the Suggested Changes to the Tentative Draft ... by the New Jersey Advisory Committee on Revision of Statutes (1951).

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R.S. 20:1-2 et al.

November 16, 1966

LEGISLATIVE HISTORY OF R.S. 20:1-22
(Condemnation proceedings - Cost - Repeal)

COPY NO. 2

Repealed by:
L. 1953, Chapter 20, 31 - S17

This law was one of several introduced by Senator Clapp to conform to the new Title .
The bill had no statement.

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In the Tentative Draft of the Revision of Titles 2 and 3 and sections of other titles, the N.J. Advisory Committee on Revision of Statutes recommended only a minor change in R.S. 20:1-22 (see p. 568).

The law is replaced by Court Rule 4:92-8, formerly Court Rule 3:81C-8, adopted June 25, 1953.

See: "Revamping the Rules of Court". 76 NJLJ 73, March 5, 1953.

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