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SENATE, No. 1

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning acts and statutes, and revising parts of the statutory law.

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

1. Section 1:1–2 of the Revised Statutes is amended to read as follows:

1:1–2. Unless it be otherwise expressly provided or there is something in the subject or context repugnant to such construction, the following words and phrases, when used in any statute and in the Revised Statutes, shall have the meaning herein given to them.

Affirmation; affirmed. See "Oath; sworn," infra, this section.

Assessor. The word "assessor," when used in relation to the assessment of taxes or water rents or other public assessments, includes all officers, boards or commissions charged with the duty of making such assessments, unless a particular officer, board or commission is specified.

Census. When used with reference to the population of this State, or of any subdivision thereof, the word "census" means the latest Federal census effective within this State.

Collector. The word "collector," when used in relation to the collection of taxes or water rents or other public assessments, includes all officers charged with the duty of collecting such taxes, water rents or assessments, unless a particular officer is specified.

Folio; sheet. A sheet or folio shall consist of one hundred words, and in all cases where an entry of any writing or copy is to be paid for, the sheet or folio shall consist of one hundred words.

Gender. See "Number; gender," infra, this section.

General election. The words "general election" shall be taken to mean the annual election to be held on the first Tuesday after the first Monday in November and in any statute in which it is provided that any public officer shall be elected, or any public question shall be voted upon, at an election at which members of the General Assembly are to be voted for or elected, or words to that effect, shall be taken to mean, and shall be construed to be the equivalent of a provision, that said public officers shall be elected, or that said public question shall be voted upon, "at a general election."

He. See "Number; gender," infra, this section.

Inhabitants. See "Population; inhabitants," infra, this section.

It. See "Number; gender," infra, this section.

Magistrate. The word "magistrate" includes any judge, municipal magistrate or officer or other person having the powers of a committing magistrate.

Masculine. See "Number; gender," infra, this section.

Month; year. The word "month" means a calendar month, and the word "year" means a calendar year.

Municipality; municipal corporation. The words "municipality" and "municipal corporation" include cities, towns, townships, villages and boroughs, and any municipality governed by a board of commissioners or an improvement commission.

Neuter. See "Number; gender," infra, this section.

Number; gender. Whenever, in describing or referring to any person, party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties as well as to one person or party and to females as well as males, and to bodies corporate as well as individuals, and to several matters and things as well as one matter or thing.

Oath; sworn. The word "oath" includes "affirmation"; and the word "sworn" includes "affirmed."

Other property. See "Property; other property," infra, this section.

Person. The word "person" includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, unless restricted by the context to an individual as distinguished from a corporate entity or specifically restricted to one or some of the above enumerated synonyms and, when used to designate the owner of property which may be the subject of an offense, includes this State, the United States, any other State of the United States as defined infra and any foreign country or government lawfully owning or possessing property within this State.

Personal property. "Personal property" includes goods and chattels, rights and credits, moneys and effects, evidences of debt, choses in action and all written instruments by which any right to, interest in, or lien or encumbrances upon, property or any debt or financial obligation is created, acknowledged, evidenced, transferred, discharged or defeated, in whole or in part, and everything except real property as herein defined which may be the subject of ownership.

Plural. See "Number; gender," supra, this section.

Population; inhabitants. The word "population," when used in any statute, shall be taken to mean the population as shown by the latest Federal census effective within this State, and shall be construed as synonymous with "inhabitants."

Property; other property. The words "property" and "other property," unless restricted or limited by the context to either real or personal property, includes both real and personal property.

Real estate; real property. The words "real estate" and "real property," include lands, tenements and hereditaments and all rights thereto and interests therein.

Revised Statutes. The words "Revised Statutes" mean the Revised Statutes of 1937, unless some other revision is expressly indicated or referred to.

She. See "Number; gender," supra, this section.

Sheet. See "Folio," supra, this section.

Ship. The word "ship" includes vessels, steamers, canal boats and every boat or structure adapted to navigation or movement from place to place, upon the ocean, lakes, rivers or artificial waterways, either by its own power or otherwise.

Singular. See "Number; gender," supra, this section.

State. The word "State" extends to and includes any State, territory or possession of the United States, the District of Columbia and the Canal Zone.

Sworn. See "Oath; sworn," supra, this section.

Taxing district. The words "taxing district," when used in a law relating to the assessment or collection of taxes, assessments or water rates or water rents, include every political division of the State, less than a county, whose inhabitants, governing body or officers have the power to levy taxes, assessments or rates.

Territory. The word "territory" extends to and includes any territory or possession of the United States, the District of Columbia and the Canal Zone.

United States. The words "United States" extend to and include every State, territory and possession of the United States, the District of Columbia and the Canal Zone.

Year. See "Month; year," supra, this section.

2. Section 1:3–8 of the Revised Statutes is amended to read as follows:

1:3–8. The treasurer of each county, upon receiving the number of paper volumes allotted to his county pursuant to the provisions of section 1:3–7 of this Title, shall, after retaining one copy for himself, forthwith distribute the remaining volumes at the expense of the county as follows:

a. To each municipal magistrate in the county, one copy;

b. To the clerk of the board of chosen freeholders, and to each chosen freeholder, one copy;

c. To each incorporated library company in the county which does not receive a bound copy of the laws under the provisions of said section 1:3–7, one copy; and

d. The remainder shall be transmitted in equal proportions to the clerks of the several municipalities in the county, each of which clerks shall, after retaining one copy for the use of his municipality, distribute the residue, within one week after receiving the same, to the following officers in his municipality, giving them preference in the order named: the assessor, collector and director of welfare, each one copy.

The receipts of the persons receiving copies of the laws from the county treasurer shall be sufficient vouchers to such treasurer in the settlement of his accounts, for the money expended by him for this purpose, and for a reasonable compensation for his trouble.

3. Section 1:3–9 of the Revised Statutes is amended to read as follows:

1:3–9. So many of the laws of the United States as may at any time be apportioned to this State by the Congress of the United States shall be delivered to the custodian of the State House, who shall, after retaining one set for his own use, distribute the remainder at the expense of the State as follows:

a. To the Governor, Attorney-General, Secretary of State and treasurer, each one set.

b. To each member of the Legislature, one set.

c. To the Secretary of the Senate, for the use of the Senate, two sets; and to the Clerk of the General Assembly for the use of the General Assembly, four sets.

d. To the Chief Justice, the justices of the Supreme Court and the judges of the Superior Court, each one set.

e. To the Clerk of the Supreme Court and the Clerk of the Superior Court, each one set.

f. To each county prosecutor, one set.

g. To the librarians of Princeton College and of the two literary societies in that college, to the librarians of Rutgers College and of the two literary societies at that college, and to the librarians of Burlington College and of the two literary societies of that college, one set.

h. To the librarian of the New Jersey Historical Society, one s

i. The remainder to be distributed among the several counties in proportion to their quota of State taxes, the same to be transmitted to the treasurer of each county, to be by him distributed in his county to the following persons in the order named:

1. To the clerk of the County Court, one set.

2. To the directors or managers of every library in the county, one set.

3. To the judges of the County Court, each one set.

4. The residue, if any, to be disposed of as shall be directed by the board of chosen freeholders of the county.

4. Section 1:7–1 of the Revised Statutes is amended to read as follows:

1:7–1. If, at any time within one year after any law or joint resolution has been filed with the Secretary of State pursuant to sections 1:2–5, 1:2–6 or 1:2–7 of this Title, the Governor has reason to believe that any such law or joint resolution was not duly passed by both houses of Legislature, or approved by the Governor or otherwise made effective as law in the manner required by the Constitution, he may direct the Attorney-General to apply to the Appellate Division of the Superior Court, to have the law or joint resolution adjudged void. Thereupon the Attorney-General shall prepare, sign and prosecute the application.

5. Section 1:7–2 of the Revised Statutes is amended to read as follows:

1:7–2. The court, on the application, shall inquire summarily into the circumstances and may, for that purpose, order witnesses to be subpœnaed and sworn and their depositions taken and such notice to be given of the taking of depositions and the hearing before the court, by publication or otherwise, as it deems just.

6. Section 1:7–3 of the Revised Statutes is amended to read as follows:

1:7–3. After a full hearing the court may, if satisfied that the constitutional and statutory provisions relating to the enactment and approval of laws and joint resolutions have not been complied with, adjudge the law or joint resolution or any part thereof to be void.

7. Section 1:7–4 of the Revised Statutes is amended to read as follows:

1:7–4. Any two or more citizens of the State may, within the time prescribed by section 1:7–1 of this Title, present to the Appellate Division of the Superior Court an application, such as is authorized by said section 1:7–1 to be presented by the Attorney-General, and the court shall proceed thereon in the manner provided by sections 1:7–2 and 1:7–3 of this Title. The applicants may prosecute the application, and the Attorney-General may, if required so to do by the Governor, defend on behalf of the State.

8. Section 1:7–5 of the Revised Statutes is amended to read as follows:

1:7–5. Any citizen of the State may, when an application is presented under authority of either section 1:7–1 or section 1:7–4 of this Title, appear before the court, in defense and subpœna and examine and cross-examine witnesses.

9. Section 1:7–6 of the Revised Statutes is amended to read as follows:

1:7–6. If in any application authorized in this chapter, the court shall adjudge any law or joint resolution, or any part thereof, to be void, the clerk of the court shall thereupon make a true copy of the judgment, certify the same under his hand and seal of the court and deliver the copy to the Governor or person administering the government, who shall issue his proclamation under the great seal of the State, setting forth such judgment. The proclamation shall be filed, published and printed with the laws as other proclamations are required to be filed, published and printed, and shall be judicially noticed and received in evidence in all courts of the State in the same manner and to the same extent that the law or joint resolution therein specified would have been if such judgment had not been made. No law or joint resolution, or part thereof, adjudged void shall, after the entry of such judgment as provided in this chapter, be judicially noticed or received in evidence by any of the courts of the State.

10. Section 1:7–7 of the Revised Statutes is amended to read as follows:

1:7–7. When an application presented under authority of section 1:7–4 of this Title is dismissed the court shall allow and tax the costs and neces-

sary expenses of the Attorney-General, including a fee to the Attorney-General of not to exceed five hundred dollars ($500.00) in any one case, and shall order the payment thereof by such citizens, and payment thereof may be enforced by execution.

11. This act shall take effect immediately.

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a. To each municipal magistrate in the county, one copy;

b. To the clerk of the board of chosen freeholders, and to each chosen freeholder, one copy;

c. To each incorporated library company in the county which does not receive a bound copy of the laws under the provisions of said section 1:3–7, one copy; and

d. The remainder shall be transmitted in equal proportions to the clerks of the several municipalities in the county, each of which clerks shall, after retaining one copy for the use of his municipality, distribute the residue, within one week after receiving the same, to the following officers in his municipality, giving them preference in the order named: the assessor, collector and director of welfare, each one copy.

The receipts of the persons receiving copies of the laws from the county treasurer shall be sufficient vouchers to such treasurer in the settlement of his accounts, for the money expended by him for this purpose, and for a reasonable compensation for his trouble.

3. Section 1:3-9 of the Revised Statutes is amended to read as follows:

1:3-9. So many of the laws of the United States as may at any time be apportioned to this State by the Congress of the United States shall be delivered to the custodian of the State House, who shall, after retaining one set for his own use, distribute the remainder at the expense of the State as follows:

a. To the Governor, Attorney-General, Secretary of State and treasurer, each one set.

b. To each member of the Legislature, one set.

c. To the Secretary of the Senate, for the use of the Senate, two sets; and to the Clerk of the General Assembly for the use of the General Assembly, four sets.

d. To the Chief Justice, the justices of the Supreme Court and the judges of the Superior Court, each one set.

e. To the Clerk of the Supreme Court and the Clerk of the Superior Court, each one set.

f. To each county prosecutor, one set.

g. To the librarians of Princeton College and of the two literary societies in that college, to the librarians of Rutgers College and of the two literary societies at that college, and to the librarians of Burlington College and of the two literary societies of that college, one set.

h. To the librarian of the New Jersey Historical Society, one set.

i. The remainder to be distributed among the several counties in proportion to their quota of State taxes, the same to be transmitted to the treasurer of each county, to be by him distributed in his county to the following persons in the order named:

1. To the clerk of the County Court, one set.

2. To the directors or managers of every library in the county, one set.

3. To the judges of the County Court, each one set.

4. The residue, if any, to be disposed of as shall be directed by the board of chosen freeholders of the county.

4. Section 1:7–1 of the Revised Statutes is amended to read as follows:

1:7–1. If, at any time within one year after any law or joint resolution has been filed with the Secretary of State pursuant to sections 1:2–5, 1:2–6 or 1:2–7 of this Title, the Governor has reason to believe that any such law or joint resolution was not duly passed by both houses of Legislature, or approved by the Governor or otherwise made effective as law in the manner required by the Constitution, he may direct the Attorney-General to apply to the Appellate Division of the Superior Court, to have the law or joint resolution adjudged void. Thereupon the Attorney-General shall prepare, sign and prosecute the application.

5. Section 1:7–2 of the Revised Statutes is amended to read as follows:

1:7–2. The court, on the application, shall inquire summarily into the circumstances and may, for that purpose, order witnesses to be subpœnaed and sworn and their depositions taken and such notice to be given of the taking of depositions and the hearing before the court, by publication or otherwise, as it deems just.

6. Section 1:7–3 of the Revised Statutes is amended to read as follows:

1:7–3. After a full hearing the court may, if satisfied that the constitutional and statutory provisions relating to the enactment and approval of laws and joint resolutions have not been complied with, adjudge the law or joint resolution or any part thereof to be void.

7. Section 1:7–4 of the Revised Statutes is amended to read as follows:

1:7–4. Any two or more citizens of the State may, within the time prescribed by section 1:7–1 of this Title, present to the Appellate Division of the Superior Court an application, such as is authorized by said section 1:7–1 to be presented by the Attorney-General, and the court shall proceed thereon in the manner provided by sections 1:7–2 and 1:7–3 of this Title. The applicants may prosecute the application, and the Attorney-General may, if required so to do by the Governor, defend on behalf of the State.

8. Section 1:7–5 of the Revised Statutes is amended to read as follows:

1:7–5. Any citizen of the State may, when an application is presented under authority of either section 1:7–1 or section 1:7–4 of this Title, appear before the court, in defense and subpœna and examine and cross-examine witnesses.

9. Section 1:7–6 of the Revised Statutes is amended to read as follows:

1:7–6. If in any application authorized in this chapter, the court shall adjudge any law or joint resolution, or any part thereof, to be void, the clerk of the court shall thereupon make a true copy of the judgment, certify the same under his hand and seal of the court and deliver the copy to the Governor or person administering the government, who shall issue his proclamation under the great seal of the State, setting forth such judgment. The proclamation shall be filed, published and printed with the laws as other proclamations are required to be filed, published and printed, and shall be judicially noticed and received in evidence in all courts of the State in the same manner and to the same extent that the law or joint resolution therein specified would have been if such judgment had not been made. No law or joint resolution, or part thereof, adjudged void shall, after the entry of such judgment as provided in this chapter, be judicially noticed or received in evidence by any of the courts of the State.

10. Section 1:7–7 of the Revised Statutes is amended to read as follows:

1:7–7. When an application presented under authority of section 1:7–4 of this Title is dismissed the court shall allow and tax the costs and neces-

sary expenses of the Attorney-General, including a fee to the Attorney-General of not to exceed five hundred dollars ($500.00) in any one case, and shall order the payment thereof by such citizens, and payment thereof may be enforced by execution.

11. This act shall take effect immediately.