HONORABLE SANFORD BATES,
Commissioner of Institutions and Agencies,
Trenton, New Jersey.

FORMAL OPINION—1949. No. 1.

DEAR COMMISSIONER:

Your letter of February 16th, requesting an opinion as to whether Section 52:25-2 of the Revised Statutes is still in effect or whether it has been repealed by P. L. 1944, Chapter 112 (erroneously referred to in your letter as Chapter 122) or by P. L. 1948, Chapter 92, received.

Said section, which is part of Chapter 25 (State Purchasing Department) of Title 52 of the Revised Statutes, reads as follows:

> 52:25-2. Nothing in this chapter contained shall apply to the erection or construction or original equipment of any building or addition thereto or alteration or repair thereof as distinguished from the furnishing or maintenance thereof, nor to the construction or repair of any road or bridge, nor to the performance of any like work.

Our opinion is, and we advise you, that this section is still in full force and effect.

An examination of P. L. 1944, Chapter 112, discloses no provision which specifically or impliedly repeals, or supersedes, R. S. 52:25-2; and an examination of P. L. 1948, Chapter 92, discloses no provision specifically repealing R. S. 52:25-2, although section 47 of said act of 1948 does provide that "all acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed." To what extent, if any, this general repealer affects R. S. 52:25-2 is a question for consideration.

In section 16 of Chapter 92, P. L. 1948, the Division of Purchase and Property of the existing State Department of Taxation and Finance (P. L. 1944, c. 112), together with all its functions, powers and duties, is transferred into the Department of the Treasury. But there is nothing in the 1948 act which conceivably could be said to conflict with R. S. 52:25-2 and effect a repeal thereof.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: DOMINIC A. CAVICCHIA,
Deputy Attorney General.