

It is therefore concluded that no recess existed which permitted an ad interim appointment of Mr. Miller. If there was no vacancy, and if the Legislature was not in recess, then what effect has the ad interim appointment? The answer to this must be that such appointment was without force or effect.

I therefore conclude that Mr. Miller occupies the office of State Highway Commissioner by reason of his hold-over tenure at the pleasure of the Governor and until his successor is appointed.

Respectfully,

THEODORE D. PARSONS,
Attorney General.

tdp:ap

APRIL 8, 1949.

HON. FRANK DURAND,
State Auditor,
State House,
Trenton, New Jersey.

FORMAL OPINION—1949. No. 26.

DEAR SIR:

By your letter of March 17th you advise that in connection with an audit of the accounts of the office of the Secretary of State, a test circularization was made to verify whether collection agencies operating within the State had filed a yearly bond and paid the annual fee for filing such bond as required by R. S. 45:18-1 to 45:18-6; and that in selecting the collection agencies to be circularized, reference was made to the current classified telephone directories, under the section headed "Collection Agencies", published in 1948. You request to be advised whether a listing in the classified section of the telephone directory constitutes advertising or soliciting in print the right to collect or receive payment for another of any bill or indebtedness.

We have been advised by the New Jersey Bell Telephone Company that throughout New Jersey only the persons whose names are printed in the classified section of the directory in heavy type pay for such insertions, and that the names in the lighter type are classified by the telephone company itself. The several independent telephone companies in New Jersey may not adhere to this system of classification, but I doubt whether the directories of these companies were examined by you. You are therefore advised that the persons whose names appear in heavy type in the New Jersey Bell Telephone Company books should be classified as advertisers.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: SACKETT M. DICKINSON,
Assistant Deputy Attorney General.