

Answering both of the above, you are advised that no demand should be made of the Cape May City Board of Education to pay contributions, as their obligation to pay the same ceased at the time of Mr. Pickard's discharge and his service credit as a member of the fund ceases on the date of the last contribution credited to his account; namely, March, 1947.

"R. S. 38:23-6. Contribution to pension or retirement funds during military or naval service. During the period beginning with the time of entry of such person into such service and ending at the earliest of (a) three months after the time of such person's discharge from such service; or (b) the time such person resumes such office, position or employment; or (c) the time of such person's death or disability while in the service, the proper officer or the state, etc. shall contribute or cause to be contributed to such fund the amount required by the terms of the statute governing such fund, * * *."

You will note that the third classification above mentioned allows contributions for disability while in the military service.

On April 4, 1947, Mr. Pickard was awarded service-connected disability pension because of injuries. He thereupon was entitled to immediately make application, pursuant to R. S. 18:13-57, for retirement, in which instance the board of trustees would automatically order the necessary medical examination and we can assume that the findings of the physician or physicians designated by the board would be substantially the same as those of the military. To now rule that the City of Cape May should make contributions for approximately two years, the intervening period, during which Mr. Pickard awaited making his application for retirement for disability under your statute, would not appear to be warranted under present statutes.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: JOHN W. GRIGGS,
Deputy Attorney General.

APRIL 27, 1949.

DANIEL BERGSMA, M.D., M.P.H.,
State Commissioner of Health,
Department of Health,
State House, Trenton, N. J.

FORMAL OPINION—1949. No. 37.

DEAR SIR:

This is in response to your letter dated April 14, 1949, requesting the opinion of this office concerning change of name on an existing birth or marriage record in your department.

The person involved in this matter, at the time of his naturalization, requested in his petition application for naturalization to change his name from Joseph Hamburg

to Joseph Robert Hamilton. The Immigration and Naturalization Service of the United States Department of Justice has advised your department by letter that the request was granted. A copy of this letter was forwarded by you to this office. The question presented is whether such a letter is sufficient to permit your department to change the marriage record to show the new name and the date and manner the change was obtained under the provisions of Chapter 283, P. L. 1945 (R. S. 2:67-8).

The answer to such question is in the negative.

Section 1, Chapter 283, P. L. 1945 (R. S. 2:67-8) provides as follows:

"Upon the receipt of a certified copy of an order permitting a change of name, and a request for correction of an existing record of the birth or marriage of the individual, the State Registrar of Vital Statistics or local registrar of vital statistics shall adjust the record or records to show the new name and the date and manner by which obtained."

The above-quoted provision requires a certified copy of an order permitting a change of name and a request for correction be received before you have the authority to adjust the record. The letter, which was forwarded to you by the Immigration and Naturalization Service of the United States Department of Justice, is not a certified copy of an order as required by the statute and not a sufficient compliance therewith.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: JOSEPH A. MURPHY,
Assistant Deputy Attorney General.

JAM:MB

APRIL 21, 1949.

HON. CHARLES R. ERDMAN, JR., *Commissioner,*
Department of Conservation and Economic Development,
520 East State Street,
Trenton, New Jersey.

Re: FORMAL OPINION—1949. No. 38.

DEAR COMMISSIONER ERDMAN:

I have before me a request made through you by the Division of Veterans' Services for an opinion concerning veterans' loans made by the First National Iron Bank of Morristown to Sidney T. Pearson, your Application No. 5165 and Gordon S. Jolliffe, your Application No. 5166.

In the Jolliffe matter, a loan was made to the veteran by the bank under date of April 15, 1946, in the sum of \$2,000, said loan having been effected pursuant to an application of the veteran, dated March 21, 1946, for a veteran's loan in that amount for the purpose of purchasing a stationery store in partnership with the other veteran,