

OCTOBER 14, 1949.

HON. ARTHUR L. WILCOX,
Clerk of the County of Sussex,
Court House,
Newton, New Jersey.

FORMAL OPINION—1949. No. 95.

DEAR SIR:

The question presented is whether, in the absence of a time limit for filing the question with the County Clerk under R. S. 40:62-3 et seq., the County Clerk is bound by the limit fixed in R. S. 19:37-1 or whether R. S. 40:62-3 et seq. may be construed to authorize such filing within a reasonable time.

Section 19:37-1 applies where there is no other statute by which the sentiment of the legal voters can be ascertained. Section 40:62-5 specifically provides a procedure for submission of the question, as well as the form and content of the question.

It is our opinion, therefore, that Section 19:37-1 et seq. does not apply and that, inasmuch as no time limit is specified in Section 40:62-5, the service upon the county clerk of the certified copy of the ordinance with a request that the question be placed upon the ballot is sufficient if made within a reasonable time. A reasonable time would be any time up to the time fixed by R. S. 19:14-1 for the County Clerk to have ready for the printer a copy of the contents of the official ballot, which time is seventeen days prior to the general election.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: DOMINIC A. CAVICCHIA,
Deputy Attorney General.

OCTOBER 3, 1949.

HON. C. A. GOUGH, *Deputy and Acting Commissioner,*
Department of Banking and Insurance,
State House Annex,
Trenton 7, New Jersey.

FORMAL OPINION—1949. No. 96.

DEAR COMMISSIONER GOUGH:

I am in receipt of your letter of September 20, 1949, wherein you request an opinion relative to the application of the insurance premium tax, contained in Chapter 132, P. L. 1945, to certain premiums and considerations collected under life insurance policies and annuity contracts written within this State on persons who are not residents of New Jersey.