

AUGUST 28, 1950.

HON. J. LINDSAY DEVALLIERE,  
*Director, Budget & Accounting,*  
*Department of the Treasury,*  
 State House,  
 Trenton, N. J.

## FORMAL OPINION—1950. No. 56.

MY DEAR MR. DEVALLIERE:

I have your letter of the 22nd instant stating that the Commissioner of the Department of Economic Development, Division of Veterans' Services, in 1947 certified under the provisions of Chapter 18, Title 38 of the Revised Statutes, which has now culminated in an amendment of all three sections of that statute by Chapter 85 of the Laws of 1946, that one Edward J. Buczek was entitled to receive from this State in monthly payments the sum of \$500 annually, as a blind veteran, and that in August of this year you received from the Director of Conservation and Economic Development, Division of Veterans' Services, another certificate that in accordance with the provisions of Chapter 263, Laws of 1947, as amended by Chapter 196, Laws of 1950, Mr. Buczek was entitled to receive from this State, in monthly payments, the sum of \$500., as an amputee.

The question which you have presented for my consideration is whether you are justified in paying two pensions to Mr. Buczek. The answer is in the affirmative. There is nothing in either statute to indicate that a veteran, who is blind and also an amputee should not be paid the two pensions if he is suffering from the causes specified in each of the acts above referred to. Accordingly, I advise you that you are warranted in making two payments of \$500. each annually to the individual named.

Yours very truly,

THEODORE D. PARSONS,  
*Attorney General,*

By: THEODORE BACKES,  
*Deputy Attorney General.*

TB:B

OCTOBER 2, 1950.

DANIEL BERGSMA, M. D., M. P. H.,  
*State Commissioner of Health,*  
 State House,  
 Trenton, New Jersey.

## FORMAL OPINION—1950. No. 57.

DEAR DR. BERGSMA:

Receipt is acknowledge of your letter of September 11th in which you submit for my consideration and opinion the following question:

"Is it legal for a local registrar to accept a death certificate fully and accurately filled out and signed by a physician, except for the fact that said certificate does not contain a signature, license number and address of an undertaker who holds a New Jersey license as an undertaker?"

The Revised Statutes—26:6-7, as amended by Chapter 253 of the Laws of 1945 (P. L. 1945, pages 777-79) provides that the certificate of death shall contain some 26 items, being the contents of the death certificate, and by item 25 requires the signature, New Jersey license number and address of the undertaker.

The language of the statute is:

"26:6-7. The certificate of death shall contain the following items:

"\* \* \* (25) Signature, New Jersey license number and address of undertaker."

Further, by the Revised Statutes 26:6-13 it is provided:

"26:6-13. Incomplete certificate of death.

"No certificate of death shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission."

I am of the opinion that the signature, New Jersey license number and address of the undertaker as required by item 25 of the 1945 statute are essential requisites to the issuance of the burial permit.

Yours very truly,

THEODORE D. PARSONS,  
*Attorney General.*

By: JOSEPH LANIGAN,  
*Deputy Attorney General.*

JL:rk

SEPTEMBER 11, 1950.

HON. WALTER T. MARGETTS, JR.,  
*State Treasurer,*  
State House.

FORMAL OPINION—1950. No. 58.

DEAR MR. MARGETTS:

You have inquired whether the State of New Jersey has a claim against the Federal Government for damages caused by the alleged negligence of the Coast Guard in connection with the South Amboy explosion of May 19, 1950. The answer is "No."

According to the best information I have been able to obtain, the only appreciable damage to State property as a result of the explosion was suffered by a veterans housing project owned by the State. This damage has been fully compensated for by insurance, and in connection with such compensation the State has assigned to the insurer any claim it might have against those responsible for the damage.

Since the State has no cause of action for injury to its own property, the only basis that the State would have for a claim against anyone would be that as sovereign or guardian of its people, it was suing to redress a public wrong. As is stated in 59 C. J. 316, "When suing, as sovereign, a State must assert a public interest and it can not sue to vindicate only the right of a private citizen."