

JULY 17, 1951.

CAPTAIN JAMES A. COX, *President,*
Board of Commissioners of Pilotage,
16 Elmwood Place,
Elizabeth, New Jersey.

FORMAL OPINION—1951. No. 24.

DEAR CAPTAIN COX:

Receipt is acknowledged of your inquiry of July 5th in which you ask, what percentage of pilotage fees may members of your commission receive as compensation for services.

Such fees are now fixed at 1½ per cent by the Revised Statutes (R. S. 12:8-4) reading:

"The commissioners, as compensation for their services under this chapter, shall be entitled to receive one and one-half per cent on the fees received by the pilots for pilotage, to be divided among the commissioners according to the days they may have, respectively, attended at any meeting. They shall not be entitled to receive said commissions on extra pilotage for boarding offshore, or for fees received for what is called transportation or harbor pilotage."

You direct my attention to sections 24 and 24A appearing in the Compiled Statutes of 1910 (Vol. 3, page 3954). Section 24 fixed said fees at 1½ per cent. Section 24A increased said fees to 3 per cent.

The section numbered 24 was originally enacted in 1846 and under it the commissioners received 5 per cent. By the Act of 1850 (Section 24A) this percentage was reduced to 3 per cent.

Section 24 was amended by P. L. 1889, chapter 139, and the percentage was reduced to 1½ per cent. Section 24 was further amended by P. L. 1894, chapter 290, and the percentage remained 1½ per cent, and this act of 1894 had a section numbered 5, which repealed all acts or parts of acts inconsistent therewith, and thereby the section numbered 24A was superseded. It was included in 1910 although it had been superseded because the Compiled Statutes of New Jersey, published in 1910, was a compilation and not a revision.

Verly truly yours,

THEODORE D. PARSONS,
Attorney General.

By : JOSEPH LANIGAN,
Deputy Attorney General.

JL:rk