However, we must take into consideration that when the statutes under examination were enacted, restaurants and manufacturing establishments were undoubtedly thought of as being separate and distinct enterprises, independent from one another. With the advent of modern industrial practices in manufacturing establishments, there has come into being the anomalous situation of restaurants and cafeterias connected with the manufacturing establishments. If these eating facilities are operated by the manufacturer and are not conducted as enterprises separate and independent of the other activities of the manufacturer, but are conducted as incidental but necessary undertakings of the business, then are not the female employees working in these eating facilities just as much employees of the manufacturer as female employees of the manufacturer working in the stockroom and elsewhere in the manufacturing establishment? If so, both R. S. 34:2-24 and R. S. 34:2-28 would be applicable, by virtue of the fact that both statutes cover female employees of manufacturing establishments.

In our opinion, the answer to this question is, yes. On the other hand, if these eating facilities are not operated by the manufacturer, or are operated as enterprises separate and independent of the activities of the manufacturer, the female employees would not be employees of the manufacturing establishment, and hence R. S. 34:2-28 would not be applicable.

The foregoing indicates that legislation has not kept pace with industrial practices and leads us to the conclusion that the matter should be clarified by amendatory legislation.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: FREDERIC G. WEBER,
Deputy Attorney General.

SEPTEMBER 30, 1952.

DR. LESTER H. CLEE, *President,*
Civil Service Commission,
State House, Trenton, N. J.

FORMAL OPINION—1952. No. 31.

DEAR DOCTOR CLEE:

You have asked whether or not R. S. 2A:11-11 changes the law as contained in R. S. 2:16-24.1 relative to removal of a stenographic reporter by the appointing justice.

As we understand the amendment the law now provides that the Supreme Court may remove any reporter so appointed at any time for cause and appoint another in his place.

The fact that the words "for cause" have been introduced into this new provision would not appear to change the character or type of service provided by the position in question. We believe that the individual so concerned will remain in the unclassified service.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By: JOHN W. GRIGGS,
Deputy Attorney General.

SEPTEMBER 11, 1952.

THE HONORABLE J. LINDSAY DE VALLIERE,
Comptroller and Director of the Budget,
State House,
Trenton, New Jersey.

FORMAL OPINION—1952. No. 32.

DEAR MR. DE VALLIERE:

You have asked whether the Director of the Division of Fish and Game, Department of Conservation and Economic Development, can legally award to a specified party a State contract to print and publish a periodical devoted to conservation, fishing and hunting, without requiring the preparation of specifications, the submission of bids and the award of the contract to the highest bidder. It is presumed that the expenditure involved exceeds $1,000.00.

It is my opinion that the Director of Fish and Game may not lawfully so contract. Where the cost of the project exceeds $1,000.00, public advertisement for bids is required, according to specifications to be furnished by the Division of Fish and Game. The statute in this respect is Title 52:34-1 and reads as follows:

> "No contract or agreement for the construction of any building, for the making of any alterations, extensions or repairs thereto, for the doing of any work or labor, or for the furnishing of any goods, chattels, supplies or materials of any kind the cost or contract price whereof is to be paid with State funds and shall exceed the sum of one thousand dollars, shall be awarded, made or entered into by the board of managers or board of trustees of any State institution, or by any State department or commission, or by any person acting for or on behalf of the State, without first having publicly advertised for bids for the same, according to the specifications to be furnished to or for the inspection of prospective bidders by the board of managers or board of trustees of any State institution, or by the State department or commission, or by the person acting for or on behalf of the State, authorized to procure the same."

These statutory provisions have applied to general contracts for printing since 1907. The precise statute was considered by the Appellate Division of the Superior Court in a case decided May 7, 1949 (*Gann Law Books* vs. *Ferber and Soney and Sage*), 3 N. J. S. 236. In that case, the court distinguished between the awarding