

against pension allowances paid by your commission, are stated as follows: pension payments made by your fund, are exempt from executions, garnishments, attachments, sequestration or other legal process, prior to the time such payments reach the hands of the pensioner; except, however, that such payments are "not immune from judicial appropriation, before the individual installments reach the hands of the pensioner" to satisfy the alimony portion of alimony judgments. Alimony judgments, in other words, by judicial determination, are to be considered as the exception to the general exemption of such payments from appropriation to satisfy judgments or court orders.

It is observed that some court orders for alimony before you, have been directed against local pension funds, rather than against the Consolidated Pension Fund Commission. I would suggest that in the case of such orders, so directed, that you notify the plaintiff to obtain and serve on you a new court order directing the payment to be made to the plaintiff by the Consolidated Fund Commission. In the interim, until the new court order is delivered to you, I suggest the deductions be made by you, and withheld in your account.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: DANIEL DE BRIER,
Deputy Attorney General.

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SEPTEMBER 18, 1953.

MR. ERNEST R. KERR, *Chief Clerk,*
Department of State,
State House,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 36.

MY DEAR MR. KERR:

Receipt is acknowledged of your letter of September 16, 1953, enclosing letter addressed to you under date of September 15, 1953 by Edward C. Gardner, Secretary, Camden County Board of Elections, requesting an opinion "as to whether or not it is legal to register voters in industrial plants in Camden county without first advertising in our local newspapers".

Section 19:31-6 of the Revised Statutes, as amended by Chapter 60 of the Laws of 1952, provides that "the commissioner, in counties having a superintendent of elections and the members of the county board in all other counties, or a duly authorized clerk or clerks acting for him or it, as the case may be, shall receive the application for registration of all eligible voters who shall personally appear for registration during office hours at the office of the commissioner or the county board, as the case may be, or at such other place or places as may from time to time be designated by him or it for registration."

The said Section 19:31-6 further provides:

"When the commissioner or county board has designated a place or places other than his office or its office for receiving registrations, he or it, as the case may be, shall cause to be published a notice in a newspaper circulated in the municipality wherein such place or places of registration shall be located. Such notice shall be published within at least ten days before the time that such place or places shall be open for registration and shall contain the address or addresses of such place or places and the dates and hours upon which they shall remain open."

In my opinion, it is necessary to publish a notice in a local newspaper before any place, other than the office of the county board of elections, may be designated as a place for the registration of voters. Also in my opinion, it would be unlawful to accept registrations at any place so designated until at least ten days after the publication of such notice.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

SEPTEMBER 18, 1953.

THE HONORABLE SANFORD BATES, *Commissioner,*
Department of Institutions and Agencies,
State Office Building,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 37.

MY DEAR COMMISSIONER:

You have inquired concerning the authority of the Board of Managers of the State Prison to grant to prisoners in confinement commutation time for good behavior covering the period of time spent by such prisoners in a county jail either awaiting trial or imposition of sentence.

It is our opinion and we advise you that the Board of Managers of the State Prison have no such authority under the law as it now exists. It is provided in Rule 3:7-10(g), Rules of Court, that:

"In all custodial sentences the prisoner shall receive credit on the term imposed for any time he may have served in custody between his arrest and the imposition of sentence."

The authority of the Board of Managers to reduce the minimum and maximum of a sentence imposed by the Court for good behavior of an inmate while in confinement derives from R. S. 30:4-140 wherein it is stated:

"For every month of faithful performance of assigned labor by any convict committed to the State Prison there shall be remitted to him from