nations—and this, precisely, is what we have had in Korea, at least up to the time of the present uneasy truce.

I therefore recommend that the Board of Trustees of the State Employees' Retirement System recognize veterans of the Korean situation, as having the right of withdrawal extended to "veterans of any war" by R. S. 43:14–43.

You and I have discussed this problem on several occasions. In view of the narrow question presented, and the differing views expressed by Courts of various States, I can only repeat what I have stated heretofore, namely, that the entire situation should be clarified, once and for all, by legislation, categorically defining the term "veteran," as it appears in both R. S. 43:14–43, and R. S. 43:4–1 (The Veterans' Pension Act). Such definition should incorporate the same wording that appears in R. S. 11:27–1, particularly that which recognizes the status as a veteran, of those who have served in the Korean hostilities, namely, "at any time after June twenty-third, one thousand nine hundred and fifty, and prior to the date of termination, suspension or revocation of the proclamation of the existence of a national emergency issued by the President of the United States on December sixteenth, one thousand nine hundred and fifty, or date of termination of the existence of such national emergency by appropriate action of the President or the Congress of the United States, who shall have served at least ninety days in such active service . . .," exclusive of certain training or educational phases of such service. To the same effect see Chapter 89, P. L. 1951 (R. S. 38:23B–7) and Chapter 231, P. L. 1952 (R. S. 54:4–3.12i) wherein our Legislature extended to those participating in the Korean conflict, the various veterans' preferences authorized by the acts cited.

Very truly yours,

THEODORE D. PARSONS,
*Attorney General,*

By: DANIEL DE BRIER,
*Deputy Attorney General.*

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DECEMBER 11, 1953.

WILLIAM O. NICOL, *Secretary,*
*Bureau of Tenement House Supervision,*
1060 Broad Street,
Newark, New Jersey.

FORMAL OPINION—1953. No. 50.

DEAR MAJOR NICOL:

Your memorandum dated November 24, 1953, requesting a formal opinion, received.

The question presented is whether or not buildings formerly under the Tenement House Act but which have been arranged so that rooms are rented either to individuals or families, with kitchen privileges, are subject to the Tenement House Act. I assume that you refer to a central kitchen used by all rental units.

Unless each unit has kitchen facilities specifically assigned to same and unused by other occupants, my opinion is that the building is not subject to the Tenement House Act.

N. J. S. A. 55:1–24 defines a tenement house as any house or building or portion thereof which is rented, leased, let or hired out to be occupied or is occupied as the home or residence of three families or more living independently of each other and doing their cooking upon the premises. N. J. S. A. 55:1–17 interprets "is occupied" to mean "is occupied or is intended, arranged or designed to be occupied."

The crux of this definition, as relates to the question raised, is the phrase "living independently of each other and doing their cooking upon the premises." When the same kitchen facilities are used by more than one unit, they cannot be living independently of each other, and the kitchen facilities cannot be considered upon the rented premises. Therefore, a building so designed and occupied is without the scope of the Tenement House Act as it now exists.

Until additional legislation widens the scope of the Tenement House Act, you are powerless to enforce same upon these type premises.

Very truly yours,

THEODORE D. PARSONS,
*Attorney General,*

By: HENRY W. ECKEL, JR.,
*Deputy Attorney General.*

HWE:JC

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DECEMBER 7, 1953.

MR. WM. J. DEARDEN, *Director,*
*Division of Motor Vehicles,*
State House,
Trenton, N. J.

FORMAL OPINION—1953. No. 51.

DEAR MR. DEARDEN:

This will acknowledge receipt of your memorandum in which you request a legal opinion concerning whether there is any provision in the statute for a magistrate to deduct costs of court when bail bond for an appearance has been forfeited. The answer is No.

R. S. 39:5–8 provides for the posting of bond for appearance in matters which are set for trial at a later date not to exceed an adjourned period of 30 days from the return day of the summons.

R. S. 39:5–9 provides:

"The bond referred to in section 39:5–8 of this Title, if forfeited, may be prosecuted by the commissioner in any court of competent jurisdiction, and the cash deposit, if forfeited, shall be paid to the commissioner by the magistrate with whom it was deposited; provided, that such forfeiture is the result of a complaint instituted by the commissioner, or a member of his staff, or of the State Police, or an inspector of the Public Utility Commission, or a law enforce-