

shall ascertain the necessary facts from the best information he can obtain and in such manner as he may find convenient, using his personal knowledge and judgment."

This section clearly gives a right to Railroad Tax Bureau employees to enter property owned by a railroad in order to conduct examinations of the lands and physical property of a railroad, as well as its books, records, papers and other matter in its possession and control. At the same time, the statute imposes a responsibility and duty on a railroad to allow entry upon its property of bureau employees for the purpose of making such studies. When such a duty has been imposed by the Legislature, the railroad taxpayer may not impede the work of the Bureau in any manner, nor may it absolve itself of any wrongdoing on its part by requiring such release to be signed. To impede investigations would contravene the spirit and letter of this section. (Cf. *Grogan v. DiSapio*, 11 N.J. 308 (1953)).

Without considering any further legal questions, the answers to which would also prevent the execution of such a release, we advise you to inform the railroad that you cannot accede to their request.

Since question number one is answered in the negative, the second question has been mooted and need not be answered.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: DAVID M. SATZ, JR.
Deputy Attorney General

DMS:ew

APRIL 17, 1957

HONORABLE ROBERT B. MEYNER
Governor of New Jersey
State House
Trenton, New Jersey

MEMORANDUM OPINION—P-9

*Re: Power to appoint the Board of Managers of the New Jersey
Agricultural Experiment Station*

DEAR GOVERNOR MEYNER:

You have inquired whether Chapter 61 of the Laws of 1956, which effects a reorganization of Rutgers University, will make any changes in the method of designation of the Board of Managers of the New Jersey Agricultural Experiment Station set forth in Chapter 49 of the Laws of 1945 (N.J.S.A. 18:22-15.5).

Chapter 61 of the Laws of 1956 does not expressly repeal Chapter 49 of the Laws of 1945. Accordingly, only in those portions of the 1945 law which are in conflict with the provisions of the superseding 1956 act may a repealer possibly be construed.

Under the provisions of the 1945 statute (N.J.S.A. 18:22-15.5),

“ . . . the functions, powers and duties of the Board of Managers of the New Jersey Agricultural Experiment Station are transferred to the Trustees of Rutgers College in New Jersey which shall appoint a board of managers to act as its agent in managing and directing the New Jersey Agricultural Experiment Station.”

The Act then goes on to specify how the board of managers shall be appointed.

Until Chapter 61 of the Laws of 1956 became effective, the legal name for the Rutgers corporate entity was “The Trustees of Rutgers College in New Jersey”. Under the new legislation, the official name of the Rutgers corporate entity was changed to “Rutgers, the State University”. Accordingly, N.J.S.A. 18:22-15.5 must now be interpreted by reading “Rutgers, the State University” wherever the words “The Trustees of Rutgers College in New Jersey” appear.

Until the 1956 legislation, “The Trustees of Rutgers College in New Jersey” was managed by a single governing body known as the Board of Trustees. The Board of Trustees, possessing the principal management functions of the university, exercised the appointment powers delegated by statute to the university. Chapter 61 of the Laws of 1956, however, vests the principal management functions of the university, including the power to appoint, in the newly created Board of Governors. See L. 1956, c. 61, sec. 18 (N.J.S.A. 18:22-15.42); *Trustees of Rutgers College v. Richman*, 41 N.J. Super 259, 287, 288 (Ch. Div. 1956).

You are accordingly advised that the Board of Governors of Rutgers, the State University, is the proper appointing agent to designate members to the Board of Managers of the New Jersey Agricultural Experiment Station under Chapter 49 of the Laws of 1945 (N.J.S.A. 18:22-15.5).

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: DAVID LANDAU
Legal Assistant

DL:mc

APRIL 17, 1957

HONORABLE I. GRANT SCOTT
Clerk of the Superior Court
State House Annex
Trenton, New Jersey

MEMORANDUM OPINION—P-10

DEAR MR. SCOTT:

This office is in receipt of your letter of March 7, 1957 wherein you request our opinion concerning the interpretation to be given R.S. 43:21-15(b). Specifically, you advise that at all times since the effective date of the Judicial Article of the 1947 Constitution on September 15, 1948 you have construed the cited statute to preclude the taxation of costs against employees who fail to prevail on appeal to the Superior Court, Appellate Division in actions arising under the Unemployment Compensation