

We therefore wish to advise you that a former widow of a war veteran who has lost her exemption by remarriage does not regain the privilege of an exemption upon termination of her second marriage by divorce.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: MURRY BROCHIN
Deputy Attorney General

April 11, 1960.

HON. EDWARD J. PATTEN
Secretary of State
State House
Trenton, New Jersey

FORMAL OPINION 1960—No. 8

DEAR MR. PATTEN:

You have requested our opinion whether the Secretary of State should accept service of process on foreign corporations doing business in this State, but not authorized to do business here.

Supreme Court Revised Rule 4:4-4, relating to personal service upon corporations, provides that under conditions prescribed therein personal service may be made upon a corporation "by delivering a copy of the summons and complaint to *any person authorized by appointment or by law to receive service of process on behalf of the corporation. . . .*" (Emphasis added.) It should be noted that R.R. 4:4-4 does not state under what circumstances the Secretary of State is a "person authorized by appointment or by law to receive service of process," but merely provides that if he is such a person, service may be made upon him.

N.J.S. 2A:15-26 prescribes the circumstances under which the Secretary of State is authorized and directed to accept service of process on foreign corporations which are transacting business in New Jersey. That section relates only to "process in any action commenced in any of the courts of this State against a domestic corporation or a foreign corporation *authorized to transact business in this State*" (Emphasis added.)

Our opinion, therefore, is that you do not have the authority to accept service of process on any foreign corporation which is not authorized to transact business in New Jersey.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: MURRY BROCHIN
Deputy Attorney General