

This provision is found in the laws of many states and is included to insure that each prisoner shall secure substantial justice under the law by calling to the attention of the Parole Board any specific situation requiring attention which the Prison officials or the Parole Board may have overlooked.

Secondly, it is my opinion, and I advise you that the privilege does not extend to mail received from the Parole Board to the prisoner, for this is not within the contemplation of the language of the Law.

This for the reason that there is no necessity for the requirement that the prisoner receive an uncensored reply, for the action of the Parole Board becomes a matter of record in the file of the prisoner. There is the further possibility that some ingenious person might come into possession of Parole Board stationery, or even duplicate same, and thereafter direct improper communications within Parole Board envelopes indiscriminately to inmates of penal and correctional institutions.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: EUGENE T. URBANIAK,
Deputy Attorney General.

ETU:hp

MARCH 29, 1949.

Mr. JOSEPH GIULIANO, *State Superintendent,*
Division of Weights and Measures,
Department of Law and Public Safety,
187 West Hanover Street,
Trenton 7, New Jersey.

FORMAL OPINION—1949. No. 21.

DEAR SIR:

Receipt is acknowledged of your interdepartmental communication of March 17, 1949, requesting the opinion of this office respecting the application of R. S. 51:1-93 to non-commercial scales. There is attached to such communication a letter from Arthur Sanders, Esq., counsel for the National Association of Scale Manufacturers, Inc.

It has been the policy and procedure for the Division of Weights and Measures to require all scales to be approved by your division as to type, construction and operation. This requirement has been applied to scales used in the purchase or sale of commodities or service known as commercial or trade scales and also scales which are not designed or used for the determination of quantities in buying and selling or in computing charges for services rendered, known as non-commercial or non-trade scales.

The question has now arisen whether non-commercial or non-trade scales are subject to R. S. 51:1-93 and require approval of your division as to type, construction and operation.

In my opinion, they are not subject to R. S. 51:1-93.

R. S. 51:1-93 provides as follows:

"51:1-93. Every weight or measure sold, leased or delivered after sale to any person within the state for use in the purchase or sale of commodities or service shall be of the legal standard as provided in this chapter.

"Every person selling, leasing or delivering, or buying, renting or receiving any such weight or measure shall furnish to the local superintendent of the county or municipality in which such weights or measures are installed, a statement in writing, showing the sale or lease and location of such weights and measures.

"Any person who shall sell or lease a false weight or measure or a weight or measure that has not been approved as to type, construction and operation by the state superintendent, or who otherwise violates this section shall be liable to a penalty of fifty dollars."

A reading of this section discloses that it was intended to require only those scales used in the purchase or sale of commodities or service, that is, commercial or trade scales, to be approved as to type, construction and operation.

Rules of statutory construction require all provisions of the same section to be read and construed together. Paragraph one requires every such scale to be of the legal standard provided by the statute. The reports required by paragraph two apply to such scales only. Paragraph three, although not referring specifically to such scales must be read and construed in the light of the others and compels me to the conclusion that the approval required applies only to such scales. Although it may be desirable that the purchasing public be protected in all respects and for this reason non-commercial or non-trade scales should be approved by your division, still the wording of this section of the statute is not sufficient to require this approval.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: JOSEPH A. MURPHY,
Assistant Deputy Attorney General.

JAM:MB

APRIL 1, 1949.

HON. CHARLES R. ERDMAN, JR., *Commissioner,*
Department of Conservation and Economic Development,
520 East State Street,
Trenton, New Jersey.

FORMAL OPINION—1949. No. 22.

DEAR SIR:

I have your letter of March 29th, requesting to be advised whether Chapter 307 of the Laws of 1948, authorizing the Commissioner of the Department of Conservation to certify to the Civil Service Commission the names of certain persons employed by said department, has been affected by the provisions of Chapter 448 of the Laws of 1948, establishing the Department of Conservation and Economic Development.