

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.

The first act, in my opinion, has not been affected by the second act in the slightest degree. Where two acts of the Legislature are passed at one and the same session they must be reconciled so that both acts may stand. See *State Board of Health vs. Ihnken*, 72 N. J. Law, 865.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: THEODORE BACKES,
Deputy Attorney General.

TB:S

APRIL 4, 1949.

HONORABLE CHARLES R. ERDMAN, JR., *Commissioner*,
Department of Conservation and Economic Development,
Trenton, New Jersey.

FORMAL OPINION—1949. No. 23.

MY DEAR COMMISSIONER:

Receipt is acknowledged of letter of March 30, 1949, requesting the opinion of this office respecting the application of R. S. 23:5-24.4. (use of nets on Saturday afternoons and Sunday.) R. S. 23:5-24.4 provides as follows:

"23:5-24.4. No net of whatever description shall be fixed, set, hauled, drifted or staked or lifted between the hours of twelve noon on any Saturday and twelve midnight on the following Sunday, but this section shall not apply to the Atlantic Ocean or fyke nets and to nets commonly used for the purpose of taking crabs or bait fish."

The question has now arisen whether it be a violation of the above provision to leave a net set in the water during the period of twelve noon on Saturday to twelve midnight on Sunday.

It is my opinion that all nets (excepting fyke nets and nets commonly used for the purpose of taking crabs or bait fish) must be removed from waters in this State other than the Atlantic Ocean between the hours of twelve noon on Saturday and twelve midnight on Sunday.

These lift or rest periods are conservation measures designed to assure that sufficient breeders may ascend to spawning grounds to perpetuate the species. I have been informed that there are various types of nets, such as set or stake nets which are in a fixed position, haul seines which are hauled through the water by manpower and drift nets which drift with the tide. The leaving of these nets in the water during the period of twelve noon on Saturday and midnight on Sunday would constitute a violation of R. S. 23:5-24.4.

Respectfully yours,

THEODORE D. PARSONS,
Attorney General,

By: BENJAMIN M. TAUB,
Deputy Attorney General.

bmt:d