

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.

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