rules and regulations of your board and is then to receive the same annuity and pension credits as if he had been a member during his temporary service.

In writing this I am not unmindful that there are employees of the State who are not covered by the civil service and, in my opinion, these employees may be admitted at any time. Civil service employees, in my judgment, should not be admitted until they have served their working test or probationary period and have become permanent employees.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: THEODORE BACKES,
Deputy Attorney General.

TB:b

DECEMBER 5, 1950.

HON. ROBERT J. WEGNER,
The House of Assembly of N. J.,
Paterson, N. J.

FORMAL OPINION—1950. No. 85.

DEAR ASSEMBLYMAN WEGNER:

The Legislature of New Jersey during the 1950 session amended Section 1 of the Revised Statutes 34:15-12. Under the terms of the amendment (Chapter 175 P. L. 1950) the law will become effective on January 1, 1951.

The controversy revolves around paragraphs "a," "b" and "y" which are as follows:

a. For injury producing temporary disability, sixty-six and two-thirds per centum ((66-⅔%) of the wages received at the time of the injury, subject to a maximum compensation of thirty dollars ($30.00) per week and a minimum of ten dollars ($10.00) per week. This compensation shall be paid during the period of such disability, not, however, beyond three hundred weeks.

b. For disability total in character and permanent in quality, sixty-six and two-thirds per centum (66-⅔%) of the wages received at the time of injury, subject to a maximum compensation of twenty-five dollars ($25.00) per week and a minimum of ten dollars ($10.00) per week. This compensation shall be paid for a period of four hundred and fifty weeks, at which time compensation payments shall cease unless the employee shall have submitted to such physical or educational rehabilitation as may have been ordered by the rehabilitation commission, and can show that because of such disability it is impossible for him to obtain wages or earnings equal to those earned at the time of the accident, in which case further weekly payments shall be made during the period of such disability, the amount thereof to be the previous weekly compensation payment diminished by the portion thereof that the wage,

or earnings, he is then able to earn, bears to the wages received at the time of the accident. If his wages or earnings equal or exceed wages received at the time of the accident, then his compensation rate shall be reduced to five-dollars ($5.00). In calculating compensation for this extension beyond four hundred and fifty weeks the minimum provision of ten dollars ($10.00) shall not apply. This extension of compensation payments beyond four hundred and fifty weeks shall be subject to such periodic reconsiderations and extensions as the case may require, and shall apply only to disability total in character and permanent in quality, and shall not apply to any accident occurring prior to July fourth, one thousand nine hundred and twenty-three.

y. The weekly compensation payments specified in this section are all subject to the same limitation as to maximum and minimum as are stated in paragraph "a" hereof.

It will be noted that the language used in the amendment (Chapter 175 P. L. 1950) remains unaltered in paragraphs "b" and "y" and that the only change is to be found in *paragraph "a"* which increases the compensation rate to a maximum of $30.00 per week where temporary disability is involved. Therefore, the question reduced to its simplest terms is "Does paragraph "y," by its terms, comprehend paragraph "b" as well as paragraph "a?"

We are of the opinion that it does not.

In the consideration of conflicting provisions in a statute, the great object to be kept in view is to ascertain the legislative intent.

General and special provisions in a statute should stand together, if possible, but where general terms or expressions in one part of a statute are inconsistent with more specific or particular provisions in another part, the particular provision must govern unless the statute as a whole clearly shows the contrary intention and they must be given effect notwithstanding the general provision is broad enough to include the subject to which the particular provisions relate. The particular provision should be regarded as an exception to the general provision so that both may be given effect . . .

59 Corpus Juris, Sec. 596, page 1000

Thus, in the case of *The State, Edmund Bartlett, Prosecutor* vs. *The Inhabitants of the City of Trenton* (38 N. J. L. 64) it was held,

"when the intention of the lawgiver, which is to be sought after in the interpretation of a statute, is specifically declared in a prior section as to a particular matter, it must prevail over a subsequent clause in general terms, which might, by contruction conflict with it. The legislature must be presumed to have intended what it expressly stated, rather than that which might be inferred from the use of general terms."

So also in the case of *State* vs. *Masnik* (125 N. J. L. 34) Justice Heher speaking for the Court of Errors and Appeals said,

"It is an elementary canon of construction that the general regulation yields to the particular, and is modified pro tanto. The special provision is deemed an exception engrafted on the general rule. Of course, this formula is in aid of the primary purpose of construction, that is, the ascertainment of the intention of the law-givers . . ."

In the case sub judice paragraphs "a" and "b" are specific, particular provisions, while paragraph "y" is a general provision. Therefore, the question is resolved by the application of the principle ennunciated supra.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: GRACE J. FORD,
Assistant Deputy Attorney General.

NOVEMBER 30, 1950.

HONORABLE SANFORD BATES, *Commissioner,*
Department of Institutions and Agencies
State Office Building,
Trenton, New Jersey.

FORMAL OPINION—1950. No. 86.

DEAR COMMISSIONER BATES:

This acknowledges your request for an opinion from this office respecting certain aspects of the proper division of cost to be shared by the State and several counties for assistance furnished pursuant to the provisions of Chapter 5, Title 30.

Specifically, you desire to be advised whether the procedure now being followed by the State Board of Child Welfare, within the jurisdiction of your department, constitutes a proper interpretation to be placed upon the statutes referred to in your request and which will be dealt with hereinafter.

It is our opinion and we so advise you that the present procedure now being followed by the Board of Child Welfare with respect to division of cost between the State and several counties for assistance rendered under the pertinent sections of our statutes is a correct and proper interpretation of those laws.

An examination of the pertinent statutes reveals that in 1936 the Federal Government first made available to New Jersey a proportionate share of the cost of rendering assistance to dependent children under Chapter 5, Title 30, Revised Statutes. It became necessary, in connection therewith, to amend the New Jersey laws and this was accomplished by the provisions of Chapter 33, P. L. 1936. At that time, the Federal Government agreed to pay one-third of the cost of rendering assistance to children living with those relatives enumerated in R. S. 30:5-7, which was enacted in 1936 to conform with Federal requirements. With respect to assistance necessary for children not in this limited category, the Federal Government contracted to pay nothing.

It is significant, therefore, in reading R. S. 30:5-7, that each county was made chargeable with one-third of the cost of assistance rendered in Federal participation cases, the Federal Government paying one-third and the State paying the other one-third.