

With respect to this question, we are required to inform you that this is a matter which should be made the subject of a ruling by the respective county counsel since it deals solely with the administration of the internal affairs of the county and with county funds.

Your third and concluding question is whether the State has legal authority to advance to the several counties that portion of the cost of this assistance program which ultimately will be borne by the Federal Government, the transmittal of which appears subject to some delay at this time.

We find no warrant of authority in law to permit such advance payment by the State and are required to advise that the counties must make available the moneys necessary to defray their portion of the cost of this program, subject to later reimbursement to them when funds are available from the Federal Government.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By : EUGENE T. URBANIAK,
Deputy Attorney General.

ETU:HH

OCTOBER 9, 1951.

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

FORMAL OPINION—1951. No. 33.

DEAR COMMISSIONER ERDMAN:

This will acknowledge receipt of your recent letter wherein you request an opinion in connection with the following:

"Whether the benefits of chapter 263, P. L. 1947, as amended by chapter 138, P. L. 1948, and chapter 331, P. L. 1951, extend to a case of paraplegia, osteochondritis or hemiplegia where such condition has resulted from a disease contracted while in active military or naval service."

The answer to this is in the affirmative for the reasons hereinafter set forth.

The applicable parts of the present law (L. 1947, c. 263, as amended by L. 1949, c. 192; L. 1950, c. 196 and L. 1951, c. 331) read as follows:

"A veteran who served in the active military or naval forces of the United States and who is suffering from paraplegia and has permanent paralysis of both legs and lower parts of the body, or who is suffering from osteochondritis and has permanent loss of the use of both legs, or who is suffering from hemiplegia and has permanent paralysis of one leg and one arm, or either side of the body, resulting from *injury* to the spinal cord, skeletal structure, or brain . . ."

(Italics mine.)

The law prior to its being amended referred to "traumatic injury." In order to determine the construction to be placed on this statute, particularly as to what

meaning the Legislature intended the word "injury" to have and what it meant by deleting the word "traumatic," it is necessary to take into consideration existing law at the time this statute was passed. *West Shore Railroad Company vs. Board of Taxes*; 92 N. J. L. (Sup. Ct. 1918) 332.

In the recent case of *Allgaier vs. Township of Woodbridge*; 5 N. J. (Super. Ct. 1949) 21, Judge Waesche stated at page 25:

"The legislative mind is presumed to be consistent. * * * In seeking to ascertain the legislative intent, the courts will take into consideration the state of the existing law at the time the statute was passed."

The law prior to its being amended read as follows:

"A veteran who served in the active military or naval forces of the United States, and who is suffering from paraplegia and has permanent paralysis of both legs and lower parts of the body, or who is suffering from hemiplegia and has permanent paralysis of one leg and one arm, or either side of the body, resulting from *traumatic injury* to the spinal cord or brain, . . ."
(Italics mine.)

It is to be noted that the Legislature in amending this law deleted the word "traumatic" as limiting the type of injury involved. In view of the legislative history, it is clear that the Legislature desired to broaden the meaning of the word "injury" by deleting the word "traumatic." This conclusion is inescapable in view of the meaning of the words "traumatic injury," "trauma" and "injury."

"Traumatic injury" has been defined to mean any injury produced by any sudden violent attack upon the tissues and organs of the human body producing a wound, tear or abnormal condition thereon or therein. *Malone vs. Industrial Commission of Ohio*; 43 N. E. 2d, 266. "Trauma" has been defined to mean a wound or any injury to the body caused by external force. *Harlen Collieries Company vs. Johnson* (Ky.) 212 S. W. 2d, 540; *Higgins vs. Department of Labor* (Wash.) 180 P. 2d, 559.

In the case of *Davis vs. Onyx Oil and Resin Company*, 130 N. J. L. (E. & A. 1943) 381, the court held that damage to respiratory areas diagnosed as sub-acute chemical bronchitis, induced by inhalation of chemical fumes, was an injury within the meaning of the Workmen's Compensation Act of this State.

The word "injury" is defined in Webster's Standard Dictionary as any damage or hurt done to or suffered by a person or thing; and in Darland's Medical Dictionary, as a harm or hurt, a wound or maim.

I am therefore of the opinion that a qualified veteran within the meaning of the act, who is suffering from paraplegia, osteochondritis or hemiplegia as a result of a disease contracted while in active military or naval service, is entitled to the benefits provided by the law; and that "disease" is included within the meaning of the word "injury" as used in the statute.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By : CHESTER K. LIGHAM,
Deputy Attorney General.