

132 N. J. L. 308, in which the Court referring to the statute under which certain veterans may retire after twenty years of public service (R. S. 43:4-1 et seq.) and which statute contains no specific requirement of honorable service, stated:

"Many are the statutory classes and conditions for the retirement of public servants on pension and for the establishment and upkeep of pension funds. See R. S. 1937, Title 43. And yet a reading of each discloses a clear legislative pattern determinative of the policy of the State for the retirement on pension of public servants for honest and efficient services. Cf, *Walter vs. Police and Fire Department, &c.*, Trenton, 120 N. J. L. 39, 42; 198 Atl. Rep. 383."

Although the foregoing case related specifically to retirement rights under the Veterans' Act, nevertheless, I think the statement of policy enunciated is applicable to all claims arising under our various pension laws, including claims for widows' pensions.

In the case before us, the fact that Trooper Tuesday died as a result of a self-inflicted wound does not of itself infer or impute dishonorable or inefficient service.

In short, if, in the instant case, the record shows honorable and efficient service on the part of the trooper up to the time of the suicide, and the conditions set forth in R. S. 53:5-5 are met, then, in my opinion, the trooper's widow is entitled to her pension.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By : DANIEL DE BRIER,
Deputy Attorney General.

OCTOBER 29, 1951.

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

FORMAL OPINION—1951. No. 35.

DEAR COMMISSIONER :

In your letter of October eighteenth you request an opinion as to the beginning date of the four-year term of the three members of the Fish and Game Council, Department of Conservation and Economic Development, who were originally appointed for a two-year term beginning April 1, 1949, and whose reappointment this year was not confirmed by the Senate until June 26th. The question essentially raised by your letter is whether under P. L. 1948, chapter 448 ("Department of Conservation and Economic Development Act"), there is a continuity of terms of office for members of the Fish and Game Council, with April first as the beginning date for each term.

It is our opinion that the intendment of the pertinent provisions of P. L. 1948, chapter 448, is that there is to be continuity in the terms of office of members of the Fish and Game Council; and that the beginning date of each such term is April first, the year being dependent upon the length of the original term prescribed by the act for the line of succession embracing the particular office.

The statute (P. L. 1948, Chapter 448), specifies April first as the date for the commencement of the term of the first appointees to the council thereunder created. But the problem is essentially one of statutory construction, and we must determine whether the April first date is also applicable to the terms of all subsequent appointees.

Section 26 of the act (P. L. 1948, Chapter 448), provides that there shall be eleven members of the council, and that each member

shall be appointed for a term of four years and shall serve until his successor has been appointed and has qualified; except that of the first appointments hereunder, two shall be for a term of one year, three for two years, three for three years, and three for four years, each commencing on April first following the date of appointment. The term of each of the respective first appointees to the council shall be designated by the Governor.

These provisions, coupled with the provision (in the same section) that the persons in office as members of the Fish and Game Council in the then existing Department of Conservation were to constitute the newly established Fish and Game Council until April 1, 1949, and that their respective terms of office were to expire at that time, evince a legislative intent to institute for the new council a scheme of uninterrupted terms, in such manner as eventually to effect the occurrence of three simultaneous vacancies on April first in each of three successive years and of two simultaneous vacancies on April first in every fourth year.

Moreover, section 28 of the act provides that "vacancies in the membership of said council occurring other than by expiration of term shall be filled . . . for the unexpired term only." The effect of this provision, viewed in the light of related provisions, is to preserve the integrity of the legislative scheme of term continuity. Nor can the hold-over provision of section 26, *supra*, operate to destroy that scheme; for if at any time an incumbent's tenure were to be prolonged beyond his term, the successor appointee would serve for the unexpired portion of the term then current.

Since there are eleven members of the council, there are eleven offices. An official term begins to run from the date of the appointment only when no time is fixed by law for the commencement thereof. See *Haight vs. Love*, 39 N. J. L. 476 (E. & A., 1877). However, as we have already indicated, P. L. 1948, Chapter 448, fixes by intendment, if not by specification, the time from which the term of a member of the Fish and Game Council begins to run.

Very truly yours,

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Attorney General.

By: DOMINIC A. CAVICCHIA,
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