education the right to prescribe any requirement of any kind whatsoever for courses of beauty culture in public schools or for teachers or pupils in such courses." (underscoring supplied.)

Logically, it follows that since R. S. 45:4A–35 clearly forbids the State Board of Beauty Culture Control to prescribe any requirement whatsoever for courses of beauty culture in public schools and since R. S. 45:4A–10 clearly states that private schools must comply in all respects with the rules and regulations of the State Board of Beauty Culture Control and State Board of Education relating to courses in beauty culture as they are given in public or vocational training schools, the rules and regulations mentioned therein refer to the powers of the State Board of Beauty Culture Control under R. S. 45:4A–13 and 16 (P. L. 1935, Chapter 307, Sections 12 and 15) to make rules and regulations, and the courses in beauty culture as prescribed for public schools refer to the power of the State Board of Education under R. S. 45:4A–35.

Accordingly we advise you that the State Board of Beauty Culture Control has no responsibility and no authority to promulgate rules and regulations pertaining to courses of study of beauty culture in private beauty schools.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: HERMAN M. BELL, JR.,
Deputy Attorney General.

TDP/HMB/LL

FEBRUARY 20, 1953.

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

FORMAL OPINION—1953. No. 2.

DEAR COMMISSIONER BATES:

You desire to be advised whether an individual convicted as a disorderly person is deemed to have been convicted of a crime within contemplation of Chapter 84, P. L. 1948, Section 24. It is our opinion and we advise you that the answer to this proposition is in the negative.

Section 24 reads as follows:

"A prisoner, whose parole has been revoked because of conviction of a crime committed while on parole, shall be required, unless sooner reparoled by the board, to serve the balance of time due on his sentence to be computed from the date of his original release on parole. If parole is revoked for reasons other than subsequent conviction for crime while on parole then the parolee, unless sooner reparoled by the board, shall be required to serve the

balance of time due on his sentence to be computed as of the date that he was declared delinquent on parole."

Since the sanction imposed in the cited section upon one convicted of crime while on parole serves to require him to remain in confinement for an additional period of time, the law must be strictly construed, as is the case in penal statutes, and the interpretation most favorable to the accused will apply. See Sutherland's Statutory Construction, 3rd Edition, Vol. 3, Sec. 5604.

Additionally, the subject matter received the attention of our courts in *State* vs. *Block,* 119 N. J. L. 282 (Supreme Court, 1938), where it said:

"Conviction as a disorderly person is not a conviction of crime."

Of similar effect is *State* vs. *Lavato,* 7 N. J. 137 (1951).

Accordingly, in view of the above decisions, you are advised that an individual on parole adjudged a disorderly person as now provided in N. J. S. Title 2A, Subtitle 12, is not deemed to have been convicted of crime within the meaning of Section 24 of the Parole Law, *supra,* and is not subject to the sanctions contained therein.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: EUGENE T. URBANIAK,
Deputy Attorney General.

ETU:HH

FEBRUARY 20, 1953.

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

FORMAL OPINION—1953. No. 3.

DEAR COMMISSIONER BATES:

You desire to be advised of the legal authority of the State Board of Child Welfare to consent to the performance of surgery upon certain infant children in situations wherein the said board is not acting as legal guardian but is administering some form of welfare services to said children as provided in Chapter 138, P. L. 1951.

It is our opinion and we advise you that in the absence of legal guardianship in the said board, pursuant to an order of a court of competent jurisdiction, we perceive no statutory warrant of authority to give consent to perform surgery on minor children for whom the board merely provides "welfare services" under Chapter 138, P. L. 1951.

"Under the law, the least manual touching of the body of another against his will, constitutes an assault and battery." See *Central R. R. Co. of N. J.* vs. *Simandl,* 124 N. J. Eq. 207 (Chanc. Ct., 1938).

Wrongful abuse of authority is an assault and battery even when involving the medical services of a physician. See Whartons Criminal Law, Vol. I, p. 1105, Sec. 810.