

MAY 13, 1953.

MR. RUSSELL E. WATSON, JR., *Executive Assistant,*
Office of the Governor,
State House,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 18.

DEAR SIR:

This will acknowledge receipt of your communication of April 30, 1953, wherein you request an opinion relative to the date on which the terms of office of the members of the State Board of Veterinary-Medical Examiners, appointed November 20, 1950, expire.

We are of the opinion that the terms of office of the members of the State Board of Veterinary-Medical Examiners appointed November 20, 1950, expired May 1, 1953.

Section 45:16-1 of the Revised Statutes provides that upon the expiration of the term of office of a member, his successor shall be appointed by the Governor, subject to the provisions of section 45:1-2 (not here relevant), "for a term of three years from the first Monday of May of the year of appointment."

The general rule is that the term of office, when not otherwise provided by statute, begins in the case of appointive offices on the date of appointment, except where under the statute the appointee has a certain time within which to qualify, in which case the term begins at the time of qualification. Section 45:16-1 of the Revised Statutes under consideration so otherwise provides!

The clear and unambiguous language of this statute leads to the conclusion that the term of office is for a period of three years and that said term begins to run as of the date of the first Monday in the month of May of the year during which the appointment is made, irrespective of the day and month in that year when the appointment is in fact made and the member qualifies.

By virtue of the fact that the appointments were made in the year 1950, the terms thereof began to run as of the first Monday of May of the same year, or May 1, 1950. By virtue of the fact that the terms were for periods of three years, the terms of those appointed expired three years thereafter, on May 1, 1953.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: FREDERIC G. WEBER,
Deputy Attorney General.