

examining the records to inquire further as to whether approval of the action taken was intended. Your signature, of course, does not indicate that the minutes accurately reflect what took place at the meeting. That function should be performed by the individual acting as secretary of the particular council.

Yours very truly,

GROVER C. RICHMAN, JR.,
Attorney General.

By: JOHN F. CRANE,
Deputy Attorney General. 1.

b.

JANUARY 12, 1955.

MR. GEORGE BORDEN, *Secretary,*
State Employees' Retirement System of New Jersey,
State House Annex,
Trenton, New Jersey.

MEMORANDUM OPINION P-1.

DEAR MR. BORDEN :

This is in answer to your letter of December 23, 1954, in which you ask whether a person drawing a "free veteran's pension" is eligible to apply for an additional veteran's retirement under the new Public Employees' Retirement System.

The employee in question is apparently now drawing his pension pursuant to R. S. 43:4-1, 43:4-2 and 43:4-3. R. S. 43:4-2 provides as follows:

"When an honorably discharged soldier, sailor or marine has or shall have been for twenty years continuously or in the aggregate in office, position or employment of this State or of a county, municipality or school district or board of education, the body, board or officer having power to appoint his successor in case of vacancy may, with his assent, order his retirement from such service, or he may be retired on his own request . . ." R. S. 43:4-3 provides as follows:

"A person so retired shall be entitled, for and during his natural life, to receive by way of pension, one half of the compensation then being received by him for his service . . ."

"*In case of retirement with pension from office or Position under any other law of this State, the person retiring shall waive either his pension under that law or his pension under this article.*" (Underscoring supplied) R. S. 43:3-1, as amended, provides:

"Any person who is receiving or who shall be entitled to receive any pension or subsidy from this or any other State or any county, municipality or school district of this or any other State, shall be ineligible to hold any public position or employment other than elective in the State or in any county, municipality or school district, unless he shall have previously notified and authorized the proper authorities of said State, county, municipality or school district, from which he is receiving or entitled to receive the pension that, for the duration of the term of office of his public position or employment he elects to receive (1) his pension or (2) the salary or com-

OPINIONS

pensation allotted to his office or employment. Nothing in this chapter shall be construed to affect any pension status or the renewal of payments of the pension after the expiration of such term of office except that such person shall not accept both such pension or subsidy and salary or compensation for the time he held such position or employment”.

Section 56 of Chapter 84 of the laws of 1954 goes even further, and provides as follows:

“No public employee veteran eligible for membership in the Public Employees’ Retirement System shall be eligible for, or receive, retirement benefits under Sections 43:4-1, 43:4-2, and 43:4-3 of the Revised Statutes.”

From the foregoing, it is apparent that a public employee who is a veteran cannot be eligible for pensions under both Chapter 84 of the Laws of 1954 and R. S. 43:4-1 et seq., and that if the applicant is eligible for membership in the Public Employees’ Retirement System under Chapter 84 of the Laws of 1954, steps should be taken to terminate pension payments under R. S. 43:4-1 et seq.

Very truly yours,

GROVER C. RICHMAN, JR.,
Attorney General.

By: CHARLES S. JOELSON,
Deputy Attorney General.

JANUARY 19, 1955.

MR. GEORGE BORDEN, *Secretary,*
Public Employees’ Retirement System,
48 West State Street,
Trenton, New Jersey.

MEMORANDUM OPINION P-2.

DEAR MR. BORDEN:

This is in answer to your letter of January 5, 1955 in which you request an opinion as to whether a state employee who was inducted into military service of the United States on November 11, 1918 and discharged on November 13, 1918 may be considered a veteran for the purposes of Chapter 84 of the laws of 1954.

Article III, Section 6(L) of Chapter 84 of the laws of 1954 defines a veteran as “any honorably discharged officer, soldier, sailor, airman, marine, nurse, or army field clerk, who has served in the active military or naval service . . . in World War I between April 6, 1917 and November 11, 1918.”

The great weight of authority holds that where a statute requires that a certain thing shall be done between one day and another, each of such days is to be excluded. The word “between” when used in speaking of the period of time “between” two certain dates generally is held to exclude the dates designated as the commencement and termination of such period. *People v. Hornbeck* 61 N. Y. S. 978; *Kendall v. Kingsley* 120 Mass. 94; *Weir v. Thomas*, 44 Nebraska 507; *Greenberg v. Newman*, 320 Ill App 99. *Arcadia Citrus Growers v. Hollingsworth*, 135 Fla 322.