

vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the members first taking office after the date of enactment of this act shall expire, as designated by the Governor at the time of nomination, one at the end of one year, one at the end of two years, and one at the end of three years after such date. The board shall elect one of its members as chairman and one as secretary-treasurer, who shall hold their respective offices for one year. The secretary-treasurer shall give bond to the State in such sum as may be determined by the board. The board shall make all necessary rules and regulations to carry out the provisions of this act. Any two members shall constitute a quorum for the transaction of business. The board shall keep a complete record of all its proceedings and shall file an annual report with the office of the Secretary of State."

To determine the terms of office of the present members of the State Board of Shorthand Reporting, it is necessary to decide whether the 3-year term is affixed or attached to the office of board member or to the incumbent thereof. *Marvel v. Camden County*, 137 N.J.L. 47 (E. & A. 1948).

We are of the opinion that the act creating the office of member of the State Board of Shorthand Reporting attached the term to the office itself and not to the incumbent of that office. This conclusion is substantiated by the clear legislative intent to have one term of the original four expire each year. It is further supported by the provision that a vacancy shall be filled by the Governor for the unexpired term only. *Marvel v. Camden County*, supra; *Monte v. Milat*, 17 N.J. Super. 260 (Law Div. 1952).

To ascertain the dates on which the terms of the present members of this board expire, the terms of the three original appointees and their successors have been traced from 1940 to the present.

The first member named to the board was John F. Trainer who was appointed for the 3-year term on January 5, 1941. Vincent Donegan was appointed on May 26, 1941 for the 2-year term. The 1-year term was received by Charles J. Drescher, also on May 26, 1941. Since the statute did not fix any time for the commencement of these terms, they began to run from the date of the first appointment, January 6, 1940, and, in accordance with the legislative mandate contained in the 1940 act, one 3-year term has commenced every year thereafter. Cf. *Haight v. Love*, 39 N.J.L. 476 (E. & A. 1877). For example, the term succeeding the one to which Mr. Trainer was appointed began on January 6, 1944 and ran to January 6, 1947. The term following the one Mr. Donegan received started on January 6, 1943 and continued until January 6, 1946. Similarly, Mr. Drescher's original term was followed by one that began on January 6, 1942 and continued until January 6, 1945.

The present incumbent of the office originally filled by John F. Trainer is Sidney Lichter. Your records indicate that Mr. Lichter's term will expire on January 6, 1961. Our calculations indicate that the term to which Mr. Lichter was appointed on June 2, 1958 is the term that commenced on January 6, 1956 and which, therefore, will expire on January 6, 1959.

George Sakson is now the holder of the office to which Vincent Donegan was the original appointee. Your records indicate that his term is to expire on January 6, 1961. We are in accord with this listing.

The office to which Charles J. Drescher was originally appointed is now held by John P. Walsh. Your records indicate that Mr. Walsh's term is to expire on January 6, 1960. We are also in agreement with this listing.

In summary, the corrected expiration dates of the terms held by the present members of the State Board of Shorthand Reporting is as follows:

Sidney Lichter	January 6, 1959
George Sakson	January 6, 1961
John P. Walsh	January 6, 1960

For opinions dealing with similar situations, see Memorandum Opinion to you, dated October 30, 1958, concerning the terms of office of the members of the State Board of Public Accountants and other opinions cited therein.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: DAVID J. GOLDBERG
Deputy Attorney General

DECEMBER 16, 1958

HONORABLE PHILLIP ALAMPI, *Secretary*
Department of Agriculture
1 West State Street
Trenton, New Jersey

MEMORANDUM OPINION—P-35

Re: Meaning of word "poultry."

DEAR SECRETARY ALAMPI:

You have requested an opinion as to the meaning of the word "poultry" when used in a general way in agricultural acts. Where the statute in question defines the meaning of the word, statutory construction requires that the words be given the meaning as defined in the statute unless such construction will defeat the legislative purpose, 2 *Sutherland Statutory Construction* (3rd ed. 1943), sec. 3002, p. 222. An example of this type of statutory definition is contained in the Poultry Products Promotion Council and Tax Act, R.S. 54:47A-1 et seq., where the word "poultry" is defined to mean "chickens, turkeys, ducks, geese, guinea fowl and pheasants." Here the language is plain and unambiguous. The Legislature has supplied the meaning and this meaning is binding when the statute is being construed.

Where the statute does not supply a definition, the words normally are to be given their natural and ordinary meaning, *Lloyd v. Vermeulen*, 40 N.J. Super. 151, 165 (Law Div., 1956); *In re Act Concerning Alcoholic Beverages*, 130 N.J.L. 123, 128 (Sup. Ct., 1943). There is no safer or better settled manner of interpretation than that when language is clear and unambiguous it must be held to mean what it plainly expresses. In the instant case the word "poultry" has a well defined meaning.

Corpus Juris Secundum, Vol. 72, pages 395, 396, defines poultry as follows:

"A generic word, meaning domestic fowls reared for the table, or for their eggs or feathers, such as cocks and hens, capons, turkeys, ducks, and

geese. The term is sometimes applied to pigeons if reared for table consumption."

This definition is also contained in *Words and Phrases*, Permanent Edition, Vol. 33, page 135, and except for the last sentence, it is the same definition as that contained in *Webster's New International Dictionary of the English Language*, 1931 Edition.

While it is an elementary rule of construction that effect must be given, if possible, to every word, clause and sentence of a statute, the literal interpretation of the words of an act should not prevail if it creates a result contrary to the apparent intention of the Legislature. The intention prevails over the letter and the letter must, if possible, be read so as to conform to the spirit of the act. The intention of the Legislature must be ascertained from the words used to express it, the manifest reason and obvious purpose of the law should not be sacrificed to a literal interpretation of such words. Thus, words or clauses may be enlarged or restricted to harmonize with other provisions of an act.

In *Alexander v. N.J. Power & Light Co.*, 21 N.J. 373 (1956) Justice Heher, speaking for a unanimous court, at page 378 said :

"The statute is to receive a reasonable construction, to serve the apparent legislative purpose. The inquiry in the final analysis is the true intention of the law; and, in the quest for the intention, the letter gives way to the rationale of the expression. The words used may be expanded or limited according to the manifest reason and obvious purpose of the law. The spirit of the legislative direction prevails over the literal sense of the terms. The particular words are to be made responsive to the essential principle of the law. When the reason of the regulation is general, though the provision is special, it has a general acceptation. The language is not to be given a rigid interpretation when it is apparent that such meaning was not intended. The rule of strict construction cannot be allowed to defeat the evident legislative design. The will of the law-giver is to be found, not by a mechanical use of particular words and phrases, according to their actual denotation, but by the exercise of reason and judgment in assessing the expression as a composite whole. The indubitable reason of the legislative terms in the aggregate is not to be sacrificed to scholastic strictness of definition or concept. *Wright v. Vogt*, 7 N.J. 1 (1951).

"It is not the meaning of isolated words, but the internal sense of the law, the spirit of the correlated symbols of expression, that we seek in the exposition of a statute. The intention emerges from the principle and policy of the act rather than the literal sense of particular terms, standing alone. *Caputo v. Best Foods, Inc.*, 17 N.J. 259 (1955)."

You are therefore advised that when the word "poultry" is used in a general manner in a statute, it is to be given its common ordinary meaning as set forth above, unless the literal interpretation will result in thwarting the apparent legislative purpose or intention as gathered from the entire act, in which event the ordinary meaning of the word "poultry" is to be expanded or limited so that it is made responsive to the essential legislative spirit, intent and purpose.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: GEORGE H. BARBOUR
Deputy Attorney General

DECEMBER 16, 1958

WILLIAM MACPHAIL, *Superintendent of
Elections of Hudson County*
591 Summit Avenue
Jersey City 6, New Jersey

MEMORANDUM OPINION—P-36

DEAR MR. MACPHAIL:

You have requested an opinion as to the eligibility of a person who has been convicted of a crime which would disenfranchise him but has since had the record of conviction expunged by a county judge, to have his voting rights restored. You would like to know whether said person can be permitted to vote once the record has been expunged.

N.J.S. 2A:164-28 provides in part that:

“. . . an order may be granted directing the clerk of such court to expunge from the records all evidence of said conviction and that the person against whom such conviction was entered shall be forthwith thereafter relieved from such disabilities as may have heretofore existed by reason thereof, excepting convictions involving the following crimes: treason, misprision of treason, anarchy, all capital cases, kidnapping, perjury, carrying concealed weapons or weapons of any deadly nature or type, rape, seduction, aiding, assisting or concealing persons accused of high misdemeanors, or aiding the escape of inmates of prisons, embracery, arson, robbery or burglary.”

R.S. 19:4-1, as amended, deprives certain persons of the right to vote for specific reasons and reads in pertinent part as follows:

“No person shall have the right of suffrage—. . .

“(2) Who was convicted, prior to October 6, 1948, of any of the following designated crimes, that is to say—blasphemy, treason, murder, piracy, arson, rape, sodomy, or the infamous crime against nature, committed with mankind or with beast, polygamy, robbery, conspiracy, forgery, larceny of above the value of \$6.00, perjury or subornation of perjury, unless pardoned or restored by law to the right of suffrage; or

“(3) Who was convicted after October 5, 1948, or shall be convicted, of any of said crimes, except polygamy or larceny above the value of \$6.00, or of bigamy or larceny of above the value of \$20.00, or who shall be convicted of the crime of burglary or of any offense described in chapter 94 of Title 2A, or section 2A:102-1 or section 2A:102-4, of the New Jersey Statutes or described in sections 24:18-4 and 24:18-47 of the Revised Statutes, unless pardoned or restored by law to the right of suffrage; or

* * *

“(5) Who shall be convicted of a violation of any of the provisions of this Title, for which criminal penalties are imposed, if such person shall be deprived of such right as part of the punishment therefor according to law, *unless pardoned or restored by law to the right of suffrage.*” (Emphasis supplied)