

exercise when the assessment has been effected in accordance with the statute. *City of Bayonne v. North Jersey etc. Commission*, 30 N.J. Super. 409, 417 (App. Div. 1954); *Clark v. Elizabeth*, 61 N.J.L. 565, 581-582 (E. & A. 1898). In the case last cited, the Court of Errors and Appeals set forth the rule as follows (pp. 581-582):

“Words which, in their ordinary acceptance and when interpreted exclusive of the context and the subject-matter, imply a discretion or power, such as ‘may,’ ‘it shall be lawful,’ and the like, become in the construction of statutes mandatory where such is the legislative intent. The general rule is stated as follows: ‘Where a statute confers authority to do a judicial, or, indeed, any other act, which the public interest or even individual right many demand, it is imperative on those so authorized to exercise the authority when the case arises, and its exercise is duly applied for by a party interested and having a right to make the application. In giving one person the authority to do an act the statute impliedly gives to others the right of requiring that the act be done, the power being given for the benefit not of him who is invested with it, but of those for whom it is to be exercised. \* \* \* When, therefore, the language in which the authority is conferred is only directory, permissive or enabling—for instance, when it is enacted that the person authorized “may,” or “is empowered,” or “shall if he deems it advisable,” or that “it shall be lawful” for him to do the act—it has been so often decided as to have become an axiom that such expressions have a compulsory force, unless there be special grounds for a different construction.’ ”

Very truly yours,

DAVID D. FURMAN  
*Attorney General*

By: THOMAS P. COOK  
*Deputy Attorney General*

MAY 25, 1959

SALVATORE A. BONTEMPO, *Commissioner*  
*Department of Conservation and Economic Development*  
205 West State Street  
Trenton, New Jersey

MEMORANDUM OPINION 1959—P-6

DEAR COMMISSIONER BONTEMPO:

You have requested our opinion as to whether a veteran who has a total of 13 years of public service and who has been injured in the course of his employment, would be eligible for a disability pension pursuant to N.J.S.A. 43:4-1 et seq. This question must be answered in the negative.

N.J.S.A. 43:4-1 reads as follows:

“This chapter shall apply to and include persons serving in and honorably discharged from the military or naval service of the United States, including nurses, in any war in which the United States is or has been engaged and in connection with the American punitive expedition or other intervention

campaign or trouble with the Republic of Mexico during the administration of President Woodrow Wilson; provided, such designated persons shall have attained the age of sixty-two years or become incapacitated after twenty years of continuous or aggregate service for the duties of their office or position of employment."

From the above quoted provision, it can be seen that a veteran who is not incapacitated must have at least 20 years of service and must have reached the age of 62 years in order to qualify for a veteran's pension; a veteran who is incapacitated must have at least 20 years of service but need not meet the minimum age requirement of 62 years of age. Since the veteran in question does not have 20 years of service, he would not qualify for a veteran's pension pursuant to N.J.S.A. 43:4-1 et seq.

Very truly yours,

DAVID D. FURMAN  
*Attorney General*

By: JUNE STRELECKI  
*Deputy Attorney General*

MAY 29, 1959

COLONEL JOSEPH D. RUTTER  
*New Jersey State Police*  
State Police Headquarters  
West Trenton, New Jersey

MEMORANDUM OPINION 1959—P-7

DEAR COLONEL RUTTER:

You have requested an opinion concerning the following problem. An officer of a detective agency incorporated and licensed in New York State as a detective agency has filed an application for an individual private detective's license in New Jersey pursuant to R.S. 45:19-9 et seq. However, the person does not hold an individual New York State License. The applicant insists that he is qualified as an individual to receive a private detective's license. You have questioned your authority to issue such a license because the person might not be qualified according to the terms of N.J.S.A. 45:19-12 which, in part, states that:

"\* \* \* No license shall be issued to \* \* \* any person, firm, association or corporation unless such person or at least one member of the firm and one officer or director of the association or corporation has had at least five years' experience as an investigator or as a police officer with an organized police department of the State or a county or municipality thereof, or with an investigative agency of the United States of America or any State, county or municipality thereof. \* \* \*"

You have informed us that the individual lacks the qualifications enumerated above. You have also indicated to the person that because he has not the necessary investigative experience the fact that persons in his New York corporation do in