

are indictable offenses and are not listed specifically in the statute (Chapter 80 of the Laws of 1948). The jurisdiction of the municipal magistrate and of the municipal attorney is strictly limited by statute.

Fourth: The municipal attorney cannot "appear in any court on behalf of the State upon the request of the municipal attorney and conduct the prosecution." Rule 8:4-1 of necessity applies only to "Local Criminal Courts." Rules of other courts apply in said other courts and a municipal attorney can act only under the authority of this rule, read in the light of appropriate statutes. The municipal attorney may only appear in those cases where he is permitted by statute to appear and those cases wherein his particular municipality has an interest, and then only when the county prosecutor chooses to permit him to exercise his exclusive jurisdiction over the criminal business of the State as provided for in R. S. 2:182-4.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: HENRY F. SCHENK,
Deputy Attorney General.

hfs;d

JUNE 29, 1949.

AUGUSTUS C. STUDER, JR., ESQ.,
11 Commerce Street,
Newark 2, New Jersey.

FORMAL OPINION—1949. No. 69.

DEAR MR. STUDER:

Receipt is acknowledged of your letter of June 27th, in which you call attention to your recent appointment as counsel of the New Jersey Turnpike Authority (created under P. L. 1948, Chapter 454) and request an opinion as to whether, in that capacity, you come under the supervision of the Attorney General.

Our opinion is that your employment as counsel to the New Jersey Turnpike Authority was within the powers granted to that body under Section 5(m) of P. L. 1948, Chapter 454, and that you, as such counsel, do not come under the supervision of the Attorney General.

In reaching this conclusion we have examined the provisions of P. L. 1944, Chapter 20, whose purpose, as stated in section one thereof, was "to accomplish economy and efficiency by centralizing, in one department, the facilities afforded by the State for the rendering of legal services to the Governor and to all officers, departments, boards, bodies, commissions and instrumentalities of the State Government . . ." The purpose so declared in this section, together with other provisions of the said act, clearly established a policy for the State with respect to the centralization of legal services in a Department of Law (now Division of Law) under the Attorney General. Therefore, any pertinent statute passed subsequent to said 1944 Law must be read in the light of such policy.

Under P. L. 1948, Chapter 454, section 5(m), the New Jersey Turnpike Authority is empowered:

"To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment; to fix their compensation; and to promote and discharge such employees and agents; all without regard to the provisions of Title 11 [Civil Service] of the Revised Statutes;"

This provision would not of itself necessarily lead to the conclusion that said Authority was empowered to employ attorneys (counsel) regardless of the policy laid down by P. L. 1944, Chapter 20. However, such conclusion is inescapable by force of section 21 of P. L. 1948, Chapter 454, which reads:

"All other general or special laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this act."

Thus, with respect to the rendering of legal services to the New Jersey Turnpike Authority, the Legislature, by empowering said Authority to employ its own attorneys, has deviated from the policy established by P. L. 1944, Chapter 20, and, to that extent, has undone the purpose of said act.

Moreover, inasmuch as your appointment as counsel was under and by virtue of P. L. 1948, Chapter 454, we know of no provision of law which places you in the Division of Law or otherwise under the supervision of the Attorney General.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: DOMINIC A. CAVICCHIA,
Deputy Attorney General.

JUNE 29, 1949.

DR. E. S. HALLINGER, *Secretary,*
State Board of Medical Examiners,
28 West State Street,
Trenton, New Jersey.

FORMAL OPINION—1949. No. 70.

DEAR SIR:

This is in response to your letter dated June 15, 1949, requesting the opinion of this office concerning the applicability of the Civil Service Law to an inspector appointed under the provisions of Section 45:9-3 and also the employees of your Board. Three questions are set forth in your request for opinion, and they will be answered in the order in which you have asked them.