

NOVEMBER 10, 1949.

DR. WILLIAM S. CARPENTER  
*President, Civil Service Commission*  
State House  
Trenton, New Jersey

## FORMAL OPINION—1949. No. 100.

DEAR DR. CARPENTER:

You have requested my opinion as to whether the position of sergeant-at-arms of the Superior Court, Law Division, Essex County, is in the unclassified division of the Civil Service.

The answer is "Yes".

R. S. 2:16—27 provides:

In each county of the first class the circuit court judges of the several circuit courts may appoint a sergeant-at-arms, who shall attend daily upon such courts in the county wherein appointed during the several terms thereof. Any such appointment may be revoked at any time by the appointing judge.

Chapter 375, Section 1, of the Laws of 1948 provides that where any statute, which became effective prior to September 15, 1948 and still remains in effect after said date, contains any provision with reference to the circuit court existing in accordance with the Constitution of 1844, said statute shall be given effect on and after September 15, 1948 as though it referred to the Law Division of the Superior Court, or a judge thereof.

From a reading of these two statutes together, it follows that power to appoint a sergeant-at-arms for the Law Division of the Superior Court, Essex County, now resides in the judge or judges assigned to that division, and that such appointment may also be revoked at any time by the appointing judge. Since such power of revocation is inconsistent with the tenure which characterizes positions in the classified service, the position must be deemed in the unclassified category.

Yours very truly,

THEODORE D. PARSONS,  
*Attorney General,*

By: THEODORE BACKES,  
*Deputy Attorney General.*