sibilities vested in it by the law creating it or those which may be reasonably presumed from the intent of the law. If the Legislature had intended the welfare board to issue orders of support in Home Life cases, it would have stated so specifically as it did in Chapter 7, Title 44, Revised Statutes.

2. In your second question you ask whether the State Board of Child Welfare is authorized to initiate on its own complaint actions to enforce support from any legally responsible relatives, in view of the fact that there is a specific section in the law (R. S. 30:5-14) which gives the agency authority to take action solely with respect to deserting fathers.

This question must also be answered in the negative for the language of R. S. 30:5-14 confines the power of the State Board of Child Welfare in the matter of enforcing support to a situation relating to the desertion of a father. It cannot be said that the Legislature intended this authority to extend to other legally responsible relatives other than the father. If it had so intended it would have so stated.

3. Your third question is paraphrased as follows: Is the State Board of Child Welfare authorized to require that an applicant for Home Life assistance initiate action against a legally responsible relative, and is the agency further authorized to deny assistance whenever there is a refusal by the applicant to take such action?

Both parts of this question must be answered in the negative for there is no requirement in R. S. 30:5-33, defining eligibility of an applicant mother, which requires her to exhaust other legal means to secure support from her husband in order to qualify for Home Life assistance. Therefore, if the applicant mother meets the requirements of R. S. 30:5-33 she would be deemed eligible for assistance. Accordingly, the agency is not authorized to deny assistance where the applicant refuses to take the legal procedure to compel her husband to support their children.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: EUGENE T. URBANIAK,
Deputy Attorney General.

ETU:HH

NOVEMBER 15, 1949.

MAJOR GENERAL EDWARD C. ROSE,
Chief of Staff,
Department of Defense,
Trenton 10, New Jersey.

FORMAL OPINION—1949, No. 104.

DEAR GENERAL ROSE:

Receipt is acknowledged of your request for my opinion as to your right to lease or rent the National Guard Armory at Jersey City, for the purpose of conducting weekly benefit parties on Sunday evenings during the balance of the present fiscal year.

Prior to the enactment of the act creating the State Department of Defense (P.L. 1948, page 473) the leasing of armories was the duty of the State Military Board. These powers and duties, by the consolidation act, were transferred to and are now vested in the Department of Defense.

An examination of the several sections of the old Militia Act relative to the use of armories for other than military purposes, notably Revised Statutes 38:8-13 thru 38:8-22, lists the specific uses for which any armory may be leased. These include the use of armories by recognized organizations composed of honorably discharged soldiers, sailors or marines; use of armories by pupils, boys scouts and girl scouts; State Board of Agriculture; State Board of Horticulture; State Grange or by any duly authorized or incorporated association approved by the State Board of Agriculture.

I can find no statutory authorization for the making of a lease for other than these purposes and in the absence of specific statutory authorization I am of the opinion that the Department of Defense is without power to make the contemplated lease or arrangement.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: JOSEPH LANIGAN,
Deputy Attorney General.

JL:rk

NOVEMBER 28, 1949.

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

FORMAL OPINION—1949. No. 105.

DEAR DR. CARPENTER:

You have requested our opinion as to what, if any, length of service in grade is required of a police sergeant in the City of Newark in order that he may be eligible to take a promotion examination for the position of police lieutenant.

In my opinion, the situation is governed by Rule 24 of the Civil Service Rules, which was adopted pursuant to R. S. 11:10-7 and provides in part:

> "In all cases unless the President for good and sufficient reasons deems otherwise, the person seeking promotion shall have served at least one year after permanent appointment in the next lower class or classes as the case may be".

In accordance with this Rule, the Civil Service Department has fixed twelve months as the required time in grade in order to achieve eligibility for the promotion examination in question.