

approved by your Board. Specifically answering your question, therefore, I would state that these men, based upon the facts stated in your letter, are not qualified under the statute to be admitted to the examination for a license to practice veterinary medicine.

It further appears from your letter that these men were admitted to and took an examination, that you accepted fees for examination from them but none of them passed the examination. You now ask whether the fee of \$25.00 for examination should be returned. In my opinion it should because they were erroneously admitted to the examination in the first instance and you may only accept the examination fee from qualified applicants. I would, therefore, advise that the fee of \$25.00 previously collected be returned.

Yours very truly,

THEODORE D. PARSONS,  
*Attorney General,*

By: JOSEPH A. MURPHY,  
*Assistant Deputy Attorney General.*

JAM:rk

JANUARY 5, 1950.

COL. S. L. SOUTH,  
QMC, N.J.N.G.  
*Acting Adjutant General,*  
State Armory,  
Trenton, New Jersey.

FORMAL OPINION—1950. No. 1

DEAR COLONEL SOUTH:

Receipt is acknowledged of your letter of December 29, 1949 relative to the installation of a motor vehicle storage building on the armory site at Elizabeth, New Jersey. I note you desire to be advised whether or not it is necessary to obtain a permit from the City of Elizabeth for such construction as required by the ordinances of said City.

This Department has ruled constantly, for many years, that the operations of the State, in the construction of armories and other buildings, are not subject to municipal regulations, for the reason that the State is never bound by any grant of power to a municipality, or the regulations established by the municipality under such power, or by any statute, unless the intention is clearly expressed in the grant of power to the municipality, or in the statute, that the State shall be bound thereby.

This is on the authority of *Trustees for the Support of Public Schools vs. Trenton*, 30 N. J. Eq., page 667, and *New Jersey Interstate Bridge and Tunnel Commission vs. The City of Jersey City*, 93 N. J. Eq., page 550, which opinions have been uniformly followed by our courts.

Yours very truly,

THEODORE D. PARSONS,  
*Attorney General,*

By: JOSEPH LANIGAN,  
*Deputy Attorney General.*

JL:rk