

(Chapter 25 having spent its force because of its applicancy only to candidates at the 1949 general election). Such advice on our part would only hold open the door for further attack upon these laws by other State officers, and we see no point in prolonging a legal controversy which, in view of the Supreme Court's opinion in the Imbrie case, can only come to the same end.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By: DOMINIC A. CAVICCHIA,
Deputy Attorney General.

JANUARY 23, 1950.

HON. CHARLES R. ERDMAN, JR., *Commissioner,*
Dept. of Conservation & Economic Development,
Trenton, New Jersey.

FORMAL OPINION—1950. No. 8.

DEAR MR. ERDMAN:

Your letter of January 18, 1950, is at hand.

The opinion you seek is whether or not harbor masters appointed by your department (navigation section) have jurisdiction (1) on the Shrewsbury River, and (2) on Sandy Hook Bay.

The answer is that harbor masters appointed by the navigation section, under the above department, have jurisdiction on the Shrewsbury River and Sandy Hook Bay.

The original board of commerce and navigation, which has been transferred by statute to the department of conservation and economic development, had power to appoint harbor masters in any locality where an inland waterway shall have been constructed or improved by the State. (12:6-4 R. S.)

Such harbor masters shall have power to regulate all water traffic in inland waterways and upon other waters under the jurisdiction of the State, and shall have explicit power to enforce all laws and regulations relating to or regulating traffic or inspecting the equipment of vessel on such inland waterways and other waterways within the control of the State. (12:6-7 R. S.)

Your board had power to improve by deepening and widening such streams, creeks, etc., as connect with or are tributaries to the inland waterway system, that flow through any of the tidal waters bordering or adjacent to the Atlantic Ocean. (12:6-8 R. S.)

Any stream, creek, river or inland waterway improved pursuant to R. S. 12:6-8 of this title shall constitute and form part of the inland water system of this State, and thereafter shall be maintained as such by the State. (12:6-9 R. S.)

The Legislature passed an act conferring powers on the board of commerce and navigation to provide for a harbor of refuge in Sandy Hook Bay near the borough of Atlantic Highlands and to do all things necessary therewith for effectuating the purposes of this act, and an appropriation was made under said act. (12:5-9 R. S.)

The board having power to appoint said harbormasters, and the Legislature having constituted streams, creeks, rivers and inland waterways improved pursuant to this act a part of the inland waterway system of the State, and having created a harbor of refuge in Sandy Hook Bay, and under Sec. 12:8-1 et seq. having created regulations for the appointment of pilots in Sandy Hook Bay, places such harbor of refuge under the jurisdiction of the State of New Jersey. And the Shrewsbury River being an inland waterway under the terms of this act, the harbormasters so appointed by your department have jurisdiction on the Shrewsbury River and Sandy Hook Bay.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By: ROBERT PEACOCK,
Deputy Attorney General.

JANUARY 24, 1950.

COL. CHARLES H. SCHOEFFEL, *Superintendent,*
New Jersey State Police,
Trenton, New Jersey.

FORMAL OPINION—1950. No. 9.

DEAR COLONEL SCHOEFFEL:

I have your request of January 20, 1950, for opinion on the following questions:

1. Is the State Police responsible or liable for feeding prisoners while in custody, or while in juvenile shelters?

2. Is the State Police liable in general for meals served to prisoners?

The county jails are under the jurisdiction of the sheriffs of the respective counties and the statute provides that the board of freeholders may fix a price for victualing prisoners in the county jail at a sum not exceeding 50c per day for each prisoner, and shall annually appropriate a sum of money sufficient for that purpose. (30:8-14 R. S.)

Prisoners who have been sent to county workhouses shall be kept therein at the charge and expense of the county. (30:8-34 R. S.)

Concerning the question of juvenile shelters, under the juvenile and domestic relations court established by R. S. 9:18-4 it is provided that where a child is arrested, the court may place said child in a house of detention or shelter home and whenever the court has assumed custody of said child, if not released in custody of the parent, it shall be detained in such place of detention as may be designated by the court subject to further order. (9:18-24 R. S.)

Under 9:18-26 the board of freeholders may establish and maintain a home for the temporary detention of children and all expenses incurred in complying with the provisions of the act shall be a county charge.

On the question as to who is responsible for feeding prisoners while in custody of the State Police, I would say that the State Police should not keep persons in cus-