

tody in their barracks, but when arrested should be transported to a jail or juvenile shelter.

On the question as to who is responsible for feeding prisoners while in county jails, county workhouses or juvenile shelters, the county board of freeholders, under the act cited above, is responsible for feeding such prisoners.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: ROBERT PEACOCK,
Deputy Attorney General.

JANUARY 27, 1950.

COL. CHARLES H. SCHOEFFEL, *Supt.,*
Division of State Police.

FORMAL OPINION—1950. No. 10.

DEAR COL. SCHOEFFEL:

Your letter of January 9, 1950, requesting an opinion from this office concerning the rights and duties of the State Police when confronted with problems as presented to you by Chief Donahue of the Bergen County Police Department, is herewith acknowledged.

The facts in question are as follows:

Recently there was a disagreement as to the renewal of a contract at the Wright Aeronautical Corporation Plant No. 7 at Wood Ridge, New Jersey, and it appeared that the workers at the plant would go on strike. Conferences between labor and management deferred strike action but no settlement had been reached. Pursuant to the original threat, a conference was held by representatives of the Wright Corporation, Wood Ridge Police, Bergen County Police, Bergen County Sheriff's Office and the United States Air Corps to formulate plans for security measures. The United States Army representative advised that there was some very valuable equipment at the Wood Ridge plant belonging to the Air Corps, and therefore military regulations, not in violation of any existing State statute, would be set up. These regulations would be enforced by military police. The military authorities asked for the assistance and cooperation of the civilian authorities and said assistance was agreed upon by all present.

The important questions presented are:

1. Would civil police have any authority to enforce an army regulation or ruling which ruling does not violate any existing statute?
2. Would civil or military courts-martial have jurisdiction over offenders?

The powers and duties of the State Police are set forth in Chapter 2, Title 53 of the New Jersey Statutes Annotated under the general head of "State Police." The members of the State Police are police officers primarily employed to furnish adequate police protection to inhabitants of rural sections, etc. . . . They may co-

operate with any other state department or any state or local authority in detecting crime, apprehending criminals and preserving law and order; but the State Police shall not be used as a posse in any municipality except upon order of the Governor when requested by the governing body of such municipality.

The Military Police have authority on a post, camp, station or reservation over all persons; in other areas only over military personnel. They would not have any jurisdiction over civilians at the Wright Aeronautical Plant (a private corporation) and would have no right to request State Police for assistance in the enforcement of rules to protect its property.

The Military Police are vested with such powers of arrest or confinement over persons subject to military law as are provided by army regulations. See Army Regulations 600-355; see Articles of War 2.

Ordinarily a request from the Military Police for assistance cannot be honored. However, a request from a municipal authority (Wood Ridge, N. J.) where the military police are protecting property, to the State Police for assistance if same is necessary, will meet with approval under the law authorizing State Police to cooperate with local authority in preserving law and order. The preservation of law and order in such a municipality is clearly distinguishable from the use of State Police as a posse. Therefore it is not necessary to obtain an order from the Governor.

In the event of an arrest by a state trooper, the offender would be tried by civilian and not military courts. Only persons subject to military law are subject to trial by military tribunals. See Articles of War 2.

I trust the above answers the questions raised in your letter.

Respectfully submitted,

THEODORE D. PARSONS,
Attorney General.

By: OSIE M. SILBER,
Deputy Attorney General.

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JANUARY 31, 1950.

THE HONORABLE LLOYD B. MARSH,
Secretary of State,
Trenton, New Jersey.

FORMAL OPINION—1950. No. 11.

DEAR SIR:

This opinion is rendered in response to your letter of January twenty-sixth, in which you state that the "county clerks are making preparations for the 1950 primary and general elections, and several of them have raised the question whether the office of coroner was abolished by the Constitution of 1947 or still exists."

We advise you that the office of coroner was not abolished by the Constitution of 1947; that such office still exists, although the continued existence thereof is now