

Not without giving full consideration to that provision of the Constitution of 1947 (Art. VI, Sec. VI, Par. 1) which enjoins the appointment by the Governor, with the advice and consent of the Senate, of "judges of the inferior courts with jurisdiction extending to more than one municipality," have we expressed ourselves respecting the continued validity of the statutory provision calling for the election of coroners. We are fully aware of the functional significance of the office of coroner, of the fact that the coroner's jurisdiction is countywide, and of the historical reference to the coroner's inquest as the "coroner's court."

But the "coroner's court" (if such his inquest be) is certainly not a court of judicature where a controversy between parties is heard and determined. The proceedings there are merely investigatory and preliminary. And however true it may be that in some respects the coroner is a judicial officer, yet his "court" and his power are not of the nature contemplated by Article VI, Section I, Paragraph 1, of the Constitution of 1947, which provides:

The judicial power shall be vested in a Supreme Court, a Superior Court, County Courts and inferior courts of limited jurisdiction. The inferior courts and their jurisdiction may from time to time be established, altered or abolished by law.

In *Bradley vs. Town of Bloomfield*, 85 N. J. L. 506 (Supreme Court, 1944), Mr. Justice Bergen, who delivered the opinion of the court, said:

. . . The word "court" has generally a well recognized meaning in this State, which is that part of the government of the State vested with the judicial power necessary to the administration of justice, and whose duty it is to apply the law to controversies brought before it. . . .

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: DOMINIC A. CAVICCHIA,  
*Deputy Attorney General.*

FEBRUARY 1, 1950.

HON. CHARLES R. ERDMAN, JR., *Commissioner,*  
*Dept. Conservation & Economic Development,*  
520 East State Street,  
Trenton, New Jersey.

FORMAL OPINION—1950. No. 12.

DEAR SIR:

I have your communication of the 26th ult. stating that you desire to promote a veteran employee of your department from his position as Veterans' Loan Representative to Assistant to the Chief, Bureau of Veterans' Loans; that the veteran now has the protective features conferred by Chapter 435 of the Laws of 1948.

Your letter indicates that you sent a notice of the proposed promotion to the Department of Civil Service and have received word to the effect that the promotion has not been approved and placing the veteran in the position of Assistant to the Chief pending open competitive examination.

The question which you have asked is whether you would have the power to make the promotion without Civil Service approval. The answer is no. Chapter 435 of the Laws of 1948, when it became effective on October 6, 1948, did nothing more than give tenure to the veterans in the positions then held by them. It is apparent that the promotion proposed is to a position in the classified service and that position must be filled in accordance with the requirements of the Civil Service law.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: THEODORE BACKES,  
*Deputy Attorney General.*

TB:B

FEBRUARY 6, 1950.

HON. WILLARD G. WOELPER,  
*Administrative Director of the Courts,*  
State House Annex,  
Trenton, New Jersey.

FORMAL OPINION—1950. No. 13.

DEAR MR. WOELPER:

In reply to your recent request with respect to the status of Paul S. Gallena, the following is the situation:

The budget request of the Clerk of the Court of Chancery for the fiscal year beginning July 1, 1948, included a line item for the position of Chief Clerk at an annual salary of \$6,750. The Governor's budget, however, excluded the entire line item. The Appropriations Act passed by the Legislature followed the recommendation of the Governor and again omitted the line item in its entirety (P. L. 48, Chapter 117). The budget for the fiscal year beginning July 1, 1949, made no provisions for a Chief Clerk in the office of the Clerk of the Superior Court other than for Mr. Rue Brearley.

Mr. Gallena may be paid only from moneys appropriated by the Legislature, and in view of the fact that the Appropriations Act for the fiscal year 1948-1949 failed to make such appropriation, there is obviously no claim on the part of Mr. Gallena for that period. The same is true for the fiscal year 1949-1950.

It is the view of this office that the only way that Mr. Gallena's claim can be recognized is by an act of the Legislature.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: HENRY F. SCHENK,  
*Deputy Attorney General.*

HFS :aw