

balance of time remaining on his prior sentence, computed from the date of his release thereon.

This for the reason that Chapter 84, P. L. 1948, Section 24, so provides as follows:

"A prisoner, whose parole has been revoked because of conviction of crime committed while on parole, shall be required, unless sooner reparaoled by the board, to serve the balance of time due on his sentence to be computed from the date of his original release on parole."

Our courts have not yet decided a case exactly in point but the Superior Court of Pennsylvania, in an identical situation respecting a similar statutory provision, in the case of Commonwealth ex rel *Barnes vs. Smith*, 156 Pa. Super. 231; 40 A. 2d 104, determined that a prisoner sentenced for a crime committed while on parole, shall serve that sentence and thereafter shall serve the remainder of the sentence upon which he was paroled. (See also *Wolkiewicz vs. Pa. Parole Board*, 45 A. 2d. 868; 158 Pa. Super. 607).

There are also numerous footnote cases in other jurisdictions in support of this legal proposition in 46 Corpus Juris 1209.

And as recently as a few days ago, in a case not yet reported (Com. ex rel *Tate vs. Pa. Parole Board*), the Supreme Court of Pennsylvania reaffirmed the principle that commission of crime by a prisoner on parole operates to stop the running of time on his prior sentence, requiring service thereof after completion of the most recent sentence. (See also *In re Wright*, 139 N. J. Eq. 515).

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: EUGENE T. URBANIAK,  
*Deputy Attorney General.*

ETU:HH

FEBRUARY 28, 1950.

HARRY S. WALSH, *Superintendent,*  
*Custodian, Capitol,*  
State House,  
Trenton, New Jersey.

FORMAL OPINION—1950. No. 19.

DEAR SIR:

Receipt is acknowledged of your inquiry of February 20th in which you ask who has the authority to grant requests for the use of the Assembly Chamber, Highway Board Room, and other State buildings for meetings of outside private organizations that have no official connection with the State government. By the provisions of the Revised Statutes 52:27B-64 this power is now vested in the Division of Purchase and Property and in the Director thereof. (See also Chapter 92, P. L. 1948.)

Originally, by the provisions of the Revised Statutes 52:20-7 this power was exercised by the State House Commission. The statute in part provided:

"The commission shall have custody of the State House, the property contained therein and the adjacent public grounds and all buildings owned by the State, including the State Barracks, which are used by the departments, agencies and officials of the State in connection with the conduct of the State's business \* \* \*."

In 1944 by the statute first cited, the powers of the State House Commission as set forth in Revised Statutes 52:20-7 were transferred to the Division of Purchase and Property and the Director thereof. The Division of Purchase and Property and its Director are the agencies to whom application must be made and permission obtained for the use of the Assembly Chamber, the Highway Board Room and other State office buildings.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: JOSEPH LANIGAN,  
*Deputy Attorney General.*

JL:rk

FEBRUARY 28, 1950.

DR. PAUL T. STAFFORD,  
*Chief Examiner and Secretary,*  
*Department of Civil Service,*  
State House, Trenton, N. J.

FORMAL OPINION—1950. No. 20.

DEAR SIR:

I have your letter of the 15th instant stating that originally there were two criminal judicial district courts in Passaic County and that by Chapter 201 of the Laws of 1941 the act establishing the Second Criminal Judicial Court of the county was repealed. I find that this is so; that all of the County of Passaic was established to be the First Criminal Judicial Court of the County of Passaic.

It also appears from your communication that under date of March 15, 1945, you received an opinion from this department to the effect that a county employee could not be transferred to the State service. You now have a situation where the Clerk of the Second Judicial District Court, the establishment of which was repealed as hereinbefore stated, was transferred to county service in the office of the sheriff of the county.

I also understand that the county to whose service the Clerk of the court was transferred has adopted the provisions of the civil service law. The question is whether such transfer legally can be made. In my opinion, it cannot. The Civil Service Act of 1908 as to State employees took effect in that year; not so as to counties and municipalities which were permitted to adopt the act by referendum.