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1935

New Jersey, Attorney General (David T. Wilentz,
1934-1943)

[Opinion of the Attorney General as to
whether certain land purchased by Rutgers
University is publicly or privately owned]
Oct. 8, 1935.

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Honorable William H. J. Ely,
State Administrator,
Works Progress Administration,
1060 Broad St.,
Newark, N. J.



Dear Sir:

I have your letter of the 3d instant in which you state that Rutgers University has submitted an application for a grant of money from the Works Progress Administration for the construction of an athletic field and stadium on lands purchased for this purpose by Rutgers University, and you request to be advised whether this land can be considered as being privately or publicly owned, and also whether or not Rutgers University can be considered as a proper sponsor as a public body or a public agency.

Rutgers University, as such, is a privately governed institution. Rutgers University, however, has been designated by this State as the Land-Grant College, and the State now, through its Board of Regents, contracts with Rutgers University for public higher education.

The Land-Grant College was established pursuant to a Federal Act known as the Morrill Act and, undoubtedly, the College of Agriculture and the School of Engineering are State projects. If, therefore, Rutgers University is making an application for a grant on behalf of the Agricultural College or the School of Engineering or the Women's College or for all of them, then I think it can be properly said that Rutgers University is acting as an agency of this State.

I trust that I have made myself clear. Rutgers University still retains its original charter from the Crown and if the application is by that University for its own use, it cannot be said, as I view it, to be an agency of the government. If, however, Rutgers University, in making the application should state that it is acting as the agent of the State of New Jersey, then I think the

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grant could safely be made, for the land acquired and buildings erected would be impressed with a trust which would enure to the benefit of the educational facilities provided by the State at New Brunswick.

Yours very truly,

David T. Wilentz

Attorney General.

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