

New Jersey. Legislature Commission on
Rutgers and the State University

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
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*N. J. Legislature. Commission on Rutgers
and the State University.*

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TO THE SENATE AND GENERAL ASSEMBLY OF THE STATE OF NEW JERSEY.

Your Commission, appointed pursuant to a joint resolution adopted by the Legislature of 1928, was authorized and directed "to examine the existing relations of the State with Rutgers University and to recommend to the present Legislature or to the succeeding Legislature such reorganization and means of adequate support as may be deemed to be to the best interests of the State."

Your Commission regularly organized by the election of Edward D. Duffield as Chairman and Robert Carey, Jr., as Secretary, and has retained as Counsel, Edward M. Colie.

They have held frequent meetings, including one public hearing at which opportunity was given, after due notice to all interested parties, to present their views upon the questions submitted to your Commission.

Your Commission made a careful inspection of the various institutions located at New Brunswick.

They have consulted with the President, Trustees and Administrative Officers of Rutgers, as well as the President of the State Board of Education, the Commissioner of Education, the Secretary of the State Board of Agriculture, the Secretary of the Board of Visitors, the Attorney General of the State, and others interested. They have also had the benefit of surveys made by competent investigators, of similar conditions existing in other States where State aid has been given to privately chartered universities.

After due consideration, they would respectfully report as follows:

Your Commission understands that its duties were three-fold:

1. To examine the existing relations of the State with Rutgers University;

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2. To recommend to the Legislature such reorganization of that relationship as may be deemed to be for the best interests of the State; and,
3. To suggest means of adequate support.

PRESENT RELATIONS OF THE STATE WITH RUTGERS UNIVERSITY.

Your Commission has in great detail studied this situation and has been aided in its study by the financial officers of Rutgers, including the College for Women, who have checked up and verified the figures and statements made in this portion of the report, which is hereto annexed and marked Schedule A. The facts that your Commission has ascertained as to the present relations between Rutgers and the State are there set forth in full.

Consideration of these facts seems to your Commission to make certain matters plain.

1. The relations between Rutgers and the State are highly complicated, both because of State legislation and because of the Federal appropriations accepted by the State and of which Rutgers was made a recipient.

The State of New Jersey by the acceptance of the Federal acts and making Rutgers the recipient of the benefits thereof, entered into contractual relations with the Federal Government, requiring the State to maintain an institution for the purpose of carrying out the provisions of the Federal acts, which were therein declared to be for the more complete endowment and maintenance of the Land Grant Colleges. If, therefore, the State of New Jersey should withdraw its support from the College of Agriculture maintained by Rutgers and if the Federal aid now given could legally be diverted from Rutgers, the State would then probably be under a legal, or certainly a moral, obligation to the Federal Government to maintain some other similar institution in which the work called for by the Federal acts which the State has accepted could be carried on satisfactorily to the Federal Government.

Not only is the question complicated by reason of the relations established between the State, the Federal Government and Rutgers, but it has been further complicated by State legislation by reason of the different terms used in the various acts relating to Rutgers.

In the act of the Legislature accepting the provisions of the first Morrill act and designating the Land Grant College of New Jersey, the Legislature referred to such college as a department of Rutgers known as "Rutgers Scientific School." In subsequent legislation such college has been referred to as "The Agricultural College," "The Agricultural College of New Jersey," "The State Agricultural College," "The Agricultural Department of Rutgers College," and "The State College of Agriculture and the Mechanic Arts."

In an act passed by the Legislature in 1917, the Rutgers Scientific School, therein described as "being the State Agricultural College, the State College for the benefit of agriculture and the mechanic arts, maintained by the 'Trustees of Rutgers College in New Jersey'" is designated also as the "State University of New Jersey." (Chap. 32, Laws of N.J., 1917, p.65).

It will therefore be observed that under all these designations the so-called State College or State University is in fact the Rutgers Scientific School, a department of Rutgers College.

It further appears that the College for Women has no corporate existence or separate legal entity. It was created by a resolution adopted by the Board of Trustees of Rutgers College in 1918, in which it is described as a Department of the State University of New Jersey; or, in other words, a department of the State College of Agriculture; i.e., the Rutgers Scientific School. The fact that a successful college for women giving courses leading to degrees in arts, science and literature, with over 1000 students, of which only a very few if any are taking a course in agriculture, is technically a department of the so-called State

College of Agriculture, in fact the Rutgers Scientific School, which in turn is a department of Rutgers College, is indicative of the confusion which has been created by the careless use of various titles to describe the same thing.

2. Rutgers has rendered most valuable service to the State in its work of higher public education.

This is evidenced by the fact that over 80% of the students in the various colleges maintained by Rutgers are residents of the State of New Jersey. The tuition fees charged the students are insufficient to maintain and carry on the work of the college, being considerably less than the average charged by other privately owned institutions of similar standing. Even with the State appropriations it would be impossible to have continued indefinitely the furnishing of education to the young men and women of New Jersey at this low cost to them had not the Trustees devoted a considerable portion of their general funds to that purpose. This situation is not altered by the fact that the State has at present 240 scholarship students for which it pays Rutgers \$200 each, as the amount paid for these students is less than one-half the cost of the tuition furnished.

3. To attempt at this time to disturb radically the relationship between Rutgers and the State would be unfair to Rutgers and injurious to the State.

It would be unfair to Rutgers because the State since the adoption of the Morrill Act and the designation of Rutgers as the Land Grant College in 1864 has by a continuous policy created a condition which makes Rutgers at the present time dependent upon some aid from the State. To deny that aid which Rutgers has had every reason to expect would be continuous would create a condition most injurious to its welfare and prejudicial to its interests.

It would be injurious to the State because the State has invested large sums of money in furtherance of its purpose of utilizing

Rutgers to carry on for it the work of higher public education. Unless the State is prepared to abandon any efforts in the field of higher public education, it could not without great expense duplicate the work which is being done for it at Rutgers, and to abandon the work of higher public education at this time would make useless the large expenditures heretofore made for that purpose.

No evidence has been placed before us indicating that our citizens desired New Jersey to abandon the work of higher public education now being carried on by Rutgers, and we have had many who, both in person and by letter, have enthusiastically commended this work and urged its continuance and enlargement.

4. Rutgers in its relations with the State has dealt with it fairly and liberally.

While it is true that buildings provided from State funds have been erected on Rutgers' campus, the grounds on which these buildings were erected have in most instances been deeded to the State, and in the case of the so-called College Farm the work of the State Agricultural Experiment Station is being carried on on land the larger portion of which was purchased by the Trustees of Rutgers out of their own funds.

5. Notwithstanding the confusion above referred to and the various inter-relationships between the Federal Government, the State of New Jersey and Rutgers College, Rutgers has been carried on efficiently and ably as a single institution under the guidance and direction of the Board of Trustees of Rutgers College in New Jersey.

No criticism has been brought to our attention as to the manner in which Rutgers administers the Federal or State funds or in regard to the general administration of the institution in carrying out the purposes for which these funds were donated.

REORGANIZATION.

From the wording of the resolution we understand that our duty is limited to recommending a reorganization of the relationship of Rutgers College to the State of New Jersey in order that it may carry on the work of higher public education in such way as may be deemed to be to the best interests of the State, and that we are not expected to consider what other methods, if any, the State may hereafter adopt for furnishing higher public education to its citizens. We have therefore in our consideration limited ourselves to a determination of the specific question submitted to us. Such consideration has, however, necessarily caused us to consider other possible means which the State might utilize in carrying on the work of higher public education if it should be determined that it desires to utilize other means for that purpose. Two methods naturally suggest themselves:

First, the establishment by the State of a new and independent institution under complete State control, similar to State Universities maintained by other States. Under present conditions, to create a new and independent State University in New Jersey would present what seem to us to be almost insuperable difficulties. The tremendous cost for buildings and equipment; the gathering together of an adequate faculty, and the building up of the morale and reputation of a new institution, would seem to be prohibitive to the carrying out of any such plan, even if the funds were available and the approval of our citizens could be obtained, and if this were done it would only result to a large extent in a duplication of the work now done through the instrumentality of Rutgers.

Second. It has been suggested that the creation of a distinctive State University could be accomplished by a reorganization of the Board of Trustees of Rutgers, providing for membership thereon of a majority who should be appointed by the Governor. The difficulty with this suggestion is that it contemplates the

change of a private corporation into a public corporation. We have been unable to find any method by which this may be done legally. The Trustees of Rutgers, operating under a perpetual charter, are charged with the obligation not only of carrying out the trust committed to them in the administration of the funds given to them for the endowment of the institution under their control, but are also charged with the obligation of exercising their power of succession--an obligation which we are advised they cannot surrender to some other power. Even if this were possible, as long as they continued to operate under the original charter Rutgers would still be a private corporation, even though those controlling such private corporation might be representatives of the State. The attempt to put such plan into operation would clearly ignore the decision in the famous Dartmouth College case, in which an attempt to accomplish what is here proposed was prevented by the Supreme Court of the United States.

The corporation known as "The Trustees of Rutgers College in New Jersey," holding title to lands and endowments, can neither be destroyed nor deprived of its property; nor can it be deprived of the right of self-perpetuation by the untrammelled choice of the Board of Trustees. If the State of New Jersey desired to establish a State college or a State university in the accepted legal sense of that term and for that purpose should exercise its inherent power of eminent domain and condemn the plant of Rutgers, it would be compelled to pay to the Trustees of Rutgers the sum awarded on condemnation, and the Trustees would be required with that fund and with their endowment funds to carry on elsewhere the duties prescribed by the charter of that institution. It is obvious, therefore, that the State would gain nothing by acquiring the property of Rutgers through condemnation over the establishment of an entirely new institution elsewhere and Rutgers would suffer an irreparable loss through the termination of the historic continuity of this famous institution, preventing it from carrying on its beneficent work under its old charter in its present historic location.

We are therefore clearly of the view that neither of these suggestions offers a solution of the problem. We believe that the present arrangement, by which the State utilizes Rutgers as a public instrumentality for doing a State service (with certain modifications to which we shall hereafter refer) furnishes the best present solution for giving the citizens of New Jersey facilities for higher public education, and we have therefore sought to arrive at a reorganization which would as little as possible disturb the present situation.

One difficulty with the present situation is that no comprehensive consideration has apparently been given by the State to its needs for furnishing higher education or of how far Rutgers' present equipment meets those needs, or what enlargement and development thereof may be necessary to do so. The present method provides merely for an annual presentation on the part of the authorities of Rutgers of the needs of that institution, and a determination by each Appropriations Committee of the Legislature as to how far the finances of the State will permit it to meet those needs. This arrangement is unsatisfactory both to the State and to Rutgers. The changing personnel of the Appropriations Committee makes the development of a continuous plan impossible. The demands made upon that Committee by other claimants to State funds require them to apportion funds which are frequently insufficient to meet all needs. The views of one Committee as to the value of relative claimants may be entirely different from the views of a succeeding Committee. The result has been that the appropriations have varied as to amount, have given to the Trustees of Rutgers no assurance that the State will supply the funds which they deem necessary, and have prevented any reasonable and logical development of this institution. No educational institution can be satisfactorily administered under these conditions. A Board of Trustees of an educational institution to successfully discharge their duties must have some definite knowledge of what their prospective income is likely to

be and what sources of income they may reasonably anticipate. A university or a college is not something which changes from year to year, whose growth may be advanced rapidly one year and retarded the next. It is a living entity which must develop consistently and steadily if it is to grow along useful and constructive lines.

We believe that this situation should be changed and that a method should be evolved which should provide for a real consideration of the needs of the State in the way of higher public education which will determine how far Rutgers may be utilized in the accomplishment of that purpose, and which will determine the cost thereof, taking into consideration a development running over a period of years.

A difficulty that at once presents itself in connection with State aid to a private institution is the prohibition in our Constitution which declares that "no donation of land or appropriation of money shall be made by the State or any municipal corporation to or for the use of any society, association or corporation whatever." (N. J. State Constitution, Art. I, Sec. 20). Under this prohibition, it would be unconstitutional for the Legislature to make any "donation" to the Trustees of Rutgers. What has been done has been judicially construed, however, not to be a "donation" by the State but a utilization by it of a private corporation as an instrumentality of the State for a public purpose--i.e., public education.

In 1904, the direct question was raised as to whether it was constitutional for the State of New Jersey to enter into a contract with the Trustees of Rutgers College to give certain educational facilities at Rutgers to State Scholarship students. The Supreme Court held that it was, the Court of Errors held that it was, and the dissenting opinion recognized the right of the State to make a contract. (See Rutgers vs. Morgan, 70 N.J. Laws 460; also 71 N.J. Laws 664).

The various appropriations made heretofore by the State have been under the theory of either an implied contract on the part of Rutgers to aid the State in its general purpose of higher public education or a direct contract to do some specific act in furtherance thereof.

The very question we are now discussing was considered by a distinguished Commission appointed by the Legislature in 1903 to ascertain and report among other things on whether the system of education by which the State was utilizing Rutgers should be continued. Two members of that Commission, the Hon. Anzi Dodd and the Hon. William H. Corbin, in the Majority Report said:

"The evil meant to be prevented is the making of donations or gratuitous grants by the State or by municipal corporations to private uses, such as sectarian schools, churches, railroad corporations, and the like, but the constitutional provision is not intended to limit the making of purchases where an equivalent is rendered, or the promoting of public purposes such as the free education of its youth in schools and colleges; nor do we think it was intended to restrain the Legislature in prescribing the methods and choosing the agencies for accomplishing its purposes."

The opinion of these distinguished gentlemen as to the effect of the constitutional provision referred to, was specifically upheld in the decision of the Supreme Court in the Morgan case above referred to, when Justice Van Syckel, speaking for that Court, said: "They (the constitutional provisions) were designed as an insurmountable barrier to giving free State aid, and to donations to private and sectarian schools, and should be rigidly enforced, but they were not intended to narrow or circumscribe the legislative power to furnish facilities by general laws for public education under its own supervision."

The learned Justice also calls attention to other institutions which would be affected if the right of the State to supply aid to Rutgers were denied, saying: "The Legislature has provided

for the instruction of deaf and dumb, blind and feeble-minded persons (Genl. Stat., p. 1179); it has passed an act founding the State Institution for the Deaf and Dumb (Genl. Stat., p. 1181); an act providing for the establishment of schools for industrial education (Genl. Stat., p. 3069); an act for the promotion of manual training (Genl. Stat., p. 3072); the act providing for a course in clay-working and ceramics in the State Agricultural College (Pamphlet L-1902, p. 34); the acts creating the Newark Technical School, the School for Industrial Education at Hoboken, and for Industrial Art at Trenton. All these acts are futile unless the right of the State to establish and support the Agricultural College can be sustained.

We take it that it is therefore settled in New Jersey that the State may utilize private institutions as instrumentalities of the State for the purpose of providing public education and may compensate them for the public service so performed. We believe that it is advisable that the State should continue to utilize Rutgers for this purpose and should make adequate provision for its maintenance and development along the lines of public usefulness. We believe, however, that in making such appropriations the requirements of the State, not the needs of Rutgers, should be the controlling factor.

If the State is to contract with this or any other private institution for furnishing higher public education, the question is who shall represent the State in determining the provisions of the contract and safeguarding its performance?

We have already stated that we believe the present method of having the State represented by the Appropriations Committee of the Legislature is unsatisfactory. We think more desirable results both from the standpoint of the State and of Rutgers would be secured by having the State represented by a continuing body, charged with the obligation of safeguarding the interests of the State in the investment which it has already made and in its

interests determining what expenditures may be wisely made in the future, as well as supervising and controlling any expenditure so made.

We therefore recommend the creation of The New Jersey State Board of Regents, who shall be charged with the care, custody and control of such property as the State now has or shall hereafter acquire at Rutgers or at any other institution of higher education receiving State aid; that the said Board shall consist of eight members, of whom seven shall be citizens of the State who are in no way officially connected with any institution of higher learning receiving State aid and who shall serve without compensation for their services. They shall be appointed by the Governor, by and with the advice and consent of the Senate, solely by reason of their character and fitness, without reference to occupation, party affiliation, religion or sex. The terms of the first appointees shall be so regulated that one shall expire each year for seven years, and thereafter they shall be appointed for a full term of seven years. The remaining member of the Board shall be the Commissioner of Education ex officio. The Board when constituted shall be charged with the duty of considering the State's needs in connection with higher public education and the way in which Rutgers and all other institutions of higher education receiving State aid may be utilized to meet such needs; it shall give consideration not only to present needs but also to future development and shall ascertain and estimate the cost of carrying out any plan of development which it recommends; in its consideration of both present needs and future development it shall seek to remove and prevent any overlapping or duplication of services rendered by any State institution with any institution receiving State aid; it shall make an annual report to the Legislature and annually recommend to the Budget Commission the amount necessary to appropriate to any institution which the State is utilizing for the purpose of higher public education. Such Board should have the power of investigating the

finances of these institutions; should have access to all books and papers of the institutions which may be requisite to a proper carrying out of its duties; should confer with the administrative officers of the institutions; and should meet at least once a year, or more frequently if necessary, with the Board of Trustees of said institutions in order that it may effect a complete co-ordination between the Board of the privately chartered institution and its operation as an instrumentality of the State.

If this recommendation is approved, it would make unnecessary the continuance of many of the present duties of the Board of Visitors, and we recommend that that Board be relieved from any duties of visitation and supervision of the Agricultural College and that such duties be specifically transferred to the State Board of Regents. They are members of the Board of Managers of the State Agricultural Experiment Station, and we recommend that they be continued as members of such Board and that their duties be limited to a supervision of the activities and operation of the Experiment Station.

We believe that the plan here suggested will result in the least disturbance of the present relationship between Rutgers and the State; that it will accomplish all necessary reforms, and that it will enable Rutgers to aid the State in furnishing to the young men and women of New Jersey higher education at a minimum of cost.

We have reached the conclusion that the funds which the State may devote to this purpose can best be utilized by reducing the cost of education to all residents of New Jersey who desire to obtain it, rather than the furnishing of free education to a limited number by way of State scholarships. We therefore recommend that upon the completion of the course of those now enjoying State scholarships and those to whom scholarships may be granted for the next academic year, no further scholarships be granted by the State, but that the sum now utilized for that purpose be applied to general maintenance. If this recommendation is approved, it will

require a repeal of the act providing for free State scholarships and all other acts applicable thereto, leaving only the scholarships provided for by the Federal acts. Such repeal should not affect those now holding State scholarships or those to whom such scholarships may be granted during the current year. If the State expenditure is to be justified as an expenditure to promote higher public education, it must be upon the ground of some definite advantage to the citizens of the State, and we feel that in no way can that advantage be more clearly demonstrated than by Rutgers furnishing tuition at a lower cost to the citizens of New Jersey than to citizens of other States. We believe that if Rutgers is to continue to receive aid from the State it should charge the residents of this State a lesser tuition fee than that charged to non-residents; that the tuition fee to residents should be kept at a lower figure than that offered by similar institutions elsewhere; that all students from the State of New Jersey would be subject to the same examination and method of selection by the Trustees and faculty of Rutgers as students from other States attending such institution.

If our suggestion is adopted, many of the questions which we have considered should properly be referred to The New Jersey State Board of Regents which we have recommended. It may, however, be desirable to make brief reference to some of them.

The present legal title of the institution, Rutgers College, is an anomaly. To apply the title New Jersey State University to a single department of Rutgers College presents a situation that is certainly unique. A university connotes a number of colleges gathered together under one administrative head. The present situation at Rutgers reverses the picture. There we have a number of institutions, some known as colleges, some as universities, all under the administration of an institution entitled a college. We believe that Rutgers should adopt the title of Rutgers University, and that the various departments should be denoted as colleges or schools and brought together under one administrative head.

We believe that the title State University of New Jersey, as applied to Rutgers Scientific School, is a misnomer and we recommend that the act of 1917 giving to Rutgers Scientific School that title should be repealed.

It may be appropriate that some title should be given to Rutgers University, when reorganized, to indicate that it is an instrumentality used by the State. It is certainly misleading and improper to attempt to convey the idea that an Agricultural Department of a College is in fact the State University of New Jersey. It seems equally misleading and improper that the New Jersey College for Women should be a department of the Agricultural Department of a College. We believe that The New Jersey State Board of Regents, in collaboration with the Trustees of Rutgers, could arrive at titles which would more correctly describe these institutions.

In order to prevent the adoption by educational institutions of titles which may indicate a relationship to the State which does not in fact exist, we recommend the enactment of a statute prohibiting the adoption by any private educational institution, now existing or which may hereafter be incorporated, of a title which indicates any relationship whatever between the State and the institution until such title has first been approved by The New Jersey State Board of Regents.

We further feel that the situation in connection with the New Jersey College for Women should be given serious consideration. The success of this institution has been remarkable. Within little more than a decade it has become one of the largest institutions of its kind in the United States. Its attendance evidences that it fills a State need for higher education for women. The success which it has attained and the efficiency of its management seem to demand that its status should be definitely defined. Whether that should be done by its incorporation as a separate institution affiliated with Rutgers, or whether it should be reorganized as a distinct college of Rutgers, we are not prepared to recommend.

No one has suggested to us a complete separation of the College for Women from Rutgers, but we have had presented to us most strongly arguments that either one or the other of the above plans should be adopted, and we concur in that view. We feel strongly that its present status ought not to continue indefinitely, and we strongly recommend that The New Jersey State Board of Regents, if appointed, give consideration to this question in the interest not only of Rutgers and the College for Women but in the interest of the women of the State whose enthusiastic support made its existence possible and its success secure. Their efforts in its behalf entitle their views to the utmost consideration, and we would suggest that before a final determination is reached the representatives of the women's organizations of the State who were responsible for the establishment of the College and who have labored so vigorously for its success should be given an opportunity to express their views as to its future standing. We believe it desirable not only that the status of the College for Women should be defined but also that the College of Agriculture, as well as the other colleges and schools, should be given a more definite status and their functions defined with greater particularity.

MEANS OF SUPPORT.

We have reached the definite conclusion that if the State is to continue its work for higher public education, new means of income must be found in order to defray the expense incident thereto. One of the difficulties of the present situation is the fact that there are three rival claimants to the same fund--The Public Schools, The Teachers' Retirement Fund, Rutgers College and other educational institutions. The funds available for educational purposes are insufficient to meet the needs of all. The result has been that what is given to one must be taken from another. This has resulted in rivalry, jealousy and hard feeling. If the State is to continue its work of higher public education by Rutgers and other institutions receiving State aid and to render them

competent to meet the needs of the State, additional revenue must be provided for that purpose. We believe that the only source available will be through the imposition of a direct tax. If such tax is imposed it should be provided that it should be devoted exclusively to the State aid of institutions furnishing higher public education in this State and that no disbursement of the moneys so raised should be made to any such institution except upon the specific recommendation of The New Jersey State Board of Regents. In no instance should such disbursement be made to an institution wholly or in part under the control of any religious denomination or in which any denominational tenet or doctrine is taught.

We realize that the recommendations above made cannot be put into operation immediately. Pending the creation of such a Board as we have recommended and the functioning of the same, we recommend that appropriations be continued by the State as they have in the past.

Annexed hereto and marked Schedule B are a series of proposed bills which if enacted will carry out the recommendations made herein.

Respectfully submitted,

February , 1929.

Edward D. Duffield
Chairman
Lena Anthony Robbins
Lydia H. Huse
Arthur A. Pinson
George R. Morrison
Frank D. Abel
Blaise Ed

SCHEDULE A.

THE PRESENT RELATIONS BETWEEN RUTGERS AND THE STATE.

CHARTER

In the year 1766 Rutgers, by the name of "Queens College", received its Provincial Charter, no copy of which is known to be in existence. An Amended Charter was granted March 20, 1770. That Charter, like most - if not all - of the colonial Charters, had for one of its objects the securing of able and learned men for the ministry. The Amended Charter declares its purpose to be, in addition to the securing of able and learned men for the ministry, that a College might be erected within our province of New Jersey in which the learned languages and other branches of useful knowledge may be taught, and degrees conferred. The Charter is substantially the same as the other provincial Charters which are the foundations of the leading colonial colleges in the East. It also made members of the Board of Trustees, "the Governor or Commander in Chief, the President of the Council, our Chief Justice and our Attorney General of said colony," in association with a number of persons especially named in the Charter.

In 1781 the Charter was amended by Act of the Legislature. Among the amendments were a number that are not of importance to this inquiry, but it amended the Charter by making as President of the Board of Trustees the Governor of the State for the time being when present at the said Board and gave power to the Board of Trustees to confer any degree granted by any other College or University.

The Charter was further amended by Act of the Legislature on May 31, 1799, in relation to the oath to be taken by the Trustees, requiring the new oath to be "to support the Constitution of the United States and the oath of allegiance to this State as by law prescribed." It reaffirmed the provision that the Governor of the State, when attending meetings of the Board of Trustees, should be President thereof and it reaffirmed the power of granting degrees in the same language as the amendment of 1781.

The Charter was further amended by Act of the Legislature passed November 30, 1825. This amendment changed the name of Queens College to that of Rutgers College and provided that "said corporation, shall from and after the passing of this Act, be known and designated by the name and style of 'The Trustees of Rutgers College in New Jersey.'"

The Charter was further amended by Act of the Legislature on March 24, 1869. This amendment after reciting that "it is represented on behalf of the Trustees of Rutgers College in New Jersey that it is desirable and necessary for the purpose of better carrying out the benevolent and laudable designs of the founders of the institution, and for promoting the liberal views of the State in regard to the advancement of agricultural science in all its various branches, that the value of the property which the said trustees are authorized to hold shall be increased, "provided that the corporation might hold real and personal estate, the yearly income whereof shall not exceed \$100,000. It then provided as follows: "That when any property or estate shall be given, granted or devised to them, or vested in them upon any special trust, or for any special use or purpose not incompatible with the object and design of said Corporation, that such property or estate shall be held and appropriated by them in strict accordance with the trust, uses and limitations, in such grants or devises respectively mentioned and declared.

In 1901 (P.L. 1901, p. 29), the Legislature passed an Act entitled "An Act to authorize colleges and universities to increase the number of their trustees, and providing for the election of such additional trustees." This Act was amended in 1920 (P.L. 1920, p. 274). Under this Act the Board of Trustees of any college or university by resolution adopted by two-thirds vote at a special meeting called for that purpose might increase the number of its trustees; the right to abolish or discontinue the election of said trustees after the Board has been increased, to be under the control and determined by two-thirds vote of all the members for the time being of the Board of Trustees. To effect the purposes of these Acts a copy of the resolution was required to be filed with the Secretary of State, certified and authenticated under the seal of the

corporation and verified by the affidavit of the clerk or secretary thereof.

In 1918 (P.L. 1918, p. 228) the Legislature passed "An Act to authorize charitable and educational corporations to make changes in their acts or certificates of incorporation and their organization." In 1920 (P.L. 1920, page 273) that Act was amended as to title and the body by authorizing charitable and educational corporations by certificates executed and filed in accordance with the provisions of the statutes to "change its corporate name or the number of its officers, managers or trustees, or their or any of their qualifications or terms of office, or the manner or scope of its work within the same general lines, as is expressed in its charter or act or certificate of incorporation, or to make any one or more of such changes."

After the passage of these acts there was filed on November 5, 1920 with the Secretary of State an authenticated copy of a Resolution of the Board of Trustees abolishing the requirement that the President of the College should be a member of the Reformed Church of American or that there should be required to be or should be in the College any Professor or Professors of Divinity or instructor in Divinity or Theology or preparation for the ministry, and that all provisions of said charter of a sectarian character were annulled and made void "to the end that the college should be in law and in fact non-sectarian in all respects."

On February 21, 1927 there was filed with the Secretary of State an authenticated copy of the Resolution of the Board of Trustees to the effect that there should be added to the membership of the Board of Trustees during their respective terms, the Chancellor of the State of New Jersey, the President of the Senate of the State of New Jersey, the President of the State Board of Education and the Commissioner of Education of the State of New Jersey.

On July 2, 1928 there was filed in the office of the Secretary of State an authenticated copy of the resolution of the Board of Trustees which amended the charter by striking out the provision that legal instruments must be executed by seven of the trustees

and giving the President power under the seal of the corporation attested by the Treasurer or Secretary of the corporation, to execute such instruments when duly authorized by the Board of Trustees.

The Board of Trustees of Rutgers has 43 members, as follows:

1. The President of Rutgers.
2. 7 State Officers, ex officio, viz: Governor, Chief Justice, Attorney General, The Chancellor, the President of the Senate, The President of the State Board of Education and the Commissioner of Education.
3. 5 Alumni Trustees for terms of 5 years each, one of whom is nominated annually to the Board of Trustees by the Rutgers Alumni Association.
4. 30 members elected by the Board for a life term.

FEDERAL AND STATE LEGISLATION.

The relations between the State and Rutgers originated by reason of the passage in 1862 by Congress of an Act popularly known as the "First Morrill Act." This Act appropriated to the various States land scrip to be sold by the State and the proceeds used as set forth in that Act. The Act provided that the money realized from the sale of the land scrip should "constitute a perpetual fund, the capital of which shall remain forever undiminished * * * and the interest of which shall be inviolably appropriated by each State which may take and claim the benefit of this Act, to the endowment, support and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

The State Legislature was to provide in five years at least one college meeting the requirements above set forth. The benefit of the Act was to be accepted by the State within two years after the approval

of this Act by the President. Annual reports of the use of said interest funds were required to be made to the Federal Government.

On March 21, 1863 (P.L. 1863, p. 441), the State Legislature accepted the provisions of the Federal Act "upon the conditions in said Act of Congress specified" and appointed Commissioners to receive from the Federal Government the land scrip to which the State was entitled.

On April 4, 1864 (P.L. 1864, p. 650), the State Legislature passed an Act directing the Commissioners aforesaid semi-annually to pay over the interest of the fund which might result from the sale of said scrip to the Trustees of Rutgers College in New Jersey "for the special purposes and upon the special conditions hereinafter set forth."

In substance, these conditions were that the trustees should devote said interest wholly and exclusively to the maintenance, in that department of Rutgers College known as Rutgers Scientific School, of such courses of instruction as (including the courses of instruction already established by said Trustees), should carry out the intent of said act of Congress; that the Trustees should furnish gratuitous education in said courses of instruction to the pupils of said school in such manner as the Legislature should prescribe; that the pupils admitted should be citizens of the State and be subject to the same rules and discipline which applied to the other pupils of the school, except that they should not be required to pay anything for their instruction.

The Act further provided that no part of the interest should be paid until the Trustees had contracted with the State in such manner as the Commissioners should approve to fulfill and perform the duties and obligations imposed upon them by the said Act, with a proviso that the Trustees should obligate themselves to erect additional and adequate buildings as the same became necessary without charge upon the State and in like manner "to furnish and provide a suitable tract of land conveniently located for an experimental farm."

The Act further provided for the creation of a Board of Visitors appointed by the Governor with the advice and consent of the Senate,

which Board of Visitors were to possess general powers of supervision and control and should report to the Legislature such recommendations as to them seemed proper.

The Act further provided that the students of agriculture and the mechanic arts should be admitted into said college upon the recommendation of the Board of Chosen Freeholders of the respective counties and that the number of students from a county should equal the number of representatives in the Legislature to which such county is entitled, or in proportion to the same.

By an Act of the Legislature approved April 13, 1864 (P.L. 1864, p. 715), the Legislature appointed the commissioners for the sale of the scrip donated to the State by the United States.

In or about 1864 Rutgers College created the "Rutgers Scientific School." A pamphlet signed by Wm. H. Campbell, President of Rutgers College, entitled "Plan and Course of instruction of the Rutgers Scientific School, Rutgers College, "&c., which declares that it was "adopted by the Trustees of the College, and approved by the Board of Visitors of the State of New Jersey," among other things sets forth - "To meet the demands of the friends of education and practical science, the Trustees of Rutgers College have established a department under the name of 'Rutgers Scientific School.' This branch of the institution has also been made by the Legislature of New Jersey the State 'College for the benefit of Agriculture and the Mechanic Arts' in conformity with the Act of Congress of 1862 * * * "

This pamphlet lays out the courses of study and it states that the school is not confined to students sent by the State authorities, but is open to all who desire and are prepared to pursue its courses of instruction.

Rutgers Scientific School, pursuant to the program set forth in the above mentioned pamphlet, was established by a Resolution of the Board of Trustees passed on January 13, 1864, which reads as follows:

"RESOLVED.

That the Scientific course of study which has been heretofore authorized by this Board be organized and established as a department of this College under the name of Rutgers Scientific School."

The Board of Trustees enlarged the courses of Rutgers Scientific School by resolution dated January 8, 1909, which reads as follows:

"RESOLVED That the several courses leading to the degrees of B.A. and B. Litt. respectively already established by the Trustees of Rutgers College, be and hereby are also established as courses in Rutgers Scientific School, the State College for the benefit of Agriculture and the Mechanic Arts."

By an Act of the Legislature approved March 28, 1866, (1866, p. 799) entitled "An Act providing for the Appointment of State students to the Agricultural College", it was enacted that the State Superintendent of Public Schools should request the Board of Chosen Freeholders of the county to appoint a Board of Examiners in accordance with the eighth section of "An act to establish public schools", whose duty it should be "to examine such candidates for State scholarships at the Agricultural College, as may present themselves", the examination to be such as the faculty of said college and the State Superintendent should prescribe.

By an Act of the Legislature approved March 21, 1867, (P.L. 1867, p. 365), entitled "An Act to Establish a System of Public Instruction", it was provided by Section 27 of that Act that it should be the duty of the County Superintendent to examine the candidates for State scholarships in the Agricultural College, the examination to be such as the faculty of said College and the State Superintendent should prescribe.

The constitution of the Board of Visitors was changed by Acts of the Legislature approved January 29, 1873 (P.L. 1873, p. 12), March 26, 1873 (P.L. 1873, p. 65), March 10, 1893 (P.L. 1893, p. 168), March 16, 1917 (P.L. 1917, p. 74) and March 2, 1923 (P.L. 1923, p. 55), and at present the Board consists of one member from each county in the State appointed by the Governor with the advice and consent of the Senate, for a term of three years each.

By an Act of the Legislature approved February 10, 1879 (P.L. 1879, p. 20), the Board of Visitors was authorized to give public notice as to vacant scholarships and the method of filling the vacancy.

The proceeds of the scrip which New Jersey received under the First Morrill Act (approved July 2, 1862) amounted to \$116,000., which came into the hands of the Commissioners referred to above, and subsequently the proceeds were transferred to the Sinking Fund of the State (Approved June 13, 1895 (P.L. 1895, p. 804)) and interest has been paid upon that fund at the rate of 5% per annum as provided by Act approved March 30, 1896 (P.L. 1896, p. 192), the proceeds being \$5800. per year. This interest was to be devoted to educating free scholars in the "Rutgers Scientific School," the interest to be paid to the Trustees of Rutgers College for that purpose. In other States, in many instances, the income from the land grant fund was directly devoted to a College - as for instance, Cornell - and not to a Department of a College, as in the case of Rutgers. All the Colleges receiving this fund construed the Morrill Act in its broadest terms and permitted the free students thereunder to have the benefit of all the courses taught in the institution. Reports showing the expenditure of this fund are required to be made and have been made as required to The Federal Government each year and have been subject to no criticisms.

On August 30, 1890, by the Second Morrill Act, there was appropriated \$25,000., to be paid annually to the Colleges entitled to receive the money under the First Morrill Act, to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction.

By Act of the legislature approved February 10, 1891 (P.L. 1891, p. 13), the State accepted said Act and provided that the money when received should be paid over by the Treasurer of the State upon the warrant of the Comptroller of the State and the order of the Trustees of Rutgers College to the Treasurer of Rutgers College for the more complete endowment and maintenance of said Agricultural College or Agricultural Department of the college, established as aforesaid for the benefit of agriculture and the mechanic arts. The money has been so paid and annual reports as required by the Federal Government have been made.

By Federal Act of March 4, 1907, known as the Nelson amendment to the Morrill Act, the appropriation under the Second Morrill Act was increased to \$50,000. a year.

The Trustees of Rutgers College, pursuant to the requirements of the Act of April 4, 1864 (P.L. 1864, p. 650) directing the disposition of the income of the Morrill Act principal fund, purchased a tract of farm land containing approximately 98 acres, and prior to 1880 had expended for said farm for improvements and developments thereon in excess of \$50000.

By an Act of the Legislature approved March 10, 1880 (P.L. 1880, p. 137) the State created a State agricultural experiment station to be under the direction and management of a Board of Directors consisting of the Governor, Board of Visitors of State Agricultural College, together with the President and Professor of Agriculture of that institution. The location of such station was left to the Board of Directors of the State Agricultural Experiment Station, and that Board located the State Agricultural Experiment Station at the College Farm, above referred to, containing then 98 acres.

By an Act of the Legislature approved March 9, 1881 (P.L. 1881, p. 85), a supplement to the foregoing Act, the Board of Directors was to be known as the Board of Managers.

By an Act of the Legislature approved March 19, 1883 (P.L. 1883, p. 106), entitled "An Act to provide for some special work for the Benefit of Agriculture", the officers of the State Agricultural College were authorized to construct certain buildings upon the farm of that institution at a cost not exceeding \$2000., which sum might be drawn from the treasury on bills properly certified by the President of said College.

On March 2, 1887, the Federal Government by an Act known as the "Hatch Act" created in each State, under the direction of the College or Colleges established under the First Morrill Act, a department to be known and designated as an "Agricultural Experiment Station," and provided for an appropriation of \$15,000.

The trustees of Rutgers College, by virtue of the State Legislation, became entitled to the sum of \$15,000. each year, which sum it receives and as to the expenditures of which it makes detailed reports, as required by the Act.

The Trustees of Rutgers College established this experiment station in conjunction with the State experiment station on the College Farm belonging to the Trustees of Rutgers College. The co-ordination and co-operation of these two agricultural experiment stations are shown under the heading "College Farm", hereinafter set forth.

By further Federal Acts of February 1, 1888 and June 7, 1888 provision was made for the disbursement of the funds available under the Hatch Act.

By further Acts of March 16, 1906, known as the "Adams Act", and February 24, 1925, known as the "Purnell Act", the Federal Government made further appropriations for the more complete endowment of agricultural experiment stations, bringing the amount of the annual appropriations under all of said Acts to the sum of \$80,000., all of which is paid directly by the Federal Government to the Trustees of Rutgers College and by them disbursed, which disbursements are reported in accordance with the requirements of said statutes.

By a series of Acts of the Legislature approved March 16, 1887 (P.L. 1887, p. 24), March 5, 1888 (P.L. 1888, p. 129), May 3, 1906 (P.L. 1906, p. 383) and March 18, 1925 (P.L. 1925, p. 443), the State accepted the Hatch Acts, the Adams Act and the Purnell Act and designated the "Trustees of Rutgers College, in New Jersey, maintaining said Rutgers Scientific School, said State Agricultural College," as the recipient of the funds appropriated thereby.

By Acts of the Legislature approved March 21, 1902 (P.L. 1901, p. 226) and May 13, 1907 (P.L. 1907, p. 434), the "Director of the New Jersey Agricultural College Experiment Station" was authorized to establish one or more stations for the investigation of oyster propagation.

By an Act of the Legislature approved March 31, 1890 (P.L. 1890, p. 161) entitled "An act to increase the efficiency of the public school system of the state by providing for additional Free Scholarships at the State Agricultural College", a provision was made that there should be sent to the said college students to the number of one each year from each assembly district who should receive gratuitous instruction in any or in all the prescribed branches of study in any of the courses of study of said State College. For each student there should be paid by the State to the college the same sum of money as the said College was entitled to receive for each scholarship established in said College under the existing State Agricultural College Fund.

By Acts of the Legislature approved on March 31, 1905 (P.L. 1905 p. 187), March 24, 1909 (P.L. 1909, p. 44), March 15, 1911 (P.L. 1911, p. 49), March 20, 1917, (P.L. 1917, p. 143) and April 7, 1920 (P.L. 1920, p. 246), the method of selecting the holders of scholarships was modified and the amount paid per student was increased until now there are of such scholarships 240 and the scholarship fee is \$200., paid by the State to Rutgers.

Ceramics. This Department was established by Act of the Legislature approved March 17, 1902 (P.L. 1902, p. 34), supplemented by further Acts approved March 14, 1907 (P.L. 1907, p. 18) and March 23, 1920 (P.L. 1920 p. 75), by which latter Act the "Trustees of the State Agricultural College of New Jersey" were required to establish a department to be known as the "New Jersey Ceramic Research Station." That Act carried with it an appropriation of \$100,000. for a building and also provided that there should be an annual appropriation thereafter of at least \$12,000. for the maintenance of that department. The amount appropriated for the year 1928-1929 is \$19,745.

Short Courses in Agriculture. This Department was established by Act approved March 25, 1905 (P.L. 1905, p. 90), by which the "trustees of the state agricultural college of New Jersey" were required to establish in said State agricultural college a department which should provide short courses in agriculture, and the sum of \$24,000. was appropriated to be expended in the organization, equipment and maintenance

for the current year, and thereafter an appropriation of \$6500. annually was to be made for salaries &c.

This Act was supplemented by Act approved April 12, 1907 (P.L. 1907, p. 77), which appropriated \$50,000. for further equipment and an additional appropriation of \$10,000. for salaries, supplies and other expenses for the maintenance of the Department.

The present appropriation is \$25,000. a year.

By Act of the Legislature approved April 6, 1908 (P.L. 1907, p. 142), an appropriation of \$20,000. was made toward the furnishing and equipment of the building known as the "Engineering Building at the State Agricultural College."

By Act of the Legislature approved March 16, 1910 (P.L. 1910, p. 39), an appropriation of \$25,000. was made for the furnishing and equipment of a building known as the "Chemistry Building at the State Agricultural College."

By Act of the Legislature approved March 14, 1911 (P.L. 1911, p. 34), an appropriation of \$10,000. was made for the furnishing, equipping and arranging of a building known as the entomology building and of a laboratory known as the physics laboratory in the building known as geological hall, at the State Agricultural College.

Co-operative Agricultural Extension Work. The Federal Act of May 8, 1914 known as the "Smith-Lever Act", provided for the carrying on of co-operative extension work in agriculture and in home economics by the Agricultural Colleges in the several States receiving benefits under the First Morrill Act.

This Act was supplemented by the Federal Act of May 22, 1928, known as the "Capper-Ketcham Act", both of said Acts carrying a total appropriation for the year 1928-1929 of \$100,773.81, which is received by the Trustees of Rutgers College and disbursed by them and the particulars of the disbursements reported by the Trustees to the Federal Government.

The Smith-Lever Act was accepted by Act of the Legislature approved April 6, 1915 (P.L. 1915, p. 284), and the Capper-Ketcham Act was accepted provisionally by the Governor, as required by the Act itself.

By Act of the Legislature approved February 16, 1918 (P.L. 1818, p. 203) entitled "An Act to authorize the appropriation of money for agricultural extension work and the promotion of home economics," it was provided that where agricultural extension, home demonstration or boys' and girls' club work receives or thereafter should receive funds or aid from the Federal Government or the Government of this State, the Board of Chosen Freeholders of any County of this State or the governing body of any municipality of this State were authorized to appropriate such sums of money as should seem to them just and proper, to be expended in the counties or municipalities making such appropriation under the direction of the New Jersey State College Extension Division for the purpose of promoting or carrying out such agricultural extension, home demonstration or boys' and girls' club work; the appropriations made by any county or municipality to be used only in such county in addition to the funds appropriated by the Federal Government or the State Government in furtherance of said projects.

Teacher Training. Under the supervision of the State Board of Education, Rutgers conducts teacher training in agriculture in its College of Agriculture and teacher training in home economics in the Women's College, as provided by the Federal Vocational Education Act known as the "Smith-Hughes" Act of February 23, 1917.

The State of New Jersey by an Act approved March 24, 1917 (P.L. 1917, p. 259) entitled "A supplement to an act entitled "An Act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof, approved October nineteenth, one thousand nine hundred and three" accepted the provisions of the Federal Act and designated the State Board of Education as the State Board for the purposes of said Federal Act and appointed the State Treasurer as custodian of the moneys paid to the State from appropriations under said Act, said sum to be used by said State Board for the training of teachers of vocational subjects in accordance with the Federal Act in one or more of the State schools or colleges or institutions under State Control.

The Act further provides "to secure for the State the advantages under said act of Congress for the supervision of agricultural subjects as therein provided, there shall be appropriated each year, from any money in the State treasury not otherwise appropriated, a sum not less than \$1000., which sum shall be expended for the salary or salaries of teachers, supervisors or directors of agricultural subjects, in accordance with the terms of the said Act."

Under this Act the Board of Education compensates the teacher training staff in agriculture (in the College of Agriculture) and the teacher training staff in home economics (in the College for Women).

The Trustees of Rutgers College receive the moneys from the various Federal Acts above referred to in the following manner:

Income from the fund established by the First Morrill Act-	From the State of New Jersey.
Second Morrill Act and Nelson amendment thereto -	From the Federal Government through the Treasurer of the State of New Jersey.
Hatch Act	(
Adams ")
Purnell"	(
Smith-Lever Act)
Capper-Ketcham Act	(
)
	(

Directly from the Federal Government.

The money received through the Smith-Lever Act and the Capper-Ketcham Act is paid directly to the Trustees of Rutgers College by the Federal Government, instead of to the Treasurer of the State, by reason of the provision in the State Act of acceptance of the Smith-Lever Act which directed that the money should be paid to the Trustees of Rutgers College.

In the foregoing State Legislation, the "Rutgers Scientific School" is variously referred to as the Agricultural College, Agricultural College of New Jersey and the State Agricultural College.

The beneficiary of the funds paid to the "Trustees of Rutgers College" under the First Morrill Act and the succeeding Federal Acts, in "Rutgers Scientific School", and it is the entity variously described as above set forth.

The Act of the Legislature approved March 15, 1917 (P.L. 1917, p. 65) entitled "An Act giving additional title to the State Agricultural College" provided as follows:

"The Rutgers Scientific School, being the State Agricultural College, the State College for the benefit of agriculture and the mechanic arts, maintained by the Trustees of Rutgers College in New Jersey", and under the general powers of supervision and control of the Board of Visitors of the State Agricultural College, be and hereby is also designated the State University of New Jersey under the same general powers of supervision and control of the same board of visitors."

This Statute only recognizes the titles therein specified as being descriptive of "Rutgers Scientific School", which is a department of the corporation legally known as the "Trustees of Rutgers College in New Jersey."

RELATIONS OF RUTGERS AND THE STATE AS TO LANDS AND BUILDINGS

NEILSON CAMPUS:

About 1889, shortly after the State had established an agricultural experiment station, the State erected on what is known as the "Neilson Campus" a building, the entire cost of which was paid by the State, which building is now known as "New Jersey Hall" and was designed to be used and was used for the purpose of carrying on the work of the New Jersey Agricultural Experiment Station. This building is now used for the purpose of conducting the biological, bacteriological, botanical and physiological instruction to the men students, including State and Federal scholarship students, as well as in part for agricultural experiment station uses. Affiliated with the work now carried on in New Jersey Hall is the work of the Entomological Department. This is carried on in a building in close proximity to New Jersey Hall, standing in the name of the Trustees of Rutgers College, which building was a remodelled structure and the cost of remodelling, together with the cost of equipment, has been paid in part by the State of New Jersey and in part by the Trustees of Rutgers College.

About 1908 there was erected on this campus, on land then and now owned by the Trustees of Rutgers College, a building known as the Engineering Building, the cost of which was met by funds of Rutgers, but equipped in part by State funds. This building is used primarily for the purpose of instruction of men students, including such State and Federal Scholarship students as take courses in Engineering.

About 1910 there was erected on this campus, on land then and now owned by the Trustees of Rutgers College, a building known as the Chemistry Building, the cost of which was met by funds of Rutgers, but equipped in part by State funds. This building is used primarily for the purpose of instruction of men students, including such State and Federal scholarship students as take courses in chemistry.

About 1920 there was erected on this campus, on land then owned by the Trustees of Rutgers College and now deeded to the State of New Jersey, a building known as the Ceramics Building, the cost of which was met by funds of the State and the equipment was furnished partly by the State and partly by the ceramics industry of the State. This building is used primarily for the purpose of instruction of men students, including such State and Federal scholarship students as take courses in ceramics. This building is also used for research work in clay working and ceramics in accordance with the statute making the appropriation which established the New Jersey Ceramics Research Station. About 1902 when the courses in ceramics were established by Legislation the State erected a brick building on land then and now owned by the Trustees of Rutgers College. This building was used by the Ceramics Department for its work until the completion of the new building, since which time the old building has been used by the Repair Department of Rutgers.

About 1926 there was erected on this campus, on land then owned by the Trustees of Rutgers College and now deeded to the State of New Jersey, a building known as the Physics Building, the cost of which, together with the equipment, was met by funds of the State. This building is used primarily for men students, including such State and Federal scholarship students as take courses in physics.

In addition to the foregoing buildings used for educational purposes, there are on the Neilson campus the Library Building and the Gymnasium, both erected by Rutgers without State aid. The approximate cost of the above buildings built without State aid is \$465,000. and the approximate cost of the buildings erected by the State is \$450,000.

The buildings on Queens Campus, not referred to above, used for educational purposes, cost approximately \$240,000.

CAMPUS AT COLLEGE FOR WOMEN.

This campus covers approximately 100 acres, the title to which stands in the name of the Trustees of Rutgers College, except so far as conveyed to the State of New Jersey. Some of this land was acquired by gift, some by purchase from funds provided by various benefactors, some by purchases from current income of the College for Women and some by investment of a portion of the endowment fund of Rutgers. On these lands the State of New Jersey has built and equipped three recitation buildings. The land covered by one of them was deeded to the State of New Jersey by the Trustees of Rutgers College. The said three buildings were erected and equipped during the years 1923 to 1928 at a cost to the State of approximately \$780,000. There were on said lands a large dwelling house, now used as the executive building of the College, and a number of other buildings which have since been remodelled or enlarged for the purposes of the College. A Chapel has been built thereon, the funds for which came from the legacy of Mrs. Elizabeth R. Voorhees.

There are a number of buildings on said lands which were built and equipped in whole or in part by funds donated for the purposes of the College for Women; also a series of frame buildings - 51 in number - and three large brick buildings, all used as dormitories and all built between the years 1920 to 1928. The construction of these buildings and the various improvements and enlargements and the acquisition of further lands were financed by the Trustees of Rutgers College in the main through means of Building and Loan and other mortgages secured by obligations of the Trustees of Rutgers College.

On June 30, 1928, there was outstanding, as the principal sum on the above mentioned obligations, \$837,500., upon which the Trustees of Rutgers College were entitled to a credit of \$92,709, accumulated building and loan dues. The net sum of \$744,791., together with the \$166,000. of Rutgers Endowment Funds hereinbefore stated, made a total indebtedness of \$910,791 on June 30, 1928 on the College for Women plant. The above amount is subject to adjustments arising from interest earnings on building and loan dues.

COLLEGE FARM:

In 1864, pursuant to the requirement of the Statute under which the designation of a beneficiary was to be made, the Trustees of Rutgers College furnished a tract of land for the purpose of an experiment farm. This farm contained approximately 98 acres. Since that date various additions to the farm have been made by the purchase of contiguous tracts to the original farm paid for by funds of the Trustees of Rutgers College, and by gifts from various parties, so that the farm now contains approximately 350 acres.

Contiguous to this farm, the State of New Jersey purchased in the years 1924 to 1928 tracts aggregating about 172 acres, which tracts purchased by the State are used in conjunction with the 350 acres by the State of New Jersey for the purpose of an agricultural experiment station pursuant to the statute of 1880 and by Rutgers for the purpose of experimentation pursuant to the provisions of the United States statutes in relation to the establishment of agricultural experiment stations by the Land Grant Colleges, as well as for instruction purposes. The joint tracts of land owned by the Trustees of Rutgers College and by the State of New Jersey are known as the "College Farm".

The State, between 1883 and 1928, erected upon the 350 acres owned by the Trustees of Rutgers College a series of buildings, of which five are major structures, to wit:

1. Short Courses in Agriculture Building (1905).
2. Administration Building (1912).
3. Horticultural Building (1919).
4. Poultry Husbandry Building (1921).

5. Dairy and Animal Husbandry Building (1922).

The structures referred to were built by the State for the purpose of carrying on its agricultural experiment station under the Act of the Legislature referred to and the establishment of short courses in agriculture at Rutgers pursuant to the provisions of the Act of the Legislature of 1905, and the carrying on of the regular agricultural courses pursuant to the provisions of the Federal and State Legislation.

The maintenance and work of the State Experiment Station is financed wholly by the State. The money received under the Federal Legislation in aid of the agricultural experiment station conducted by Rutgers is paid by the United States to the Trustees of Rutgers College. The State of New Jersey has made an annual appropriation for some years past of \$25,000. to carry on short courses in agriculture which are conducted on the "College Farm."

Of the buildings erected by the State on the 350 acres owned by the Trustees of Rutgers College, the land on which the last three named are situated has been conveyed to the State of New Jersey.

The cost of the 350 acres included in the "College Farm", purchased by the Trustees of Rutgers College, aggregates approximately \$69,000., and the cost of the 172 acres purchased by the State approximates \$67,000. This latter figure reflects the increase in land values in recent years.

On the 350 acres purchased by the Trustees of Rutgers College there have been erected buildings costing approximately \$750,000. Except for a few minor structures, all of these buildings were built by the State.

Representatives of the State Department of Agriculture have expressed their satisfaction to the Commission as to the manner in which the State Agricultural Experiment Station and the Agricultural Experiment Station run by the Trustees of Rutgers College have co-operated and stated further that there was no over-lapping or duplication of work done.

COLLEGE OF PHARMACY PLANT.

In 1927 the Trustees of Rutgers College took over the New Jersey College of Pharmacy located at the intersection of Lincoln, Belleville and Arlington Avenues, Newark, the premises having erected thereon a modern and comparatively recent brick structure. It was subject to a mortgage of \$78,000. The plant, except the burden thereon of \$78,000. and floating indebtedness of \$28,000., was acquired by the Trustees of Rutgers College without expense.

The College of Pharmacy has been operating since 1927 as part of Rutgers and has been and is self-supporting. The floating indebtedness of \$28,000. and installments on the mortgage totalling \$6,000. have been paid from current income of the College of Pharmacy.

SUMMARY

The total lands and buildings used by the entire institution represented an investment, as of June 30, 1928, of approximately \$7,150,000., subject to mortgages secured by bonds of the Trustees of Rutgers College, or assumed by them, in the amount of \$1,047,500. In the entire plant of the entire institution the State has invested, as of June 30, 1928, approximately \$1,900,000.

FINANCIAL RELATIONS BETWEEN RUTGERS
AND THE STATE.

MEN'S COLLEGES.

For the academic years 1927-1928 and 1928-1929 the enrolled student body, as classified by Rutgers, was and is as follows:

	<u>1927-1928</u>	<u>1928-1929</u>
College of Arts and Sciences	901	987
College of Engineering	179	189
College of Agriculture	94	114
School of Education	22	49
Department of Ceramics	17	19
	<u>1213</u>	<u>1358</u>
Special Students	9	9
Graduate Students	59	72
	<u>1281</u>	<u>1439</u>

Of the above students, 280 are scholarship students, 40 under the First Morrill Act, and 240 under State Scholarships at \$200. per scholar, whose tuition is included in the State appropriations herein-after referred to.

Of the 1213 regular undergraduate students enrolled in the academic year 1927-1928, 959 were residents of New Jersey; of the 1385 regular undergraduate students enrolled in the academic year 1928-1929, 1075 were residents of New Jersey.

The students of the College of Pharmacy, Short Courses in Agriculture, Short Courses in Engineering, Summer Session, Educational Extension and University Extension are no substantial burden on the finances of Rutgers because either, as in the case of the College of Pharmacy, the work is entirely self-supporting or, as in the cases of the other of said students, the tuition plus the fees and special State appropriations cover practically all the cost of their instruction.

The fees above referred to are as follows:

Course fees in the case of Extension students.

Registration fees in the case of students in Short Courses in Agriculture and Engineering and in the Summer Session.

Tuition charges for students in the Short Courses in Agriculture and Summer Session who are not residents of New Jersey.

These fees range from \$5. to \$50. per student.

The students in the College of Arts and Sciences, Colleges of Engineering, School of Education, Department of Ceramics, and Special Students all pay a tuition fee of \$200., plus fees approximating \$75.

The students in the College of Agriculture pay a tuition of \$80. and fees approximating \$75.

The income of the Men's Colleges received by the Rutgers' Treasury in 1927-1928, excluding State appropriations, was as follows:

INCOME

Students (excluding dormitories, and cafeteria income)	\$374,030.01
Endowment (excluding income on special endowment funds such as prizes, student aid, etc.)	95,966.98
Gifts	1,347.42
Federal appropriations	206,823.81

Miscellaneous income (rentals, copy-rights
interest on balances, etc.)

12,259.30

\$690,427.52

The expenditures were as follows:

EXPENDITURES:

College of Arts and Sciences	\$259,395.89
College of Engineering	63,733.67
College of Agriculture	236,516.39
School of Education and Summer Session	91,098.54
Department of Ceramics	15,362.43
Department of Military Science	4,283.77
Department of Physical Training	13,468.17
General Library	39,925.52
University Extension Division	93,151.65
Physical Plant:	
College Avenue Campus	105,233.34
College Farm Campus	31,506.39
Invested in lands and buildings	75,298.59
School of Education and University Ex- tension Division, balances reserved for special purposes,	11,973.70
General University administration	88,798.29
General University expenses	<u>48,382.50</u>

\$1,178,128.84

NOTE: The foregoing statements exclude income and expenditures for Dormitories, Cafeteria, Prizes, Student Aid, etc., that is, activities which are either self-supporting or supported by special endowments.

The above figures show the inability of the income to meet the expenditures by the sum of \$487,701.32. The difference was met for the academic year 1927-1928 by State appropriations.

Based on the budget for the academic year 1928-1929, the difference between the income of the Men's Colleges and the expense thereof is \$528,515., which difference is met by State appropriations.

Endowment totalled as of June 30, 1928, \$2,293,457.80 divided as follows:

General Funds	\$1,642,646.37
Special Funds	144,727.45
Library Funds	34,345.00
Fellowship Funds	26,057.42
Prize Funds	24,700.00
Beneficiary Funds	147,069.87
Student Aid Funds	72,500.00
Annuity Funds	24,412.55
Preparatory School Funds	400.00
Accumulating Funds	55,599.14
Showing a sub-total of	<u>\$2,172,457.80</u>

Land Grant fund (held by the State of New Jersey)	116,000.00
Fund held by general synod of Reformed Church	<u>5,000.00</u>

\$2,293,457.80

Of the above, the only items untrammelled by devotion to special purposes are the items of \$1,642,646.37 and the \$5,000. synod fund, totalling \$1,647,646.37; the income of which, \$91,061.34, is used in conducting the work of the Men's Colleges.

Out of so much of the general funds above specified as were not trammelled as to use by the Trustees of Rutgers College, the Trustees have invested \$166,000. in the purchase of lands, buildings and equipment, part of the plant of the College for Women, on which the College for Women pays interest at the rate of 5% per annum.

DISTRIBUTION OF HOLDERS OF STATE SCHOLARSHIPS
ACCORDING TO COURSES PURSUED, 1927- '28.

The 240 Students holding scholarships under the Act of 1890 are distributed as follows:

College of Arts and Sciences:

Liberal Arts Courses -

Candidates for A.B. Degree	32	
Candidates for Litt. B.	62	
Candidates for B.S.	14	
Candidates for Litt. B. or B.S. degree (Freshman)	23	
	<hr/>	131
Courses in Biology (B.S.)	32	
Courses in Chemistry (B.S.)	21	
Courses in Education (B.S.)	10	
	<hr/>	194
Courses in Ceramics	3	
College of Engineering	41	
College of Agriculture	2	240

The 39 Students holding scholarships under the Act of 1864 are distributed as follows:

College of Arts and Sciences:

Liberal Arts Courses -

Candidates for A.B. degree	5	
Candidates for Litt. B.	17	
Candidates for B.S.	2	
Candidates for Litt. B. or B.S. degree (Freshman)	5 -	
	<hr/>	29
Courses in Biology	3	
Courses in Chemistry	0	
Courses in Education	1	
	<hr/>	33
Courses in Ceramics	0	
College of Engineering	4	
College of Agriculture.	2	39

COLLEGE OF PHARMACY.

For the academic years 1927-1928 and 1928-1929 the enrolled student body in the College of Pharmacy was and is as follows:

<u>1927-1928</u>	<u>1928-1929</u>
394	430

Of the 394 students enrolled in 1927-1928 358 were residents of New Jersey; of the 430 students enrolled in 1928-1929 387 are residents of New Jersey.

The present scale of tuition and fees for students in the College of Pharmacy is as follows:

Freshmen:

Tuition	\$260.00
Fees averaging	\$50.00 per student.

Sophomores:

Tuition	\$250.00
Fees averaging	\$15.00 per student.

Seniors:

Tuition	\$185.00
Fees averaging	\$40.00 per student.

The Board of Trustees of Rutgers College have taken action under which the fees in the year 1930-1931 will be uniform in all the classes and will conform to those set forth above for freshmen students.

The income of the College of Pharmacy received by the Rutgers Treasury in 1927-1928 was as follows:

Student fees	\$95,882.56	
Miscellaneous income	<u>837.70</u>	\$96,720.26

Expenses:

Salaries, supplies, equipment &c.	\$71,020.28	
Operation of plant	6,209.86	
Invested in lands and buildings	1,338.13	
Applied on floating indebtedness	14,151.99	
Applied on Mortgage	<u>4,000.00</u>	\$96,720.26

The College of Pharmacy has no endowment.

COLLEGE FOR WOMEN.

The New Jersey College for Women was instituted by a Resolution of the Board of Trustees of Rutgers College in 1918, the substantial portion of which Resolution is as follows:

"That the Trustees of Rutgers College do establish a Women's College as a Department of the State University of New Jersey maintained by the Trustees."

The management of the Women's College is under the immediate direction of a Board of Managers established by a Resolution of the Trustees of Rutgers College as follows:

"That a Board of Managers be annually appointed by said college, to be composed of the President of Rutgers College and of the State University, ex officio, the Dean of said College for Women, ex officio, and ten members, five of whom shall be members of this Board and five of whom shall be women interested in higher education of women."

The Resolution of the Trustees of Rutgers College instituting the New Jersey College for Women was duly approved by the State Board of Visitors in the following language:

"Resolved - that the Board of Visitors of the State Agricultural College and State University of New Jersey heartily approve the planning of a program of college and university maintenance and advancement covering five years more or less and earnestly urge upon the State of New Jersey, the Governor, Budget Commission and Legislature, the propriety and the need of agreement upon some such program and of annual appropriations in accordance therewith.

Resolved - that the Board of Visitors of the State Agricultural College and the State University of New Jersey urgently request the Appropriations Committee of the Legislature to include in the annual appropriations bill to be submitted to the Legislature, a substantial amount for the maintenance and support of the College for Women, a department of the State College and State University."

COLLEGE FOR WOMEN.

For the academic years 1927-1928 and 1928-1929, the student body enrolled for four years, classified according to degrees for which they were candidates, was and is as follows:

		<u>1927-1928</u>	<u>1928-1929</u>
Bachelor of Arts	A.B.	519	534
" " Letters	Litt. B.	308	315
" " Science (general)	B. Sc.	95	123
" " Science (home economics)	B. Sc.	<u>103</u>	<u>110</u>
		1025	1082

Of the students enrolled in 1927-1928, 873 came from New Jersey and 152 came from out of the State. Of those enrolled during the current year of 1928-1929, 919 are from New Jersey and 163 from out of the State. Many of the students enrolled in the liberal courses, degrees A.B., Litt. B., B. Sc., are preparing themselves to be high school teachers of liberal subjects. During the present year 384 students are enrolled in the liberal arts teacher-training courses.

Students enrolled in the home economics courses are preparing themselves to be teachers of cooking and sewing or specialists in foods or in clothing. All home economics freshmen and sophomores are required to take the same fundamental training. In 1927-1928 there were 67 freshmen and sophomores and in 1928-1929 there are 79. In the junior year these students are permitted to elect the field best suited to their abilities and tastes. Junior and senior home economics enrollment figures are as follows:

	<u>1927-1928</u>	<u>1928-1929</u>
Teacher-training	29	17
Specialists in foods or in clothing.	<u>7</u>	<u>14</u>
	36	31

For the department of home economics, the College for Women provides the quarters, the equipment and the upkeep of these facilities. A federal grant disbursed by the State Board of Education provides the salaries of the professional teachers of home economics subjects and a small amount of supplies for students enrolled in the teacher-training course in home economics. The State appropriations provide only in part for the expenses of the education of the students in home economics and the students taking the liberal arts teacher-training courses.

There are no State scholarships at the College for Women. All students pay a tuition fee of \$100. and a general college fee of \$50. for the use of such general services as the library, the gymnasium, etc. All students resident in the college dormitories pay an infirmary fee of \$10. a year.

The income of the College for Women in 1927-1928, excluding State appropriations, was as follows:

<u>INCOME</u>	
Students (excluding dormitories, dining halls, etc.)	\$168,594.
Endowment interest (\$5,000. principal)	300.
Miscellaneous	19,845.41
	<hr/>
	\$188,739.41

The expenditures were as follows:

<u>EXPENDITURES:</u>	
Administration expenses	\$49,456.44
General expenses	18,994.15
Operation of plant expenses	104,861.06
Invested in lands and buildings	77,558.61
Equipment	39,843.99
Instructional expenses	229,043.43
	<hr/>
	\$519,757.68
	<hr/>

The above figures show the inability of the income to meet the expenditures by the sum of \$331,018.27. Almost the entire difference was met for the academic year 1927-1928 by State appropriations.

Based on the budget for the academic year 1928-1929, the difference between the income of the College for Women and the expenditures thereof is \$323,851., which difference is nearly met by State appropriations.

In addition to the above mentioned \$5,000. endowment, there was a bequest under the will of Elizabeth R. Voorhees to the New Jersey College for Women, by the terms of which the residue of the estate came to the college subject to the provision that it and the income thereof should be used as follows:

"To pay the cost of erecting and furnishing a building or buildings suitable to the reasonably to be expected needs of the colleges for religious and other purposes of the college, to be known as the Elizabeth R. Voorhees Building, and the installation therein of an organ in keeping with the character of the building and the balance of such residue, if any, to hold as a fund and out of the income arising therefrom to defray the costs of insuring, repairing, caring for and refurnishing of said building from time to time, and the remainder of such income, if any, to use in providing for fellowships to be established by the Board of Managers of the College or their duly appointed successors, or for the support of deserving students selected by them."

Of that bequest there has been expended for building and equipping Voorhees Chapel the sum of \$380,579., leaving as the balance of that legacy approximately \$1,452,492. Except for the construction of buildings of the character stated in the Will and the furnishing thereof, the principal cannot be used nor can the income be used except for purposes stated therein.

The balance of the income of this fund, as of June 30, 1927, is -

	\$23,011.50
Income received for the year 1927-1928	<u>62,915.97</u>
	\$85,928.47
Expenditures for the year 1927-1928, maintenance of chapel -	
	<u>\$10,072.97</u>
Balance of income as of June 30, 1928 -	\$75,855.50

For the year 1928-1929, the Board of Managers have designated certain professors and instructors teaching in the College for Women as Voorhees Fellows, and the sum of \$25,000. has been appropriated from the income of the above bequest which pays in part the salaries of said professors and instructors.

FEDERAL AND STATE APPROPRIATIONS

Attached hereto is a schedule showing the appropriations made by the State of New Jersey and the Federal Government during the years 1918-1929.

By an Act of the Legislature approved March 8, 1912 (P.L. 1912, p.62), it was provided as follows;

"The trustees of the State Agricultural College of New Jersey be and they are hereby required to erect, equip, and maintain buildings, and to establish, equip and maintain departments of instruction or experiment for the furtherance of the appropriate work of said State Agricultural College, under the general powers of supervision and control possessed by the Board of Visitors of said State Agricultural College; provided, that the sum or sums required for such purpose or purposes shall first be appropriated in any annual or supplemental appropriation bill."

Since the above Act the appropriations by the State have not been made by specific statutes, but have been made at each Legislative Session in the Annual Appropriation Bill.

In the schedule of State appropriations, there is shown an appropriation in recent years for "courses in arts and sciences." The amount of this appropriation for 1927-1928 and 1928-1929 is \$120,000. per annum. While the title of this appropriation reads for "Courses in arts and sciences", it is pointed out that the expenditures for instruction of scientific students in the arts and science departments and the administrative and physical plant expenses, properly chargeable against such students, exceed the amount of this appropriation.

The State appropriation schedule shows appropriations to the institution of approximately \$800,000. per annum during the years 1927-1928 and 1928-1929 for operating purposes, that is, exclusive of funds received from the State for construction of new buildings or the purchase of lands.

AVERAGE ESTIMATED PER CAPITA COST OF INSTRUCTION FOR FISCAL

YEAR July 1, 1927 to June 30, 1928 (including administration, general expenses, upkeep of plant and instruction):-

I. Rutgers Scientific School (College of Agriculture and the Mechanic Arts, i.e. agriculture, engineering, ceramics, biology and chemistry)	\$704.
II. College of Arts and Sciences	447.
III. Average for Colleges for men at New Brunswick (including graduate students)	541.
IV. College for Women	375.

The above figures for the Colleges for men were compiled by Dr. Walter T. Marvin, Mr. Albert S. Johnson and Dr. Carl R. Woodward, from estimates based upon official enrollment figures, and the report of the Treasurer for 1927-1928.

The figures for the College for Women were furnished by Mr. Alfred R. Henderson, bursar of that College.

CONTRIBUTIONS AS BETWEEN RUTGERS COLLEGE AND THE STATE OF NEW JERSEY.

Since the passage of the Act of 1864, when the State of New Jersey directed payment of the interest on the Federal Land Grant Fund to the Trustees of Rutgers College in New Jersey, the Trustees of Rutgers College have administered the fund with fidelity and to the satisfaction of the

Federal Government and the authorities of the State of New Jersey. In consideration of the receipt of that fund, Rutgers is now educating 40 students in the various courses in the College, for whose education it receives annually the sum of \$5800., the interest on the fund, and has continuously fulfilled the requirements of the Legislature to deliver public lectures on the subject of agriculture free of charge and to provide an experimental farm known as the "College Farm", which farm originally contained 98 acres, land purchased, and to which have been added by Rutgers approximately 250 acres.

The Trustees of Rutgers College have also administered, to the entire satisfaction of the Federal and State Governments, the funds provided under the second Morrill Act (1890) and the Nelson Amendment (1907), granted by the Federal Government "for the more complete endowment" of the land grant colleges.

In 1880 the State of New Jersey created its agricultural experiment station, which the Board of Managers thereof located at the College Farm.

A contribution is created in favor of the Trustees of Rutgers College by reason of the fact that the State experiment station was located on the College Farm and Rutgers has expended a large sum of money in increasing the size of that farm for use by the State experiment station and for agricultural instruction required by the State.

A further contribution arises in favor of Rutgers by reason of the fact that the money to maintain the Federal experiment station, authorized by the Hatch and other Acts, is used in work supplementary to and in co-operation with the work of the State experiment station, resulting in a large saving of operative expenses to the State.

The fact that the State has erected buildings for the purposes of the State experiment station, including New Jersey Hall on Neilson Campus, erected on land conveyed by the Trustees to the State, creates no equity against that arising in favor of Rutgers by reason of the land purchased to increase the College Farm, because these buildings were essential to the conduct of the State experiment station. The primary use of said buildings, determined by comparison of the annual costs of maintaining instruction and research, is that of the State experiment station.

A contribution is created in favor of Rutgers against the State by reason of the free scholarships required by the State. In 1890, and by subsequent Acts, the State required Rutgers to educate, free of charge, students at a cost fixed by the State. At the present time 240 students are such free scholars and the State pays \$200. a year for each. The larger number of these scholars are students in the scientific courses as distinguished from those in the liberal arts courses and the cost of the education of each of said students is between \$500. and \$700.

There is a contribution in favor of the Trustees of Rutgers College by virtue of the department known as the College for Women, in that there has been furnished by them a plant, the cost of which to the Trustees represents an investment by them of the sum of \$800,000. in excess of the cost of the buildings erected by the State, which plant is used in common with the other students at the College for Women by students who are being trained to be teachers of home economics and other subjects in the secondary schools of New Jersey.

In addition to the foregoing contributions, there must be taken into consideration the fact that Rutgers furnishes its entire plant, in addition to those parts specifically named above, for the use of all the students pursuing courses prescribed by the State or Federal Acts, including therein library, gymnasiums, chapels, recitation and laboratory halls, recreational fields and its other facilities, and uses its funds to maintain its teaching staff, in supplement of the appropriations made by the State and student fees applicable to that purpose.

The State, by reason of the relations with Rutgers created by the Acts designating Rutgers as the recipient of the Federal appropriations made to the land grant colleges and the series of statutes affecting the relations between Rutgers and the State, has fixed a status of Rutgers in relation to the State that cannot in justice be destroyed. The State could not, by an institution created and maintained by it for a sum represented by the total appropriations made to Rutgers and its various schools and departments, secure services comparable to those which Rutgers has rendered and is rendering to the State.

STATE APPROPRIATIONS TO UNIVERSITY OF NEW JERSEY 1918-1928.

Item	1918-19	1919-20	1920-21	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28	1928-29
Scholarships	\$38,400.	\$38,400.	\$38,400.	\$42,000.	\$48,000.	8,000	\$48,000	\$48,000	\$48,000	\$48,000	\$48,000
Agriculture:											
Long Courses	10,000	15,000	30,000	35,000	40,000	000	45,000	52,000	55,000	60,840	64,410
Short Courses	20,000	20,000	25,000	25,000	25,000	000	25,000	25,000	25,000	25,000	25,000
Books, Periodicals and Bindings.	2,500	2,500	2,500	4,000	4,000	000	4,000	5,200	15,000	10,000	15,000
Summer Session	14,000	17,000	20,000	22,500	25,000	27,000	28,000	28,000	33,500	32,300	33,550
Bldgs. Maintenance and Insurance*	2,500	1,500	2,500	4,000	4,000	4,500	4,500	4,500	3,500*		
	1,500	3,500	3,000	3,000	3,000	3,000	3,000	3,000	5,000	3,000	3,000
	1,500	2,000	2,200	2,000	2,000	2,000	2,000	2,000	3,000	2,000	2,000
	5,500	7,000	7,700	5,000	1,000	2,000	2,300	2,000	2,000	2,000	4,200
				14,000	10,000	2,000	3,000	4,320	2,000	4,500	5,500
						13,500	14,800	15,820	4,500	13,500	16,700
									22,000		
Ceramics	7,500	7,500	7,500	7,500	12,000	12,000	15,000	16,700	19,000	18,870	19,745
Courses in Engineering	6,000	6,000	10,000	15,000	20,000	25,000	25,000	31,000	46,400	47,650	53,940
Courses in Chemistry	2,500	2,500	3,000	8,000	15,000	15,000	15,000	18,000	30,100	30,100	34,000
Courses in Sanitary Science	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Courses in Education.	5,000	5,000	5,000	8,000	10,000	12,000	12,000	12,900	20,500	20,500	21,300
Courses in Military Science.	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,750	3,590	4,170	4,170
Courses in Biology.	***	***	***	***	5,000	5,000	5,000	5,000	20,000	20,000	20,000
Courses in Journalism	***	***	***	***	***	***	***	2,000	5,000	11,000	11,500
Courses in Arts & Sciences	***	***	***	***	***	***	***	***	71,000	120,000	120,000
Board of Visitors (Expenses)	50	50	50	50	400	400	400	200	200	200	200
Advertising Scholarships	90	90	90	100	***	***	***	***	***	***	***
* Interest of Land Grant Fund.	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800

* Given also in table of Federal Funds.

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Item	1918-19	1919-20	1920-21	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28	1928-29
Major Bldgs: (Colleges for Men)	***	\$75,000 (Horticultural Bldg.)	\$100,000 (Ceramics Bldg.)	\$85,000 (Poultry husbandry bldg.)	\$120,000 (Dairy Bldg.)	***	***	\$200,000 (Physics Bldg.)	\$172,500 (Compl. & Equip. of Physics Bldg.)	***	***
Equipment (Colleges for Men)	*** Eng. Chem.	3,400 2,500	20,000 (Hort.bldg.)	***	***	\$50,000 (Dairy Bldg.)	***	***	***	***	***
Purchase of Property	***	***	***	***	***	7,000 (Welchman Farm)	\$30,000 (Gebhardt Prop.)	***	25,000 (Gebhardt Prop #2)	***	\$5,323.50 (Booream Prop.)
Courses in Industrial (Extension:) (Engineering, University) ext.	***	***	***	***	***	***	***	***	10,000 \$15,000	***	25,000.
College for Women: General Appropriation	***	50,000	50,000	100,000	125,000	150,000	175,000	***	***	***	***
Maintenance & Equip.	***	***	***	***	***	***	***	217,378.67	***	***	***
Salaries & Wages	***	***	***	***	***	***	***	***	219,000	253,000	260,000
Operating Materials & Supplies	***	***	***	***	***	***	***	***	20,000	25,000	25,000
Current Repairs	***	***	***	***	***	***	***	***	1,000	2,000	2,000
Miscellaneous Expenses	***	***	***	***	***	***	***	***	4,000	5,000	5,500
Equipment	***	***	***	***	***	***	30,000	***	30,999	40,000	30,000
Buildings	***	***	***	***	***	250,000	***	250,000.	250,000	***	***
Grounds & Minor Bldg. Items:											
Crops Bldg.	***	***	***	5,000	***	***	***	***	***	***	***
Storage Bldg.	***	***	***	5,000	***	***	***	***	***	***	***
Drainage, dairy yards	***	***	***	1,000	***	***	***	***	***	***	***
Water system, piggery	***	***	***	***	3,500	***	***	***	***	***	***
Dairy barns, silos, milk house, yards, etc.	***	***	***	***	***	50,000	***	***	***	***	***
Completion Upper Floor Poultry Bldg.	***	***	***	***	***	***	1,500	***	***	***	***
Roads, walks, etc.	***	***	***	***	***	***	***	33,000	***	***	***
Calf barn and hay barracks	***	***	***	***	***	***	***	***	8,000	***	***

Item	1918-19	1919-20	1920-21	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28	1928-29
Sidewalks, roads, grounds	***	***	***	***	***	***	***	***	***	\$ 3,000	***
Current Repairs	***	***	***	***	***	***	***	***	***	4,000	***
Water System	***	***	***	***	***	***	***	***	***	2,000	***
Machinery, storage bldg.	***	***	***	***	***	***	***	***	***	10,000	***
Current Repairs	***	***	***	***	***	***	***	***	***	***	5,000
Painting and roof repairs, hort. bldg.	***	***	***	***	***	***	***	***	***	***	1,000
Short Course Greenhouse Repairs	***	***	***	***	***	***	***	***	***	***	2,500
Installation & Equip. Nutrition Lab.	***	***	***	***	***	***	***	***	***	***	4,500
TOTAL	<u>\$122,840.</u>	<u>\$263,240</u>	<u>\$330,540</u>	<u>\$388,450</u>	<u>\$524,200</u>	<u>\$750,200</u>	<u>\$485,000</u>	<u>\$971,748.67</u>	<u>\$1,163,589*</u>	<u>\$829,930</u>	<u>\$ 862,138.50</u>

* In addition to this amount, the Legislature of 1927 included the following items in the Supplemental Appropriations Act; \$10,000. for the installation and equipment of Nutrition Laboratories, and \$2,000. for repairs and betterment for the Entomology Building.

RUTGERS UNIVERSITY - FUNDS - 1918 - 1928.

	1918-19	1919-20	1920-21	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28	1928-29
For Instruction in Agriculture, Mechanic Arts, Physical Sciences, English, Mathematics and Economics:											
* Interest on Land- Grant-Fund.	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800	5,800
Morrill-Nelson	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
For Research In Agriculture:											
Hatch	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Adams	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Purnell	***	***	***	***	***	***	***	20,000	30,000	40,000	50,000
For Extension in Agriculture and Home Economics:											
Smith Lever & Sup.	36,807.29	62,734.05	68,720.74	76,841.93	80,773.81	80,773.81	80,773.81	80,773.81	80,773.81	80,773.81	80,773.81
Capper-Ketcham	***	***	***	***	***	***	***	***	***	***	20,000.
TOTAL	<u>\$122,607.29</u>	<u>\$148,534.05</u>	<u>\$154,520.74</u>	<u>\$162,641.93</u>	<u>\$166,573.81</u>	<u>\$166,573.81</u>	<u>\$166,573.81</u>	<u>\$186,573.81</u>	<u>\$196,573.81</u>	<u>\$206,573.81</u>	<u>\$236,573.81</u>

Note: The Smith-Hughes appropriation for teacher-training in agriculture and home economics is received and disbursed for New Jersey by the State Board of Education.

* The land-grant fund, held by the State of New Jersey, amounts to \$116,000. The annual interest, \$ 5,800, is paid to the university by the State, appearing as a special item in the Annual Appropriations bill. For this reason this item is included also in the table of state appropriations herewith submitted.

SCHEDULE B PROPOSED BILLS

An Act to provide for the creation of The New Jersey State Board of Regents and to define its powers and duties.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. There is hereby created The New Jersey State Board of Regents, which shall consist of eight members, of whom seven shall be citizens of this State who are in no way officially connected with any institution of higher learning receiving State aid. They shall be appointed by the Governor, by and with the advice and consent of the Senate, solely by reason of their character and fitness, without reference to occupation, party affiliations, religion or sex. The first appointments shall be made - one for a term of one year, one for two years, one for three years, one for four years, one for five years, one for six years, one for seven years, and subsequent appointments for a period of seven years. Vacancies shall be filled for the unexpired term. The remaining member of the Board shall be the Commissioner of Education, ex officio. All members shall serve without compensation for their services.

2. The Board shall organize by electing by a majority vote one of its members as President, and shall make such rules and regulations as it from time to time shall find desirable in order to enable it to perform its duties as provided herein..

3. The Board shall be charged with the duty of determining the State's needs in connection with public higher education and determining to what extent institutions of higher education, other than State institutions, shall be utilized to meet such needs in whole or in part; it shall give consideration not only to the present needs of the institution or institutions which it may determine

shall be utilized by the State for the purpose of public higher education, but also to the future development of such institution or institutions, and shall ascertain and estimate the cost of carrying out any plan of development which it recommends. In the consideration of both the present needs and future development of such institution or institutions, it shall endeavor to remove and prevent any overlapping or duplication of services rendered by any State institution with those rendered by any institution or institutions which the State may utilize for the purpose of public higher education. The Board shall contract, on behalf of the State, with such institution or institutions for just compensation to it or them for the services such institution or institutions, so utilized for the purpose of public higher education, renders or shall render to the State, and also for the support of such institution or institutions to the extent necessary to enable it or them to render the services required by the State for the purpose of public higher education; subject always to appropriations made by the Legislature.

4. The Board shall make an annual report to the Legislature and annually recommend to the Budget Commission the amount necessary to be appropriated for the purpose of public higher education carried on at any and all institutions that the State is utilizing, or may utilize, pursuant to its determination for such purpose, in order to enable such institution or institutions to perform the services required by the Board; no disbursement of the moneys raised by the State for the purpose of public higher education shall be made to any such institution utilized by the State for the purpose of public higher education, except on the recommendation of said Board, and the Board

shall be charged with the duty to see to the application of said moneys for said purposes. No disbursement of the moneys raised by the State for the purpose of public higher education shall be made to any institution wholly or in part under the control of any religious denomination or in which any denominational tenet or doctrine is taught.

5. The Board shall be charged with the care, custody and control of such property as the State now has, or shall hereafter acquire, at Rutgers College, or at any other institution that the State may utilize for the purpose of public higher education. The Board, so far as may be proper to aid it in the performance of its duties, shall have the power of investigating the finances of any institution so utilized by the State for the purpose of public higher education and have access to the books and papers of such institution, and shall have all other powers requisite to the performance of its duties under this Act; it shall confer with the administrative officers of such institution or institutions utilized for the purpose of public higher education and shall meet once a year, or more frequently if necessary, with the Board of Trustees of such institution or institutions in order that it may effect a complete co-ordination of the services rendered by such institution or institutions and the services rendered by any State institution.

6. The Board shall have the power to appoint a secretary and to employ such other agents as may be necessary in the discharge of the duties imposed upon them by this Act, and to fix their compensation; and such expenditures and incidental expenses connected with the performance of the duties of the Board, together with the actual personal expenses of the members of the Board, incurred in

the discharge of the duties imposed upon them by this Act, shall be audited by the Comptroller and paid by the Treasurer of the State, upon the certificate of the President of the Board, within the appropriation made for those purposes.

7. The Board shall be furnished with suitable accommodations in the State House, or elsewhere in the State, as may be necessary for the performance of its duties, and the same shall be properly equipped for the transaction of business.

8. All Acts and part of Acts inconsistent herewith are hereby repealed.

9. This Act shall take effect immediately.

STATEMENT

This Act provides for the creation of a Board of Regents, whose duties shall be to consider the State's needs in connection with public higher education, and determine to what extent institutions of higher education, other than State institutions, shall be utilized to meet such needs, and to determine the amount to be expended by the State as just compensation for the services which such institution shall render to the State and for the support of such institution or institutions, to the extent necessary to enable it or them to render the services required by the State; subject always to appropriations made by the Legislature.

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An Act to repeal an Act entitled "An Act giving additional title to the State Agricultural College", approved March 15, 1917.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Act entitled "An Act giving additional title to the State Agricultural College", approved March 15, 1917, is hereby repealed.

2. This Act shall take effect immediately.

Statement.

This Bill is a companion Bill to the Bill entitled "An Act to provide for the creation of the New Jersey State Board of Regents and to define its powers and duties," introduced as Senate Bill No. The purpose of this Bill is to discontinue the use of the title "State University of New Jersey" as a designation for the "State Agricultural College".

An Act to regulate the use by educational institutions
of titles indicating a relationship with the State.

BE IT ENACTED by the Senate and General Assembly of
the State of New Jersey:

1. That no incorporated or unincorporated private
educational institution conducted in this State shall hereafter
adopt, as a title of such institution, any title containing the
words "New Jersey", "State of New Jersey", "State", or any
other expression indicating any relationship whatever between
the State and such educational institution, until the same has
first been approved by the New Jersey State Board of Regents.

2. This Act shall take effect immediately.

Statement.

This Bill is a companion Bill to the Bill entitled
"An Act to provide for the creation of the New Jersey State
Board of Regents and to define its powers and duties," intro-
duced as Senate Bill No. The purpose of this Bill is
to prevent subsequent to its passage the adoption by any private
educational institution conducted in this State any title for
such institution containing any words or expression indicating
any relationship between the State and such institution, except
with the approval of the New Jersey State Board of Regents, which
will be created if the first Bill herein mentioned becomes a law.

An Act Concerning State Scholarships at Rutgers College.

BE IT ENACTED by the Senate and General Assembly of
the State of New Jersey:

1. After the thirtieth day of September, one thousand nine hundred and twenty-nine, no State Scholarships shall be granted or awarded, or any student appointed or admitted to Rutgers College under authority of the provisions of the following acts:

(a) "An Act to increase the efficiency of the public school system of the state by providing for additional free scholarships at the state agricultural college," passed March thirty-first, one thousand eight hundred and ninety.

(b) "An Act to amend an act entitled 'An act to increase the efficiency of the public school system of the State by providing for additional free scholarships at the State Agricultural College,' passed March thirty-first, one thousand eight hundred and ninety," approved March thirty-first, one thousand nine hundred and five.

(c) "An Act to amend an act entitled 'An act to increase the efficiency of the public school system of the State by providing for additional free scholarships at the State Agricultural College,' passed March thirty-first, one thousand eight hundred and ninety," approved March twenty-fourth, one thousand nine hundred and nine.

(d) "An Act to amend an act entitled 'An act to amend an act entitled 'An act to increase the efficiency of the public school system of the State by providing for additional free scholarships at the State Agricultural College,' passed March thirty-first, one thousand eight hundred and ninety,' approved March thirty-first, one thousand nine hundred and five,' approved March fifteenth, one thousand nine hundred and eleven.

(e) "An Act to amend an act entitled 'An act to increase the efficiency of the public school system of the State by providing for additional free scholarships at the State Agricultural College,' which act was approved March thirty-first, one thousand eight hundred and ninety," approved March twentieth, one thousand nine hundred and seventeen.

(f) "An Act to amend an act entitled 'An act to amend an act entitled "An act to amend an act entitled "An act to increase the efficiency of the public school system of the State by providing for additional free scholarships at the State Agricultural College," passed March thirty-first, one thousand eight hundred and ninety," approved March thirty-first, one thousand nine hundred and five,' approved March fifteenth, one thousand nine hundred and eleven," approved April seventh, one thousand nine hundred and twenty.

2. Nothing herein contained shall terminate or in any way affect any such State Scholarships granted or awarded under authority of the provisions of any of the said acts or of any act amendatory thereof or supplemental thereto prior to the said thirtieth day of September, one thousand nine hundred and twenty-nine.

3. This Act shall take effect immediately.

Statement.

This Bill is a companion Bill to the Bill entitled "An Act to provide for the creation of the New Jersey State Board of Regents and to define its powers and duties," introduced as Senate Bill No. The purpose of this Bill is to discontinue State Scholarships at Rutgers College after September thirtieth, one thousand nine hundred and twenty-nine, subsequent to which time admission of students to Rutgers College on State Scholarships, if any, will, in case the first Bill herein mentioned becomes a law, be determined by the Board of Regents thereby created.

MINORITY REPORT
of the
COMMISSION
on
RUTGERS AND THE STATE UNIVERSITY

TO THE SENATE AND GENERAL ASSEMBLY OF THE STATE OF NEW JERSEY:

Summary of Recommendations

Recommendations.

We recommend that:

1. Free college education should be afforded to every qualified boy and girl in New Jersey by a special tax of one mill levied on the realty wealth of the State for the support of higher education.
2. A reduction of approximately \$2,000,000 in school taxes can be brought about by devoting to primary, grammar, and high schools the money heretofore diverted from the railroad tax funds to the Trustees of Rutgers College in New Jersey and to other higher educational purposes.
3. The State Board of Education should be legally empowered as the only State board to receive and disburse all appropriations for higher public education.
4. The State University of New Jersey, including among other things the New Jersey College for Women, the New Jersey College of Pharmacy, the University Extension Division, and the State College of Agriculture, should be removed from the administration of the Trustees of Rutgers College in New Jersey and placed directly under the management of the State Board of Education, which already is responsible for the administration of the Normal Schools.

The minority dissents from the majority chiefly in the belief that the majority report is an evasion of the real issues for the solution of which the Legislature sought recommendations from this Commission. The minority does not believe these pressing problems should be longer left unsettled, only to continue to delay development of a well grounded State policy for higher

education. Such delay seems to us the only result to be expected from yet another Commission such as the Board of Regents proposed by the majority. New Jersey today is among the most backward States in the Union in respect to the policy of the State toward higher education and the small proportion of her high school graduates who attend college. This is the natural reflection of a situation which results in higher tuition charges at the State University of New Jersey than in any of the other 84 State supported or State aided colleges in the United States except one, Massachusetts Institute of Technology. We believe the Legislature is entitled to a knowledge of what seems to us to be the solution most likely to be to the ultimate best interest of the State.

The foregoing recommendations were determined only after a careful consideration of whether there is any way available to keep the State University at Rutgers, or to build up the State University around Rutgers. The sincere efforts of the Trustees of Rutgers College to serve the State, and the growth not only of men's colleges but especially of the New Jersey College for Women under their management entitle the Trustees to every possible consideration.

But the facts as we find them force us to the conclusion that there is no legal method by which Rutgers University can satisfactorily become the State University or longer serve the State in lieu of a State University. We have, therefore, been compelled, in the circumstances, to make these four recommendations.

The Task of This Commission

State University is State's Chief Concern, Not Rutgers.

The State's chief concern is with the State University of New Jersey, not with the private corporation, "The Trustees of Rutgers College in New Jersey". The State University of New Jersey comprises all those parts of the work carried on at Rutgers under the general supervision and control of the State, but in the Act of March, 1917, the name "State University of New Jersey" was unfortunately applied only to certain parts of this publicly controlled higher education. "Rutgers University" is a name established by resolution of "The Trustees of Rutgers College in New Jersey" at their meeting in June, 1924, to include all the work at Rutgers, not only the private college, but also the State University.

The majority report, in effect, recommends surrender to the private corporation "The Trustees of Rutgers College in New Jersey" of control over the physical property of the State University of New Jersey. To such a proposal as this the minority has refused to be a party.

Adequate Support of the State University, Not Rutgers, was to be Reported Upon by This Commission.

We have assumed that the Legislature, in creating this Commission, desired recommendations for the adequate support of the State University of New Jersey, not of Rutgers University, and for the reorganization of the State University if an examination into the existing relations between the State and Rutgers should indicate that reorganization is necessary. Reorganization of the private corporation is not the State's concern unless it can be proved that Rutgers University and the State University are one and the same. Adequate support of a private college can, under the State Constitu-

tion, be a matter of only sympathetic concern on the part of the State in the absence of legal public control.

Existing Relations Require Reorganization

Rutgers University is not the State University.

"The Trustees of Rutgers College in New Jersey" cannot legally submit to the public control and supervision necessary to constitute the private college or any part of it a state university for New Jersey.

Rutgers Cannot Be Utilized in Lieu of a State University.

After determining that Rutgers is not and cannot become the State University, the question arises:

"Can the State utilize Rutgers in lieu of a state university making generous contributions of the State's money for the general purposes of Rutgers?"

This, the majority report favors, and this would be highly desirable if possible. We are, however, unable to agree because it seems to us such appropriations could not legally be accepted.

For the same reasons that Rutgers is not and cannot become a state university, the State cannot utilize Rutgers in lieu of a state university.

Federal Appropriations Require Public Control.

First, there is the requirement in several of the Acts of Congress establishing appropriations to aid higher education, that wherever the benefits of such appropriations shall apply, there shall be public control of the institution. The specific words "in order to secure the benefits of this act" there must be "public control" are to be found in the more recent acts.

In the first Morrill Act, the Act of July 2nd, 1862, Congress required any beneficiary college to submit to such conditions "as the Legislatures of the States may respectively prescribe". New Jersey, in designating Rutgers Scientific School, by the Act of April 4th, 1864, prescribed, as the price to Rutgers of being awarded the benefits of the Morrill Act, forty scholarships free to New Jersey youths and acceptance of "general supervision and control" of a State Board, the Board of Visitors. All the acts supplementary to this first Morrill Act declare or imply, if the benefits of the supplementary acts are to be enjoyed, that the conditions prescribed by the Legislature of any State accepting the first Morrill Act shall obtain again.

New Jersey
Supreme
Court Holds
That State
Appropriations
Can Be
Made Only
Where There
is Public
Control.

Second, there is the prohibition in the State Constitution against appropriations of State or municipal funds to any society, association, or corporation, and the decision of the Supreme Court of the State, upheld by the Court of Errors and Appeals, that this constitutional prohibition does not apply where there is public supervision over the expenditure of the State's money for the purpose of securing free public education.

Counsel advises that it would be illegal, and consequently improper for the State to urge, for "The Trustees of Rutgers College in New Jersey" to permit the State to extend general supervision and control over all those parts of Rutgers not already under the supervision of the State, and it is illegal for the Trustees of Rutgers to continue to accept State supervision and control of any part of the private college.

Public and
Private
Interests
Confounded.

As a practical matter, it is almost impossible to distinguish between the private and the public affairs of an institution where, for example, professors' salaries are sometimes paid from three funds, State, Federal, and private; where State college courses are conducted in private buildings and vice-versa; where public and private grounds are used jointly for mutual purposes; and where administration expenses of both private and public colleges are paid indifferently from State, Federal, and private moneys. In such a situation, public control, to be effective, must be and has been exercised over some of the private interests of the college.

Breach of
Trust No
Reason for
Appropriations.

The venerable royal charter, under which Rutgers operates, lays upon the Trustees the duty of assuming full responsibility for the conduct of the institution, and ipso facto, restricts the Trustees from making such a surrender as would provide the State with powers of general supervision and control, counsel advises. Therefore, that the Trustees of Rutgers have committed a continuing breach of trust cannot be urged by the State as justification for a continuation of appropriations.

With further respect to the requirements necessary to obtain State appropriations for higher education, we attach significance to the words of Mr. Justice Van Syckel concerning free education in institutions receiving appropriations. We believe that the Supreme Court attached equal weight in its opinion to the importance of securing "free public education" and to retaining

"full control". The exact words of the Court in determining whether Article I, Section 20 of the State Constitution raises a bar against appropriations to an educational institution incorporated in New Jersey, were:

Supreme
Court
Required
Education
to be Free.

"The Rutgers Agricultural College was adopted as a State College, and such full control was maintained over it by the State as was deemed necessary to secure free public education in the department of agriculture and mechanic arts."

Free
Tuition
Has Not
Been Se-
cured at
Rutgers.

State appropriations have not usually secured free public education at Rutgers. Tuition fees, for men, are \$200, and for women, \$100; both are less than where there is no State aid, but clearly not free. The only free public education secured at Rutgers by appropriations of the State's money has been 240 scholarships, and by appropriation of Federal money, 40 scholarships. Appropriations by the State have recently been running around \$1,000,000, more or less; a high price to pay for only 240 scholarships.

Court Did
Not Pass on
Trustees'
Power to
Accept Appro-
priations.

It is to be noted that the Court passed judgment only on the power of the State to make a contract with Rutgers and to pay the obligation incurred; the Court did not decide, nor was it called upon to decide, whether the Trustees had the power to accept the supervision and control imposed by contracts with the State.

Since Rutgers cannot legally be subjected to "such full control as the State deems necessary to secure

free education," no appropriations of any sort can be made to this private corporation, except on the basis of a clear-cut contract. Public control is required, the Supreme Court holds, to justify appropriations which would enable Rutgers to be or to serve in lieu of the State University. Surrender to public control is legally prohibited, counsel and some Trustees advise us, by the Charter of Rutgers. Ergo, not only is it impossible to convert Rutgers into a State University, but it is impossible for Rutgers to serve the State in lieu of a state university by receiving generous contributions of the State's money for the general purposes of Rutgers.

The only remaining plan by which the State can employ Rutgers is for the State to make definite contracts for service from Rutgers, as it did in the Act of 1890, upon which the Supreme Court based its decision. In this Act a specified number of scholarships was purchased. The method of payment, not being properly provided for, became the subject of later controversy and the Court's decision. This method of purchasing scholarships to meet the State's needs has been tried and found wanting.

State
Scholar-
ships an
Unsatisfac-
tory Solu-
tion.

Speaking at the public hearing held by this Commission in Trenton at the State House on Nov. 8, 1928, Mr. I. A. Serven, for some fifteen years a member of the Board of Visitors, declared that the present number of scholarships is entirely inadequate to meet the needs of the State. When it was suggested, in conference with the authorities of Rutgers, that there might be worked out

a scheme for the State to purchase, say, 1,000 scholarships for men and, say, 1,000 scholarships for women, we were strongly advised against this plan. It was urged that there would be an unpleasant distinction in the life on the campus between State free scholars and private paying scholars, if the number of scholarships should be increased. It was urged by the Rutgers authorities that State scholarships in an otherwise private college do not tend to provide the State with the best type of scholars. It seems to us that the opinion of the Rutgers authorities should be accepted on these points, since they speak from experience, and the idea of buying large numbers of scholarships, either wholly free, or in large part free, must be considered an unsatisfactory solution.

Ephemeral
Contracts
Fail.

There appears no other reasonable measuring rod for the State in making contracts for higher education with a private institution, if scholarships, which are held to be unsatisfactory, are ruled out. The ephemeral contracts, sometimes spoken of as "implied contracts", between the State and Rutgers under which many of the appropriations to Rutgers have been made, fail entirely to provide the State with any means of measuring its return on its money.

State
Support
for
Rutgers
Should
Cease.

Having examined carefully every method of which we could conceive or which was suggested to us to supply the needs of the State for higher education, needs evidenced by the response made by the Legislatures for years to appeals for funds, we have reluctantly been forced to conclude that Rutgers cannot legally serve the State in

any capacity except that of a strictly private college. The benefits to the State of the continued prosperity of the private college conducted by "The Trustees of Rutgers College in New Jersey" will, it is to be expected, be great, as were the benefits to the State in the days before 1864. But State support for Rutgers should cease.

Not
Everything
Done by
Rutgers
was a
Breach of
Trust.

The mention of a breach of trust begun in 1864 will not, we hope, be misconstrued to mean that everything which was done by virtue of State appropriations to Rutgers was legally improper. This is not the case at all. The only breaches of trust which the Trustees of Rutgers, in their enthusiasm to serve the State, appear to us to have committed have been the instances wherein they surrendered an existing control of physical property. If the Legislature, by appropriation, provided the Trustees with funds to undertake a new work which did not involve employment of their private resources, and "required" the Trustees to carry out the purpose of the appropriation, the Trustees, if they accepted, would merely shoulder a contractual responsibility to the State which would in no sense require them to surrender any of the control or supervision which their Charter directs shall be exercised by them alone.

There Was
a Breach of
Trust in
Respect to
the Rutgers
Scientific
School, but
only to
Some of the
Courses
Therein.

In the case of the Rutgers Scientific School, which the Supreme Court has held to be a State College, the Trustees committed a clear and serious breach of trust. They were already providing some courses of instruction in Rutgers Scientific School; these courses were an integral part of the private college, paid for out of

the private funds of the college, and the Trustees were by their Charter under legal obligation not to surrender their control over the expenditure of these private funds. But the contract of 1864 - the Act making Rutgers the land-grant college and acceptance thereof by Rutgers - called upon the Trustees to use their private funds to defray any costs not covered by the land-grant and further called upon them to submit absolutely to the control of the Visitors. The breach of trust did not involve the courses of instruction which were commenced only after the contract had been made with the State and money to defray the full expense had been provided by the State.

State Has
Power to
Relieve
Rutgers
Trustees
of State
University
Responsibi-
lity.

In the case of the College for Women, and in the case of the College of Pharmacy, there was no breach of trust so far as the Charter of Rutgers was concerned. These were merely new additions to the State University which the Trustees agreed to administer on behalf of the State. They were here acting in the capacity of managers or trustees of the State University, a function imposed upon them by the Legislature, with their assent. The State, which laid this burden upon the Trustees, can relieve them whenever it sees fit.

Trustees,
Strictly
Speaking,
Ought to
Have Charged
the State
for Rent.

But when the Trustees allowed private college funds to be used for State University purposes, as they quite naturally did in the process of running both the private College and the State institution as one university, they were committing, in each instance, what seems to us a breach of trust. For example, strict adherence to their duties as Trustees of Rutgers College in New Jersey would have required them to charge the State rent for the use

of the private college buildings in which were conducted courses of instruction undertaken at the instance of the State and paid for by the State.

Rutgers
Trustees
Have Been
Serving
Two Masters,
the Charter
and the
State.

The importance of this distinction between work undertaken at the instance of the State and work undertaken as a result of obligations and duties imposed upon the Trustees by the Charter is decided. In the former case they were acting as managers or trustees of the State University of New Jersey. Since the passage of the Act of 1912 which required the Rutgers Trustees to perform whatever services were necessary to give effect to appropriations that might be made, the Trustees, in rendering these required services, have been acting in this capacity of managers or trustees of the State University. In the opinion of the Supreme Court, the Rutgers Scientific School had been termed a State College since 1864, and subsequently the Legislature passed numerous acts giving appropriations as to the State College for the Benefit of Agriculture and the Mechanic Arts. If it should be argued that all functions carried on at Rutgers are the work imposed by the terms of the Charter, this test can be applied:

A Test to
Determine
Which Part
is Rutgers,
Which is
State Uni-
versity.

Would the Woman's College be in existence by virtue of the Charter, or is it a creature of legislation? Were the courses in ceramics and in journalism instituted because of duties imposed by the Charter, or because the Legislature appropriated money for the purpose and the Trustees accepted the responsibility of administering these courses of instruction in the State University? etc.

Trustees
May be
Entitled
to Re-im-
bursement.

The State University consists of at least all those parts of work carried on by Rutgers which were initiated by the State and paid for by the State. If, in some instances, the State failed to pay all the cost, and Rutgers assumed the balance of the expense involved, then it seems to us that Rutgers has a just claim for compensation against the State. Since 1905 Rutgers has not pressed any such claims; but in fairness to the good intentions of the Trustees, Rutgers should not be held to have lost her right to make such claim.

Some Trust
Funds Held
by Rutgers
Belong to
the State.

Furthermore, it should be noted that any gifts or bequests by any citizen made to the State University of New Jersey, of which for the time being "The Trustees of Rutgers College in New Jersey" were the trustees or managers, belong to the State, or, at least, the Trustees are under obligations, it seems to us, to provide the State University with the benefits of such gifts or bequests, even if the State University should be removed from Rutgers. For example, a recent bequest was made to the Trustees for scholarships in Journalism, and a like amount was designated for scholarships in Music courses in the New Jersey College for Women. These bequests, it seems to us, must continue to purchase scholarships in the State University, even if the State should decide to move its State University to Cape May. Likewise, the contributions of the Women's Clubs, which played an important part in the founding and present success of the College for Women were, according to testimony by officials of the Federation of Women's Clubs at the public hearing in the State House, November 8, 1928, given to

"The Trustees of Rutgers College in New Jersey" acting in their capacity as trustees of the State University of New Jersey, not in their capacity of private trustees.

Continued
Confusion
Invites
Further
Breaches
of Trust.

To attempt to carry on indefinitely under such confusing conditions, would be to invite constant likelihood of further breaches of trust. For it would be a breach of trust if there were to be a gift made to the private college and the Trustees should administer it for the benefit of the State University. For this added reason - that continued confusion invites further breaches of trust - it is desirable to remove the State University from the hands of the Rutgers Trustees.

The Reorganization Which is Called For

Rutgers
Management
of State
University
Should be
Replaced
by State
Management.

For all these reasons, therefore, we are obliged to recommend that the State should completely reorganize the State University of New Jersey by withdrawing the management of the State University from the hands of "The Trustees of Rutgers College in New Jersey," replacing the management in the hands of an out-and-out State agency, such as the State Board of Education, and by making this State agency the recipient of public moneys, both Federal and State, in place of Rutgers Trustees.

The implication of the title printed nowadays on Rutgers stationery and publications, although clear evidence that the authorities of Rutgers appreciate their dual role of public and private trustees, seems to us quite entirely misleading:

RUTGERS UNIVERSITY
The State University of
New Jersey.

The implication clearly is that Rutgers University, every part of it, is the State University of New Jersey. This is false.

Act of 1917
Calling
Part of
Rutgers
State Uni-
versity
Should be
Repealed.

Hardly less misleading is the Act of 1917 which declared: "Rutgers Scientific School, being the State Agricultural College, the State College for the benefit of agriculture and the mechanic arts, maintained by the "Trustees of Rutgers College in New Jersey" and under the general powers of supervision and control of the Board of Visitors of the State Agricultural College be and hereby is also designated the State University of New Jersey under the same general powers of supervision and control of the same Board of Visitors".

The title of this remarkable act is: "An Act Giving Additional Title to the State Agricultural College".

Taking into consideration not only this act but also the Act of 1912, requiring The Trustees of Rutgers College in New Jersey to give any service for which there shall be appropriation made to the State College of Agriculture, and taking into account the possession by the Visitors of general powers of supervision and control, we are inclined to think that, viewed merely from the State's angle, and not considering whether the Trustees committed possible breach of trust, New Jersey already has a State University and nothing needs to be done further except to provide adequate support after replacing private managers with an out-and-out State board.

Trustees
Should be
Relieved
of Their
Embarrass-
ment.

From the practical point of view, however, something more is required to meet the demand for more direct control by the State of its State University: Adequate

support can come only through popular approval. As has been shown previously, the Trustees of Rutgers should be relieved of their legal embarrassments under public control.

The Component
Parts of
the State
University
of New
Jersey.

We find that instead of the State University being the whole of Rutgers University, the State University today is composed of the following:

THE STATE UNIVERSITY

1. Rutgers Scientific School, which includes-
 - a. The State College of Agriculture.
 - b. The Department of Ceramics.
 - c. The Department or College of Engineering.
 - d. The Department of Military Tactics, etc.
 - e. The College Agricultural Experiment Station.
 - f. The New Jersey Ceramics Research Station.
 - g. The University Extension Division.
2. The New Jersey College for Women.
3. The New Jersey College of Pharmacy.
4. Certain courses of instruction and departments conducted as if they were a part of old private academic Rutgers, but paid for by the State, such, for example, as the courses in Journalism.
5. The School of Education.

The State University has a College of Liberal Arts for women, but not for men. Liberal arts courses for men are given merely as supplements to the main business of agriculture or science, just as they might come to be given in Newark at the College of Pharmacy remote from old academic Rutgers. The men get liberal arts instruction by attending classes in the private college.

A Wierd
Anomaly.

The State University of New Jersey is a wierd anomaly. As it stands, it is anything but well rounded. This fact should cause no greater surprise than the fact that Rutgers College in New Jersey, the private

Neither
Rutgers nor
the State
Has a Well-
rounded
University.

institution, is no more well rounded as a university, being confined chiefly to liberal arts and those scientific subjects usually taught in a liberal arts college. These two facts have been hidden by the combination of the private college and the State University, which, taken together, do provide a picture of a fairly well-rounded university.

The fact that the State University has had its identity concealed from ready recognition by the confusion in popular opinion between the private college and the State University is, no doubt, the real explanation of the appropriations for liberal arts courses in the private college, over which the Visitors never have had any control. Failure to realize the true situation accounts, in our estimation, for the labored arguments put forth in defense of every penny appropriated to Rutgers on the grounds that there were implied contracts. Former Attorney-General Katzenbach seems to us to have been right when he based his defense of the supposed implied contracts upon the fact that old private Rutgers has been a service school to make up the deficiencies in the State University. But we do not believe the theory of implied contracts applies outside the courses already established in the private college in 1864.

The Legislature, in 1917, was trying to get around an anomalous and confusing situation by dignifying the work of higher education conducted by the State under the daily and immediate management of the Rutgers Trustees subject to the general supervision and control of the

Visitors. The Legislature realized that many things not properly to be called either agriculture or mechanic arts were the object of appropriations at Rutgers. By bestowing the name "State University" on the Rutgers Scientific School, some unity might be thought to appear among the many cognomens for the State's work at Rutgers. But the Act of 1917 omitted, except by inference from the mention of the Board of Visitors and their powers, much that was and has since become a very important part of the State University.

Agree with
Majority:
Act of 1917
Should be
Repealed.

We agree entirely with the majority that the Act of 1917 designating Rutgers Scientific School as the State University of New Jersey should be repealed; but we do not agree that the matter should end there. Repeal of this Act might well be undertaken at the same time that the administration of the State University is removed from the hands of the Visitors and the Rutgers Trustees and placed in the hands of an out-and-out State Board.

Rutgers
Scientific
School
Part of
the State
University.

Rutgers Scientific School is part of the State University of New Jersey because it was adopted as such beginning with 1864 and as such has been the object of appropriations every year since. The fact that counsel now advises that "The Trustees of Rutgers College in New Jersey" ought not to have surrendered any control to a Board of Visitors cannot, it seems to us, be held to the disadvantage of the State: Rather, the Trustees, it would appear, must now break a contract which they were incapable, legally, of making, and cease to be the managers of the State College for the benefit of Agri-

culture and Mechanic Arts, and the State can and should provide for other management of the State College which the money of the State has built up under the able direction of the Trustees.

Here, as in the case of other parts of the State University, the Rutgers Trustees might properly, it seems to us, sit down in conference with the proper authorities of the State to adjust the property rights of both parties.

How
Separation
of Private
College
and State
University
Properties
Can be
Fairly
Accomplished.

Quite possibly, the State will desire to locate its College of Liberal Arts and Departments of Engineering and Ceramics either on the Agricultural College campus or elsewhere in the State. Rutgers might well compile a list of claims against the State, and offer to buy certain State buildings now on the private college campus; at the same time the State could determine which buildings and grounds, the title to which may now be vested in "The Trustees of Rutgers College in New Jersey," the State needs for its State University. Then, by agreement and by proper condemnation proceedings, the equities of each party could be fairly adjusted between them, leaving Rutgers an independent college and securing for the State a fair value for its investment as to plant and equipment, either by cash, by credits against Rutgers claims, or by acquisition of title to property. The Rutgers Scientific School and the Queens Campus confusion of State and private property (See Appendix A) present the most complications in separating the State University from the private college. The College for Women, the College of Agriculture, and the College of

Pharmacy have each separate and distinct plants, greatly simplifying the task.

Women's
College
Part of
the State
University.

The Women's College is a part of the State University now because the project, proposed to be part of the State University by the Trustees of Rutgers, was endorsed as a part of the State University by the Visitors, and on recommendation of the Visitors, the first appropriations were made to it as a part of the State University, as they have ever since been made. The appropriations constitute acceptance and approval by the Legislature of the recommendation that the Trustees be ordered to conduct a College for Women. (Act of 1912, it will be remembered, required Trustees to give any service, subject to supervision and control of the Visitors, for which there should thereafter be an appropriation.)

College of
Pharmacy
Part of
the State
University.

The College of Pharmacy is a part of the State University because, in 1927, "The Trustees of Rutgers College in New Jersey" resolved that they were "willing to receive transfer of property of New Jersey College of Pharmacy" (then a separate private institution) "and make it an integral part of Rutgers University and the State University of New Jersey, co-ordinate with the other colleges of the University, and to accept responsibility for its government and management;" and because, when the Trustees of Rutgers made this offer to the College of Pharmacy it was accepted. Thus there has been constituted a trust binding upon Rutgers that it will maintain a standing offer to the State of the College of Pharmacy.

Failure
of Visitors
to Protect
State.

The College of Pharmacy provides the most notable example of the failure of the Visitors to exercise their powers for the protection of the interest of the State. The Visitors might have been expected to meet at once to approve or disapprove the making of this offer to the old College of Pharmacy in the name of the State University. Instead, it is not clear that Visitors even informed themselves of the "willingness" etc. of the Trustees, although we have been informed that the Visitors were informally told that the College of Pharmacy had been taken over, nothing being said about the understanding that it was to become part of the State University. Neither the Visitors nor the Legislature has yet formally accepted the College of Pharmacy as a part of the State University, but both should do, because it is a good school and comes to the State at little or no cost, and at present pays its own way. In fact, the College of Pharmacy, we are told, earned \$6,000 in excess of operating expenses last year and was able to apply this sum to reduction of a modest mortgage. The Trustees of Rutgers would be compelled, it seems to us, as a part of their agreement with the old College of Pharmacy, to concede the point to the State.

Advisory
Committees
Composed of
Interested
Citizens
Commended.

The College of Pharmacy also provides the best example of a method of co-operation between college authorities and interested citizens. Five persons interested in pharmacy, but not Trustees, are an advisory committee, to attend every meeting of the committee of five Trustees who are a standing committee on the College of Pharmacy. But the members of the advisory committee

have no vote. This is better than the arrangement in the case of the College for Women where persons not Trustees have been permitted to vote as if they were Trustees. These advisory committees are mentioned in the hope that whatever solution is adopted, the plan will include provision for the advice and counsel of interested and qualified citizens, in all the work of the State University. Special provision should also be made to give alumni and alumnae opportunity to cooperate in working out the destiny of the State University. Perhaps a scheme like the Alumni Council of Princeton University would prove advantageous. It might, in the years ahead, bring many valuable contributions of thought and gifts and bequests of money and property to the State University.

Certain
Academic
Courses like
Journalism
are Part
of the State
University.

There are a number of courses of instruction and departments conducted as if they were a part of old private Rutgers, but paid for by the State, which are a part of the State University. An example of courses of this character is the course in Journalism, an important subject, but clearly not either mechanic art or agriculture, nor especially related thereto. This instruction is paid for by the State, but conducted in a private building. Applying the test of whether Journalism is taught because the State University has been at Rutgers, the answer clearly is that without the appropriations there would be no Journalism. The same test gives the same answer for the School of Education.

School of
Education
is Part of
the State
University.

State Board of Education Should
Administer the State University of New Jersey

Resume.

We have now shown that there is a State University and of what it is comprised; we have shown that it cannot longer be administered by the private corporation, "The Trustees of Rutgers College in New Jersey".

State Has
Good Board
of Education.

After careful consideration of the majority report plan, which advises that all problems affecting the State University should be turned over to a Board of Regents, it seems to us that there is no need of creating this new and additional State Board. The State already has a good Board of Education. They are, under the law, supposed to be the capstone of the State's educational system. They are experienced, and they are a going concern. They are familiar with the needs of the State, for it is from the public school system under them that the college student comes. They are already proved successful in conducting what might be considered the first two years of a college course, in the work of the normal schools. They are now engaged in developing one of these two year schools into a four year Teachers' College at Montclair. The only change necessary would be to eliminate officials of the State University from the Board of Education.

The majority report recognizes that with another board to deal with educational problems there will continue to be duplication of effort at the expense of the State. For this reason, it hopes that a Board of Regents would keep an eye open for duplication of effort. But

A Board of Regents
Would Mean
Expensive
Duplication
of Effort.

with the State University under the immediate supervision and management of the State Board of Education there should actually be no danger of duplication of effort - all advanced teacher training at the expense of the State would be conducted under the supervision of one and the same board, and could, if deemed wise, be centered at Montclair, unless there grows such a demand that the State needs more than one Teachers' College.

The Future of the State University.

The best information obtainable at the present time on what development of the State University should take place is to be obtained by study of the "Survey of Rutgers University" made by a committee of experts from the Bureau of Education, United States Department of the Interior. This expert committee was headed by Arthur J. Klein, Ph. D., chief of the division of higher education.

Whatever may have been the degree of accuracy with which this committee forecasted the probable size of the State University (they predicted an enrollment of 6,900 in 1937), supposing it to continue under Rutgers management, two things are at once apparent when their survey report is studied in the light of decision to put the State University on a separate footing. The first of these is the immediate need for a College of Liberal Arts and Sciences in the State University to take the place of the private institution belonging to Rutgers which has served in its stead. The second is the need of a School of Commerce and Business Administration, to increase the utilitarian purposes of the State University.

Liberal
Arts College
for Men and
College of
Commerce and
Administra-
tion Needed
Now.

Whether the State University should undertake to teach law, medicine, dentistry, etc., or any subject not now taught anywhere in the State, is a question which the State Board of Education should consider further than this Commission has had time for, and further than was considered in the report of the Survey Committee of 1927. It should be helpful to the Board of Education if it could have further suggestions as to what other expansion of the State University, if any, is needed, from the Commission headed by Senator Pierson which is to report on all State supported education.

Other
Expansion
Should be
Related to
Financial
Resources
Available.

If medicine and dentistry are to be taught, however, it appears that the natural beginning has already been made in the College of Pharmacy at Newark. That this State might well desire a law school of its own within the walls of the State University does not seem to us beyond the pale of possibility. But we are not prepared to say how soon or how deeply such new ventures should be gone into.

Adopting the same policy of free education which has been so greatly in the public interest when applied to education of lesser grade than collegiate, the State could expect a reasonable student body for any useful courses of instruction where the tuition is free. The day has not yet arrived, if it ever will, when it is desirable that there should be compulsory higher education. We do not foresee anything of that kind as likely during the lifetime of the present generation. But it has already been adequately demonstrated that it is to the great advantage of the State to encourage its people

Higher
Education
Should have
as Aim, More
Intelligent
and More
Useful
Citizens.

in the pursuit of knowledge. We may reasonably assume that one of the chief reasons why the republican form of government has worked so well in the United States is because the compulsory public school system has tended to produce an intelligent citizenry educated at least sufficiently to read the news and keep informed on the issues on election days. It would be eminently reasonable, it seems to us, to assume that the State could reap a benefit by inviting as many future citizens as it could financially afford to provide with a higher education, and this is so whether the education be of a clearly utilitarian type, or of a more cultural type. Free Tuition in a high-standard institution is the most effective appeal the State can make to induce the youth of the State to qualify themselves, by further studies, for citizenship, leadership, and productivity. The Board of Education should be guided in large part in its recommendations to the Legislature looking toward the expansion of the State University by the financial resources available.

Adequate Support

Agree That
Separate
Source of
Income
Must Meet
Needs of
Higher
Education.

The minority of this Commission is entirely in agreement with the majority that it is unsatisfactory to have the needs of higher education met out of the same tax as the needs of primary, grammar, and high schools. We believe that the Legislature is entitled to our judgment as to what amount of additional revenue the State needs for higher educational purposes. The minority agrees that the only possible solution is a separate tax for higher education in the State University of New

Jersey. Even when the same State Board of Education is responsible for the administration of both the State University and the State's affairs in the public schools, there would continue an unhealthful competition for the lion's share of the funds unless the needs of higher education are segregated.

In the absence of any experience in New Jersey with free tuition at the State University, we have thought that the amount of tax which would be adequate could best be determined by a study of what are the expenses of land-grant colleges, which have usually become State Colleges, in other States as compared with their respective State populations. Conditions in the West, where there are relatively fewer private colleges, did not seem comparable with those in New Jersey. The following figures for the total expenditures of the land-grant colleges in the six New England States and in seven Middle Atlantic were compiled from Bulletin No. 14, Department of the Interior, United States Bureau of Education, for the year 1927 (published in 1928) and from the 1920 United States Census:

State	Population (1920) (000 Omitted)	Total Expenses Land-Grant College (000 Omitted)	Per Cap- ita Cost
New England States.....	7,399.....	\$10,532.....	\$ 1.4 plus
Seven Middle Atlantic..	25,356.....	\$21,470.....	\$.80 "
Figures Both Sections Combined.....	33,039.....	\$52,002.....	\$.90 "

The expenditures of the State University at Rutgers plus the expenditures of Rutgers, the private college, totalled during this same period for which the figures in the table are taken, were equivalent to \$1 plus of expense

\$2 per
Capita
Would
Support
Public
Higher
Education
Adequately.

per capita. As a matter of fact, this expense did not fall directly and entirely upon New Jersey, although Jerseymen were among the contributors to the private income of approximately \$1,600,000 enjoyed that year. A tax which would result in a levy equivalent to \$2 per capita ought to be ample to provide New Jersey with adequate support of a State University which could maintain a desirable high standard of scholarship in all kinds of work now done in the State University, plus a College of Liberal Arts and Science, a School of Commerce and Business Administration, and the Montclair Teachers' Training College.

The minority has been in correspondence with the presidents of a number of the leading colleges and universities in parts of this territory more immediately adjacent to New Jersey and including New Jersey, and has received replies indicating in several instances that more New Jersey youth are expected to be refused admission in the future than in times passed, and that even if a college could keep the size of its student body fixed, expenses would have a tendency to increase. From these two facts, it would seem wise to provide a source of income which could be expected to increase in proportion to the growth in population and wealth of the State. A tax levied on the realty wealth of the State would have this characteristic of a relation to the growth of the population and wealth of the State. Experience with the half mill tax for institutions and agencies confirms this opinion.

Since, in our opinion, four year Normal School

work such as that which has been initiated at Montclair is of college rank, or should be, we believe that revenue to meet the expenses of the four year Normal School work of the State should come out of the same sources, and be considered a part of, the higher educational program of the State. Two year Normal Schools should, for the time being at least, remain as now, more intimately related to the public school system than to the State University, and should continue to find their sources of financial support in the railroad tax fund. If, in time to come, the need for junior colleges should become more apparent, the Normal Schools with their libraries and laboratories might possibly provide convenient nuclei to build upon. Albeit an important factor in the share of funds to be devoted to teacher training in the four year courses ought to be the needs of the public school system of New Jersey.

Montclair
Normal
School
College
Could be
Supported
From Same
Tax.

A tax, which would produce only enough to carry a state university doing the work now accomplished by the combination of the State University and the private college at Rutgers, would be insufficient to provide the Board of Education with the funds needed for advanced teacher training as well. It is our firm belief that for the best interest of the State, the questions of the Teachers' College and the four year Normal School program inevitably must be tied together in any sensible plan. In addition to producing well qualified high school teachers, the College of Education or Teachers' College of the State University (as distinguished from two year Normal Schools) should produce trained school

executives and likely candidates for college instructorships if not professorships. If the State Board of Education with the approval of the Legislature has already committed the State to an extensive development of collegiate grade at Montclair, we can see no reason why, during the next four or five years, the State should spend any money on advanced teacher training courses elsewhere. It seems to us that it would be a natural and logical step to describe the Montclair Normal School as the School of Education of The State University of New Jersey, and to concentrate the efforts of the State along teacher training lines at this institution.

Mill Tax
Would Provide for
Buildings
and Equipment
as Well
as Maintenance.

A tax of one mill would produce enough revenue not only for maintenance but also for building and equipment of a first rate State University, of which Jersey men could be proud always. After consultation with Commissioner Elliott, we believe this tax would also provide revenue sufficient to meet the advanced teacher training program of the State. When this special tax of one mill is levied it should be possible to reduce local school taxes and at the same time increase the funds available for public school purposes. If, during the single year ending June 30th, 1927, the tax as described had been levied and utilized for the purposes indicated there would have remained in the main stem railroad tax fund for public school apportionment more than \$2,250,000 in excess of the residue which was available for public school apportionment. Local school taxes could have been reduced by an amount totalling \$2,000,000 and there would still have been a quarter of a million dollars

additional available for apportionment among the district boards of education.

A special tax of one mill would enable the State of New Jersey to take her place among the forefront of the States of the Union which provide higher education to all qualified resident boys and girls.

If we have read the facts correctly, the reason why tuition is charged in some State institutions is chiefly because the pressure for admission is so great that some easy method to limit enrollment has been sought, and the additional test of financial ability to pay a fee or fees has been imposed. Even so, it is cheaper for a New Jersey boy to attend as a non-resident some other State University (like Illinois, for illustration) than to attend the State University of New Jersey today.

Competitive
Examinations
to Keep
Enrollment
Within the
Budget.

We do not believe that the easiest way is the best way for New Jersey. We believe that if competitive examinations were held for admission to the State University of New Jersey, this would prove a more satisfactory method of limiting enrollment than if tuition fees were to be imposed or raised. Tuition could be, and the minority believes that in a public institution it should be, entirely free to residents without losing that control over enrollment which would keep the general expense within the budget. Examples of successful use of competitive examinations to limit enrollment are the United States Military Academy at West Point and the United States Naval Academy at Annapolis. New Jersey

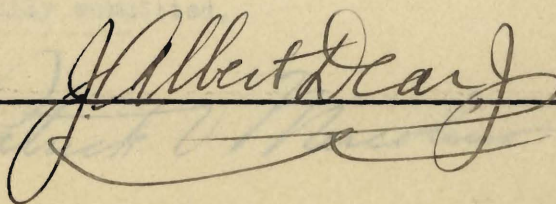
Center of
Democratic
Education.

might require, as qualification for being allowed to take the competitive examinations, residence within the State for one year prior and a certificate of character, health, and high school record.

In the course of time New Jersey's State University would come to be composed of the honor students of the State, the door being open just as wide to one as to another, whatever his or her race, religion, or politics. Selecting students by a system which has no regard for wealth or poverty, but places a premium upon character and intelligence, the State University of New Jersey will be in fact the very heart of democratic education in New Jersey and in the United States.

Bills will be submitted to be appended to this report which will give effect to the foregoing recommendations.

All of which we beg leave respectfully to submit,



February 10th, 1929.

February 9, 1929.

To the Senate and General Assembly of the State of New Jersey.

I find myself unable to sign either the majority or minority report because I do not concur entirely with either, approving some features of both.

I concur in the majority report in so far as it recommends the creation of a State Board of Regents for the purpose of providing higher public education to the citizens of New Jersey. I believe, however, that this Board's efforts should be directed towards the establishment in New Jersey of a State University. In other words, I concur in the majority report except that in my opinion it does not go far enough in providing free higher public education.

I concur in the first recommendation of the minority report which says that "Free college education should be afforded to every qualified boy and girl in New Jersey by a special tax of one mill levied on the realty wealth of the State for the support of higher education."

Respectfully submitted,

Patrick V. Marcolino