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RUTGERS UNIVERSITY
FEDERAL AND STATE RELATIONS

Original Charter and Amendments Thereto
Acts of Congress
The Statutes of New Jersey
Corporate Resolutions
Opinions in the Case of Rutgers College vs. Morgan
Scholarship Commission Report
Opinion of Attorney General
Table of Appropriations

RUTGERS UNIVERSITY
New Brunswick, N. J.
1928

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INTRODUCTION

A royal charter for an institution of learning to be called Queen's College was granted through William Franklin, Esq., Governor of the Province of New Jersey, November 10th, 1766. The petitioners for it were ministers and members of the Reformed Dutch Church.

The following trustees were named in this charter:

OF THE CITY OF NEW YORK.

Simon Johnson, Esq.	Theodorus Van Wyck, Esq.
Philip Livingston, Esq.	Abram Lott, Esq.

OF THE PROVINCE OF NEW YORK.

Sir William Johnson, Bart.	Col. James Brinckerhoff
Robert Livingston, Esq.	Col. Nicholas Stillwell
Col. Johannis Hardenberg	Col. Matthew Hoffman
Jacob H. Ten Eyck, Esq.	Bernardus Ryder, Esq.
Col. Abram Herring	Rev. Samuel Verbryck, Tappan
Isaac Vrooman, Esq.	Rev. Eilardus Westerlo, Albany
Col. Abram Hasbroeck	Rev. John Schuneman, Catskill
Levi Paaling, Esq.	Rev. M. Goetschius, New Paltz
Rev. Barent Vrooman, Schenectady	

OF THE PROVINCE OF NEW JERSEY.

His Excellency the Governor	}	For the time being.
The President of the Council		
The Honorable the Chief Justice		
The Attorney General		
Peter Hassenclever	Rev. John Lyt, Brunswick	
Hendrick Fisher, Esq.	Rev. David Marinus, Achquegkenonck	
Philip French	Rev. Martinus Van Harlingen	
John Van Metern	Rev. Jacob Rutsen Hardenbergh, at Raritan	
Peter Schenck	Rev. William Jackson, Bergen	
Peter Zabriskie, Esq.	Rev. P. Wyberg, Philadelphia	
Tuynes Dye, Esq.	Rev. Jonathan Du Bois, Bucks in Penn- sylvania	
Hendrick Kuypers, Esq.		
Rev. John H. Goetschius, Hackensack		

It is not known whether there is a copy of this charter in existence, but the New York *Mercury* of the dates April 20th, 27th and May 4th, 1767, contains the call for the first meeting of the trustees named in this charter, to be held at or near the County House of New Barbadoes or Hackensack Town, in Bergen county, on the second Tuesday of May, 1767. Some of the provisions of this charter were very soon discovered to be prejudicial to the interests of the College, and so application was made for an amended charter which was granted March 20th, 1770. It provides, "that there be a College, called Queen's College, erected in our said Province of New Jersey, for the education of youth in the learned languages, liberal and useful arts and sciences, and especially in divinity, preparing them for the ministry, and other good offices." Under this charter and under this name the College did its work until the year 1825, when the name was changed to Rutgers in honor of Colonel Henry Rutgers, of New York City.

A copy of the charter of 1770, printed in the same year, is in the possession of the College. It bears the imprint:

NEW-YORK,

Printed by JOHN HOLT; at the EXCHANGE,

M,DCC,LXX.

It is followed in the present printing as closely as possible in spelling, punctuation, paragraphs, and use of capitals and italics.

In 1862 the Congress of the United States passed the Land-Grant act, donating public lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and the Mechanic Arts. In 1864 an act of the Legislature of New Jersey designated the Trustees of Rutgers College in New Jersey as the college to carry out for the State the provisions of the act of Congress. In 1917 the Rutgers Scientific School by an act of the New Jersey Legislature was designated the State University of New Jersey.

THE CHARTER

GEORGE the third by the grace of God, of Great-Britain, France and Ireland, King, defender of the faith, &c. To all to whom these presents shall come greeting: Whereas our loving subjects being of the protestant reformed religion, according to the constitution of the reformed churches in the United Provinces, and using the discipline of the said churches, as approved and instituted by the national synod of Dort, in the years one thousand six hundred and eighteen, and one thousand six hundred and nineteen, are in this and the neighbouring Provinces very numerous, consisting of many churches and religious assemblies, the ministers and elders of which having taken into serious consideration, the manner in which the said churches might be properly supplied with an able, learned and well qualified ministry; and thinking it necessary, and being very desirous that a College might be erected for that purpose within this our Province of New-Jersey, in which the learned languages and other branches of useful knowledge may be taught, and degrees conferred; and especially that young men of suitable abilities may be instructed in divinity, preparing them for the ministry, and supplying the necessity of the churches; for themselves and in behalf of their churches, presented a petition to our trusty and well beloved WILLIAM FRANKLIN, Esq; governor and commander in chief, in and over our Province of New-Jersey in America; setting forth that the inconveniencies are manifold and the expences heavy, in either being supply'd with ministers of the gospel from foreign parts, or sending young men abroad for education; that the present and increasing necessity for a considerable number to be employed in the ministry, is great; that a preservation of a fund for the necessary uses of instruction very much depends upon a charter.

A college needed for educating ministers for the Reformed Dutch Churches.

Petition presented with reasons.

And therefore humbly intreat, that some persons might be incorporated in a body politick, for the purposes aforesaid; and we being willing to grant the reasonable request and prayer of the said petitioners, and to promote learning for the benefit of the community, and advancement of the protestant religion of all denominations, and more especially to remove as much as possible the necessity our said loving subjects have hitherto been under, of sending their youth intended for the ministry, to a foreign country for education, and of being subordinate to a

Willingness to grant the petition.

Petition granted.

Corporate title.

Names of the Trustees.

foreign ecclesiastical jurisdiction: Know ye therefore, that considering the premises, we do of our special grace, certain knowledge and meer motion, by these presents, will ordain, grant and constitute, that there be a College, called *Queen's College*,* erected in our said Province of New-Jersey, for the education of youth in the learned languages, liberal and useful arts and sciences, and especially in divinity; preparing them for the ministry, and other good offices. And that the Trustees of the said College and their successors for ever, may and shall be one body corporate and politick, in deed, fact and name; and shall be called, known, and distinguished by the name of the *Trustees of Queen's-College*, in New-Jersey: And we having further willed and constituted, and by these presents of our special grace, certain knowledge and meer motion, Do for us our heirs and successors, will, give, grant, constitute and ordain, that there shall be from henceforth forever a body politick, consisting of the *Trustees of the said Queen's-College*, in New-Jersey. And for the more full and more perfect erection of the said corporation and body politick, consisting of the *Trustees of Queen's-College*, in New Jersey, We do of our special grace, certain knowledge and mere motion, by these presents, for us our heirs and successors, create, ordain, constitute, nominate and appoint, the governor or commander in chief, the president of the council, our chief justice, and our attorney general† of said colony, for the time being; Sir *William Johnson*, Baronet, and *Johannes Henricus Goetschius*, *Johannes Leydt*, *David Maurinus*, *Martinus Van Harlingen*, *Jacob R. Hardenbergh*, and *William Jackson*, of our said Colony of New-Jersey, *Samuel Verbryk*, *Barent Vrooman*, *Maurice Goetschius*, *Eilardus Westerlo*, *John Schuneman*, of our Province of New-York; and *Philip Wyberg*, and *Jonathan Dubois*, of the Province of Pennsylvania, *Hendrick Fisher*, *Peter Zabriske*, *Peter Hasenclever*, *Peter Schenck*, *Tunis Dey*, *Philip French*, *John Covenhoven*, *Henricus Kuyper*, of our Colony of New-Jersey, Esqrs, and *Simon Johnson*, *Philip Livingston*, *Johannes Hardenbergh*, *Abraham Hasbrouck*, *Theodorus Van Wyck*, *Abraham Lott*,

*The name Queen's was changed to *Rutgers* November 30th, 1825. See Amendment III, p. 21.

†By action of the Trustees February 18, 1927, the Chancellor, the President of the Senate, the President of the State Board of Education and the Commissioner of Education of the State were included among the *ex-officio* state trustees. See Amendment VI, p. 24.

Robert Livingston, *Levi Pauling*, *John Brinkerhoff*, *Nicholas Stilwill*, *Martinus Hoffman*, *Jacob H. Ten Eyck*, *John Haring*, *Isaac Vrooman*, *Barnardus Ryder*, of our Province of New-York, Esqrs. *Trustees of our said Queen's-College*, in New-Jersey; and that the said Trustees, do at their first meeting, after the receipt of these presents and before they proceed to any business, take the oaths appointed to be taken by an act passed in the sixth year of our reign, entitled, "an act for altering the oaths of abjuration and assurance, and for amending so much of an act of the seventh year of her late majesty Queen Anne, entitled, for the improvement of the union of the two kingdoms, as after the time therein limited, requires the delivery of certain lists and copies therein mentioned, to persons indicted of high treason, or misprision of treason; as also that they make and subscribe the declaration mentioned in an act of parliament, made in the twenty-fifth year of the reign of King Charles the second, entitled," an act for preventing dangers which may happen from popish recusants, and likewise take an oath for faithfully executing the office, or trust reposed in them; which said oaths shall be administred to them, by any one of our justices of the supreme court, or judges of the inferior court of common pleas of this our colony of New-Jersey; and when, and as often as any new member or officer shall be elected, or chosen hereafter, pursuant to this our charter, he or they so elected or chosen, shall take and subscribe the aforementioned oaths, and declarations in the manner above directed, before his admission into his trust or office.* And we do will and direct, that the first meeting of the said trustees, shall be at or near the court house, in New-Barbadoes, in the county of Bergen, on the second Tuesday in may next, but all other meetings hereafter to be held, shall be at such times and places in our said colony, as the majority of the trustees from time to time shall think proper. And we do will, and direct, that no meeting of the trustees, succeeding the first already fixed, shall be valid or legal, for

Oaths to be taken by the Trustees.

First meeting to be held at Hackensack.

*The oaths of abjuration and allegiance set forth in the "Act for the security of the Government of New Jersey," passed September 19th, 1776, were substituted for the oaths required by the charter, June 5th, 1781. See Amendment I, p. 18.

For these were substituted the oath to support the Constitution of the United States and the oath of allegiance to the State of New Jersey, May 31st, 1799. See Amendment II, p. 20.

Notice to be given in the public papers of subsequent meetings.

Vacancies to be filled by the Board.

Number of Trustees limited; also of Ministers in the Board.

President of the Trustees.

Title and functions of the Corporation.

doing any business whatsoever, unless public notice of such meeting shall have been given in the Gazette, or other public papers printed in New-York, at least three weeks before the day of meeting, signed by the president or person officiating as clerk to the trustees, for the time being; or unless the time and place shall be fixed by the majority of the trustees, at their last meeting, and notice thereof given as before directed;* and we further will and grant that the said trustees, or any twelve, or greater number, shall have full power and authority to elect by ballot, and not otherways, any number of persons or trustees, at any, and upon any vacancy, so that the whole number of trustees do not exceed forty one, and that not above one third of the said number, at any time, be of those ordained ministers of the gospel;† and that at their first and every meeting, the governor of our colony for the time being, shall be president of the trustees, and in his absence the president of our council, and in his absence, our chief justice, and in his absence, our attorney general, each for the time being;‡ and in case of their absence, we will, and order that the trustees present, shall elect and choose one from among themselves, who shall be president of the trustees at that meeting; which said president, hereinbefore appointed, or so chosen, is hereby authorised and empowered to be president of the trustees at the said meeting; to regulate their proceedings, take in suffrages; and have, over and above his vote as a trustee, a casting vote, when the votes of the trustees are equal. And we further of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, will, give, grant, and appoint, that the said trustees and their successors shall for ever hereafter, be in deed, fact, and name, a body corporate, and politick, and that the said body, corporate and politick, shall be known and distinguished in all deeds, grants, bargains, sales, writings, evidences, monuments, or otherwise however, and in all courts for ever hereafter, shall and

* A notice in the public papers of meetings to be held by the Trustees has not been required since November 30th 1825. See Amendment III, p. 21.

† The clause restricting the number of ministers in the Board of Trustees to one-third of the whole number was revoked June 5th, 1781. See Amendment I, p. 18. This act was confirmed May 31st, 1799. See Amendment II, p. 20.

‡ The Presidency *ex-officio* of the Board was restricted to the Governor of the State June 5th, 1781. See Amendment I, p. 18. This was confirmed May 31st, 1799. See Amendment II, p. 20.

may sue, and be sued, plead, and be impleaded, by the name of the *Trustees of Queen's-College*, in New-Jersey; and that the said corporation by the name aforesaid, shall be able, and in law capable, for the use of the said College, to have, get, acquire, purchase, receive, and possess, lands, tenements, hereditaments, jurisdictions, and franchises, for themselves, and their successors in fee simple or otherwise howsoever; and to purchase, receive, or build any house, or houses, or any other buildings as they shall think needful and convenient, for the use of the said *Queen's-College*; and in such place or places in this our colony, of New-Jersey, as they the said trustees, or the major part of them, met as aforesaid, shall agree upon; and also to receive any goods, and chattles, lands, or tenements, for the use aforesaid; and also to have, accept, and receive, any rents, profits, annuities, gifts, legacies, donations, and bequests of any kind whatsoever, for the use aforesaid: Nevertheless that the yearly clear value of the premisses, do not exceed the sum of three thousand pounds sterling;* and therewith or otherwise to support and pay (as the said trustees and their successors, or the major part of them, which regularly convene for that purpose, shall agree and see cause) the president, professor, tutors, and other officers or ministers of the said *Queen's-College*, their respective annual salaries or allowances, and all such other necessary and contingent charges, as from time to time, shall arise and accrue relating to the said *Queen's-College*. And also to grant, bargain, sell, let, or assign, lands, tenements, hereditaments, goods or chattles, and contract, or do all other things, whatsoever by the name aforesaid, and for the use aforesaid, in as full and ample manner to all intents and purposes, as any natural person, or other body, politick, or corporation, is able to do by the laws of our realm of Great-Britain, or of our said province of New-Jersey. And of our further grace, certain knowledge, and meer motion, to the intent that our said corporation and body politick, may answer the end of their erection and constitution, and may have perpetual succession, and continuance for ever, We do for us, our heirs and successors, hereby will, give, and grant, unto the said Trustees of *Queen's-College*, in New-Jersey, and to their successors for ever, that when any twelve of the said trustees for the time being, are convened and

To hold property.

To receive rents, &c.

Income limited.

Power to sell, let, etc.

Twelve trustees to be a quorum for the transaction of business.

* This sum was increased to \$100,000 by an amendment to the charter made March 24th, 1869. See Amendment IV, p. 22. The limitation is now entirely removed by general legislation.

met together as aforesaid, for the service of the said college, they shall be capable to act as fully and amply to all intents and purposes, as if all the trustees of the said college were personally present; and all matters whatsoever, under the care of the trustees, shall be determined by the majority of those twelve, or any greater number so convened and met together, as fully and effectually as if the same had been concluded by the plurality of votes of the whole number of trustees, met and assembled. And we do hereby give, and grant, full power and authority to any five, or more of the said trustees, to call meetings of the said trustees, from time to time, and to order notice to be given to the said trustees, of the time and places of meetings for the service aforesaid, as herein before is directed.

Five trustees may call a special meeting.

The President to be a member of the Dutch Reformed Church.

To have the care of the students.

To confer degrees.

Professor of Divinity to be appointed and his duties defined.

Professors and tutors to be appointed.

And also, we do hereby for us, our heirs, and successors, will, give and grant unto the *Trustees of Queen's-College*, in New-Jersey, and their successors for ever, that the said trustees, from time to time, and for ever hereafter, do elect, nominate, and appoint such a qualified person, being a member of the Dutch reformed church aforesaid,* as they or the major part of any twelve of them, convened for that purpose, as above directed, shall think fit, to be the president of the said college; and to have the immediate care of the education and government of such students, as shall be sent and admitted into the said college for education, and instruction; and shall and may, by and with the consent of the majority of the said trustees as aforesaid, confer all such honorary degrees, as usually are granted and conferred in any of our colleges in any of our colonies in America,† and, also, that the said trustees do elect, nominate and appoint a professor in divinity,* who shall and may read lectures in theology, instruct the students in the science of divine truths, and the knowledge, of the holy scriptures, who also may be president of the college, or not, as the trustees shall see meet and convenient; and also such a number of other professors and tutors, to assist the president of the said college, in the education and government of the students belonging to it, as they the said trustees, or

* The requirement that the President be a member of the Reformed Church was removed in an amendment adopted by the Trustees October 29, 1920; as was also the requirement concerning a professorship in divinity. See Amendment V, p. 22.

† All degrees may be conferred that are granted by any other College or University according to an amendment made June 5th, 1781. See Amendment I, p. 18. Re-enacted May 31, 1799. See Amendment II, p. 20.

their successors, or the major part of them, which shall convene for that purpose, as above directed, shall from time to time, and at any time hereafter, think necessary, for the advantage, and well being of the said college. Provided always, and it is hereby declared, and expressly enjoined, that there shall always be residing at or near said college, at least one professor, or teacher, well versed in the English language, elected, nominated, maintained and supported by the said corporation, from time to time, and at all times hereafter, grammatically to instruct the students of the said college, in the knowledge of the English language. Provided also, that all minutes of the meetings, and transactions of the trustees, and all rules, orders, and regulations, relating to the government of the said college, and all accounts relating to the receipts, and payments of money, shall be in the English language, and no other. And we do hereby further give and grant to the said trustees, and their successors, or the major part of any twelve of them, convened for that purpose, as above directed, full power and authority, at any time to displace, and discharge from the service of the said *Queen's-College*, such president, professor of Divinity, professors and tutors, and to elect others in their room and stead; and also that the said trustees, or their successors as above directed, do, from time to time as occasion shall require, elect, constitute, and appoint a treasurer, (which treasurer shall give security to the trustees for the faithful performance of his office, for such sum, and in such manner as the said trustees shall see fit to require) a clerk, and steward for the said college, and shall likewise appoint to them, and each of them, their respective business and trusts, and displace and discharge from the service of said college, such treasurer, clerk, or steward, and elect others in their room and stead; which president, professor of divinity, tutors, professors, treasurer, clerk, and steward, so elected and appointed, We do for us our heirs and successors, by these presents, constitute and establish in their several offices, and do give them and every of them, full power and authority, to exercise the same in the said *Queen's-College*, in New-Jersey, according to the direction, and during the pleasure of the said trustees, as fully and freely as any other the like officers in any of our colleges in our realm of Great-Britain, lawfully may or ought to do. And also, that the said trustees, and their successors in the manner above directed, as often as the place of any one or more of the said trustees,

One Professor to teach the English language.

Minutes, accounts, &c., to be kept in the English language.

Power to elect and remove President, Professors, Tutors, Treasurer, &c.

The Board to fill vacancies.

shall become vacant by the death, removal or immoral conduct of any one of the members (which conduct shall be determined by the trustees, or the majority of them) shall and may elect and appoint, in the manner before directed, such other trustee, or trustees, to supply the place of him or them so dying, or otherwise becoming unfit, or incapable to serve the said college; and every trustee so elected, and appointed, shall, by virtue of these presents, and of such election, and appointment be vested with all the powers and privileges, which any of the other trustees of the said college, are hereby invested with. And we do further of our special grace, certain knowledge, and meer motion, will, give, and grant, and by these presents, for us our heirs and successors, do give, and grant, unto the said *Trustees of the said Queen's-College*, in New-Jersey, that they and their successors, convened for that purpose, as above directed, may make, and they are hereby fully empowered from time to time, freely and fully to make and establish, such ordinances, orders and laws, as may tend to the good wholesome government of the said college, and all the students, and the several officers, and ministers thereof, and to the publick benefit of the same, not repugnant to the laws and statutes of our realm of Great-Britain, or of this our province of New-Jersey; and such ordinances, orders and laws, which shall be so made as aforesaid, we do by these presents, for us our heirs, and successors, ratify, allow and confirm, as good and effectual to oblige and bind all the said students, and several officers, and ministers of the said *Queen's-College*; and we do hereby authorize, and empower the said trustees of the said college, and the present, professor of divinity, professors, and tutors, by them elected, and appointed, to put such laws and ordinances in execution, to all proper intents and purposes. And we do further by these presents, for us our heirs and successors, of our special grace, certain knowledge, and meer motion, give, and grant, unto the said *Trustees of Queen's-College*, in New-Jersey, and to their successors, that they shall have a common seal, under which they may pass diplomas and certificates, of advancement in literature, and the science of theology, as aforesaid. And that the said trustees of said College, by deed, or deeds of conveyance, leases, or other legal instruments, duly executed, under the hands of seven of the trustees, at any publick meeting, convened as herein before directed, and with the seal of the corporation affixed thereto,

Trustees authorized to make statutes for the government of the College.

To have a common seal for passing diplomas.

Power and method of conveying property.

may pass the estate of the said corporation, in lands or tenements, in fee, or for years, to any person or persons;* and the same deeds or leases, shall pass the estate thereby intended to be granted or leased, to all intents and purposes; and to notify all the necessary affairs and business, of and concerning the said corporation, or of and concerning the said *Queen's-College*, in New-Jersey; which common seal shall be engraven in such form, and with such inscription, as shall be devised by the said *Trustees of the said College*, or the majority, convened as above directed; and shall have a book or books of entry, for the use of the Trustees to be in such custody, with all other writings, as they shall appoint. And we do further for us our heirs and successors, give, and grant, unto the said *Trustees of Queen's-College*, in New-Jersey, and their successors, or any twelve of them, as abovesaid, full power and authority, from time to time, to nominate and appoint, all other inferior officers and ministers, which they shall judge necessary for the use of the College, not herein particularly named or mentioned: Which officers, or ministers, we do hereby empower to execute their offices or trusts, as fully and freely as any other the like officers and ministers in any of our Colleges, in our realm of Great-Britain, lawfully may or ought to do. And lastly, our express will and pleasure is, and we do by these presents, for us our heirs and successors, give, and grant, unto the *Trustees of Queen's-College*, in New-Jersey, and their successors for ever, that these our letters patent, or the enrollment thereof, shall be good and effectual in law, to all intents and purposes, against us, our heirs and successors, without any other license, grant, or confirmation, from us, our heirs and successors, hereafter by the said Trustees to be had and obtained. Notwithstanding the not reciting, or misreciting, or not naming, or misnaming of the aforesaid officers, franchises, privileges, immunities, or other the premises, or any of them, and notwithstanding a writ of *Ad Quod Damnum*, hath not issued forth to enquire of the premises, or any of them before the ensealing hereof, any statute, act, ordinance, provision, or any other matter or thing, to the contrary, notwithstanding: To have, hold, and enjoy all and singular, the privileges, advantages, liberties, immunities, and all other the

All inferior officers appointed by the Trustees.

This Charter to be good and effectual in law.

* An amendment adopted by the Trustees June 9, 1928, removes this requirement, and provides that the President and Secretary may execute legal instruments when authorized by the Trustees. See Amendment VII, p. 25.

premises herein or hereby granted; and given, or which are meant, mentioned, or intended to be herein and hereby granted, unto them the said *Trustees of the said Queen's-College*, in New-Jersey, and to their successors for ever. In testimony, whereof we have caused these our letters to be made patent, and the great seal of our said province of New-Jersey, to be hereunto affixed. Witness, our trusty and well beloved WILLIAM FRANKLIN, Esquire. Governor and commander in chief, of our said province of New-Jersey, this Twentieth Day of *March*, in the Tenth year of our reign, *Anno Domini*, one thousand seven hundred and seventy.

By desire of the Trustees, within named, none of the copies of the foregoing Charter, are to be delivered, or held to be genuine, but such as are subscribed by Peter Zabriskie, Esq;

PETTIT.*

* Charles Pettit, Deputy Secretary to the Governor, and Deputy Clerk to the Privy Council of New Jersey.

AMENDMENTS

I. Act of Legislature Changing Requirements as to Trustees' Oath, Notice of Meetings, Etc.

(1781)

(From *Wilson's Laws of New Jersey*, Page 192)

An Act to Alter, Amend and Confirm the Charter of Queen's College in New Jersey.

WHEREAS, a charter was granted by WILLIAM FRANKLIN, Esquire, late Governor of the then Province of New Jersey, for establishing a College, by the name of *Queen's College*, in the said Province, on the twentieth day of *March*, One Thousand Seven Hundred and Seventy; which Charter has been laid before the Legislative Council and General Assembly of this State, accompanied by a petition of the trustees of the said College, praying a number of alterations and amendments to said Charter, and a confirmation of the same; and the Legislature being willing to grant the prayer contained in the said petition.

SECT. 1. "*Be it therefore enacted* by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same," that the Oaths of Abjuration and Allegiance set forth in the Act, entitled, "An Act for the security of the Government of New Jersey," passed the nineteenth day of September, One Thousand Seven Hundred and Seventy-six, be substituted in the room and stead of those required by the said Charter.

SECT. 2. *And be it further enacted* by the authority aforesaid that the notice for the meetings of the Trustees of said College be given in the "*Gazette*," or any publick paper in the State of New Jersey or New York, instead of New York only.

SECT. 3. *And be it further enacted* by the authority aforesaid, that such part of the said Charter as restricts those ordained ministers of the Gospel at any time elected Trustees, not to exceed one-third of the whole, and also such part thereof as directs that the Governor of the Colony for the time being, and in his absence the President of the Council, and in his absence the Chief Justice, and in his absence the Attorney General, shall be President of the Trustees, at their first and every meeting, be, and the same hereby are made void; and that the said privileges be now, and at all times hereafter shall be vested in the Governor of the State for the time being, when present at the said Board.

SECT. 4. *And be it further enacted* by the authority aforesaid, that the powers for granting Degrees, vested in the President of the said College, by and with the consent of the majority of the said Trustees, established as a Quorum in the said Charter, be, and they hereby are extended to the conferring of any Degrees granted by any other College or University.

SECT. 5. *And be it further enacted* by the authority aforesaid, that the said Charter, together with the before-mentioned alterations and amendments be, and the same hereby is ratified and confirmed to all intents and purposes.

Adopted June 5, 1781.

II. Act of Legislature Changing Further the Requirements
Affected in Amendment I
(1799)

An Act Relative to Queen's College, &c.

I. *Whereas* WILLIAM FRANKLIN, Esquire, late Governour of the then province of New-Jersey, by his charter, bearing date the twentieth day of March, in the year of our Lord, one thousand seven hundred and seventy, did establish a College by the name of Queen's College, in the said province; and whereas the trustees of said College have, by their petition, prayed that the said charter, with certain alterations and amendments, may be confirmed: Therefore, *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the oath to support the Constitution of the United States, and the oath of allegiance to this State, as by law prescribed, be substituted in the place of the oaths required by the said charter.

II. *And be it enacted*, That the notice of the meetings of the trustees of the said college be given in any newspaper published in the State of New-Jersey or of New-York, instead of New-York only.

III. *And be it enacted*, That such parts of the said charter as restrict those ordained ministers of the gospel, at any time elected trustees, not to exceed one-third of the whole, and as direct that the Governour of the Colony for the time being, and in his absence the President of the Council, and in his absence the Chief Justice, and in his absence the Attorney General, shall be the President of the trustees, at their first and every meeting, be, and are hereby revoked and annulled; and that the Governour of this State for the time being, shall, when attending, be President of the said trustees at their meetings.

IV. *And be it enacted*, That the powers of granting degrees, vested in the President of the said college, by and with the consent of the majority of the said trustees, established as a quorum in the said charter, be, and they hereby are extended to the conferring of any degrees granted by any other college or university.

V. *And be it enacted*, That the said charter, with the before-mentioned alterations and amendments, be, and the same hereby is ratified and confirmed.

VI. *And be it enacted*, That the act, entitled "An act to alter, amend and confirm the charter of Queen's College, in New-Jersey," passed the fifth day of June, in the year of our Lord, one thousand seven hundred and eighty-one, be, and the same is hereby repealed.

Adopted May 31, 1799.

III. Act of Legislature Changing Name from Queen's to
Rutgers College, and Changing Requirements as to
Notice of Trustees' Meetings, and Time of
Holding Commencement
(1825)

A Supplement to an Act Entitled "An Act Relative to Queen's College"

WHEREAS, the Trustees of Queen's College, in New-Jersey, have represented to the Legislature, that certain amendments to their Charter would be conducive to their convenience; and moreover, requesting that the name, by which said institution is known, may be changed. Therefore,

I. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Trustees of said college, be and they are, hereby authorized to hold their annual commencement for the institution, over which they preside, on such day and at such time as they may think proper to appoint for that purpose, anything in their charter of incorporation contained to the contrary notwithstanding.

II. *And be it enacted*, That the said Trustees, be and they are hereby authorized to meet for the transaction of any business, either upon adjournment or otherwise, upon such day and at such time or times as they may appoint, without the necessity of advertising such meeting in any public newspaper, as heretofore; any provision in their charter of incorporation contained, or of any supplement, or amendment thereto, to the contrary notwithstanding.

III. *And be it enacted*, That the name of "Queen's College," in their charter of incorporation contained, be, and the same hereby is changed to that of "Rutgers College," and that the 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." *Provided nevertheless*, that nothing in this act contained shall be construed to affect, or in anywise impair any contract, specialty, deed, mortgage, or other instrument of writing heretofore made, had, or given, to, by, or from, the said "Trustees of Queen's College in New-Jersey."

Adopted November 30, 1825.

IV. Act of Legislature Concerning the Holding of Real and Personal Estate
(1869)

An Act to Amend the Charter of Rutgers College in New Jersey

Preamble.

WHEREAS 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; therefore,

May receive gift, grant or devise.

I. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for the Trustees of Rutgers College in New Jersey, to have and hold, and to accept and receive by gift, grant, purchase, devise or bestowment of any kind, now made or that may hereafter be made to them, or for their benefit, and to use and enjoy the same for the purposes of the said Corporation, any real and personal estate, the clear, yearly income whereof shall not exceed one hundred thousand dollars;

Proviso.

Provided always, 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.

II. *And be it enacted,* That this act shall take effect immediately.
Approved March 24th, 1869.

V. Resolution Removing Requirement Relating to Reformed Church of America
(1920)

WHEREAS the Charter of the College provides that the President of the Corporation thereby created shall be a member of the Dutch Reformed Church, and also that the Trustees shall appoint a professor in divinity who shall read lectures in theology, etc.

AND WHEREAS the said provision for the appointment of a professor of divinity and for instruction in theology has not for many years (if ever) been complied with and is now entirely obsolete, and any connection at one time existing between this College and the said

Dutch Reformed Church (now called the Reformed Church in America), has long since terminated; and it is desirable that the choice of a President, (whenever a vacancy may occur), shall not be limited to the members of said Church, and that said provisions and all others which might give to this institution an appearance of being sectarian or of being affiliated with any sect or denomination, not being in accordance with the fact, should be abrogated.

AND WHEREAS by an act passed by the Legislature of the State of New Jersey, and approved by the Governor on the ninth day of April, 1920, and now in effect, this Board has power to adopt a resolution specifying what amendment, change or changes in the Charter are in their opinion desirable, with regard to the matters above mentioned, whereupon said Charter shall be deemed to be amended and changed accordingly.

Therefore be it resolved that in the opinion of this Board it is desirable that said Charter be, and the same is accordingly by force of the statute aforesaid, amended and changed so that it shall not hereafter be required that the President of this College shall be a member of the Reformed Church in America; and so that it shall not be required that there shall be, nor shall there be, in said College any professor or professorship of divinity or instruction in divinity or theology, or preparation for the ministry; and generally that all provisions of said Charter of a sectarian character, or whereby said college might be deemed to be affiliated in any manner with any religious sect or denomination, shall be and they are hereby annulled and made void and of no effect, to the end that this College shall be in law and in fact non-sectarian in all respects.

And be it further resolved that a certificate of the above action under the corporate seal of this Corporation, signed by its President and Secretary, *pro tem.*, being respectively the Presiding Officer and Secretary of this meeting, and verified by oath of such Secretary *pro tem.*, be presented to the Commissioner of Institutions and Agencies of the State of New Jersey for his approval of the change in the manner and scope of work, and that upon approval of said Commissioner being obtained said certificate be forthwith filed in the office of the Secretary of State.

(Signed) W. H. S. DEMAREST,

EDWIN FLORANCE,

President.

Secretary, *pro tem.*

Adopted by the Trustees of Rutgers College, October 29, 1920.

Approved by Burdette G. Lewis, Commissioner of Institutions and Agencies of New Jersey, November 5, 1920.

Filed with the Secretary of State of New Jersey, November 5, 1920.

**VI. Resolution Increasing Number of Ex-Officio State Trustees
(1927)**

WHEREAS, by act of the Legislature of New Jersey approved March 15, 1917, and taking effect upon the date of the approval thereof, which said act is known as Chapter 32 of the laws of 1917, it was enacted that "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 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," and

WHEREAS, by virtue of such legislation and acts of the Legislature of New Jersey enacted prior thereto relating to said Board of Visitors therein referred to, the Trustees of Rutgers College in New Jersey have, coupled with the authority to said Board of Visitors, maintained an educational institution designated as the State University of New Jersey, and

WHEREAS, it is deemed advisable that there should be a closer cooperation in educational work between this Institution and the other educational agencies of the State of New Jersey, and

WHEREAS, since its Charter in 1766 officers of the government of the Province of New Jersey, and later of the State of New Jersey, whose duties make them appropriate members of its Board of Trustees, have served *ex-officio* on the governing board of the institution; and

WHEREAS, by an act passed by the Legislature of the State of New Jersey, and approved by the Governor on the ninth day of April, 1920, and now in effect, this Board has power to adopt a resolution specifying what amendment, change or changes in the Charter are in their opinion desirable, whereupon said Charter shall be deemed to be amended and changed accordingly.

Therefore, be it resolved, by the Trustees of Rutgers College in New Jersey, that in the opinion of this Board it is desirable that said Charter be, and the same is accordingly by force of the statute aforesaid, amended and changed by the addition to the officers therein named to be members of this Board by virtue of their respective

See L. 1910 ch. 135 p. 273.

offices and during the terms thereof, 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 of the State of New Jersey, and the Commissioner of Education of said State during the terms of their respective offices.

And be it further resolved, That a certificate of the above action under the corporate seal of this Corporation, signed by its president and secretary, being respectively the Presiding Officer and Secretary of this meeting, and verified by oath of such secretary, be forthwith filed in the office of the Secretary of State.

JOHN M. THOMAS,
President.

JOHN H. RAVEN,
Secretary.

*Adopted by the Trustees of Rutgers College February 18, 1927.
Filed with the Secretary of State of New Jersey February 21, 1927.*

**VII. Resolution Authorizing President and Secretary to Execute Legal Instruments
(1928)**

WHEREAS, by an act passed by the Legislature of the State of New Jersey entitled "An act to amend the title and also the body of an act entitled 'An act to authorize charitable and educational corporations to make changes in their acts or certificates of incorporation and their organization' approved February 21, 1918" approved April 9, 1920 (being Chapter 135 of the Session Laws of 1920), and by another act approved the same day entitled "An act to amend 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' approved February 18, 1901" (being Chapter 136 of the Session Laws of 1920), this Board has power to amend the Charter of this Corporation;

Therefore, be it resolved, by the "Trustees of Rutgers College in New Jersey," acting by this Board of Trustees who are also the members of this Corporation, that so much of said Charter as provides that deeds, conveyances, leases or other legal instruments shall be executed under the hands of seven of the Trustees at any public meeting of the Corporation be and the same is hereby made void, and that all such legal instruments when duly authorized by the Board of Trustees

may be executed by the President, with the seal of the corporation affixed thereto and attested by the Secretary or Treasurer of the Corporation, or in such manner and to the same effect as may, at the time thereof, be provided by the laws of this State for the execution of such instruments by educational or charitable corporations.

And be it further resolved, That a certificate of this action under the corporate seal of this Corporation, signed by its President and Secretary, being respectively the presiding officer of this meeting, and verified by oath of such Secretary, be forthwith filed in the office of the Secretary of State.

JOHN M. THOMAS,
President.

JOHN H. RAVEN,
Secretary.

Adopted by the Trustees of Rutgers College June 9, 1928.

Filed with the Secretary of State of New Jersey, July 2, 1928.

I. LAWS RELATING TO THE COLLEGE GENERALLY*

(a) FEDERAL LAWS

Act of 1862 Donating Lands for Colleges of Agriculture and Mechanic Arts

(First Morrill Act)

An Act Donating Public Lands to the Several States and Territories which may Provide Colleges for the Benefit of Agriculture and the Mechanic Arts.

1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be granted to the several States, for the purpose hereinafter mentioned, an amount of public land, to be apportioned to each State, a quantity equal to thirty thousand acres for each Senator and Representative in Congress, to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty; *provided,* that no mineral lands shall be selected or purchased under the provisions of this act.

Public lands not mineral, to be given to each State.

How apportioned.

2. *And be it further enacted,* That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry, at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre, to which said State may be entitled under the provisions of this act, land scrip to the amount in acres for the deficiency in its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose

To be selected from those subject to sale at private entry, etc., if any.

Where there are no such lands scrip to be issued.

Scrip may be sold.

* NOTE: Certain acts of Legislature concerning the raising of money for the college by lottery, a practice long since abandoned, are not included. They are given in full in the Laws of New Jersey as follows:

1812, 36th Session, p. 35;
1823, 47th Session, p. 117;
1824, 49th Session, p. 189.

whatsoever; *provided*, that in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States, subject to sale at private entry at one dollar and twenty-five cents, or less, per acre: *and provided further*, that not more than one million acres shall be located by such assignees in any one of the States; *and provided further*, that no such location shall be made before one year from the passage of this act.

Expenses of management, etc., to be paid by States.

3. *And be it further enacted*, That all the expenses of management, superintendence and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

Moneys from sales of such lands to be invested.

4. *And be it further enacted*, That all moneys derived from the sale of the lands aforesaid, by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States, or of the States, or some other safe stocks yielding not less than five per centum upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section fifth of this act), 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.

To constitute a perpetual fund.

Interest to be applied to support one college for agriculture and the mechanic arts.

Conditions of this grant.

5. *And be it further enacted*, That the grant of land and land scrip hereby authorized, shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

Assent of States.

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said States.

Diminution of fund to be made up by State.

Annual interest to be applied regularly.

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation or repair of any building or buildings.

No portion to be applied to buildings.

Third. Any State which may take and claim the benefit of the provisions of this act, shall provide, within five years, at least not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay to the United States the amount received of any lands previously sold, and that the title to purchasers under the State shall be valid.

Any State claiming the benefits of this act, to provide college within five years.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their costs and results and such other matters, including State industrial and economical statistics, as may be supposed useful, one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

Annual report of college.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionately diminished.

If lands are selected from those at double minimum price, computation, how made.

Sixth. No State while in a condition of rebellion or insurrection against the government of the United States shall be entitled to the benefit of this act.

States in rebellion not to have benefit of this act.

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its Legislature within two years from the date of its approval by the President.

Assent of State to be given within two years.

Land scrip not to be located until after January 1, 1863.

Fees of land officers.

Governors of States to report annually to Congress.

6. *And be it further enacted*, That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

7. *And be it further enacted*, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws; *provided*, their maximum compensation shall not be thereby increased.

8. *And be it further enacted*, That the Governors of the several States to which scrip shall be issued under this act, shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

Approved July 2d, 1862.

*Chapter 130, Statutes of U. S., 37th Cong., p. 503.
(For acceptance by State of New Jersey, see p. 35.)*

Act of 1890 for the Further Endowment of Land-Grant Colleges

(Second Morrill Act)

An Act to apply a portion of the proceeds of the Public Lands to the more Complete Endowment and Support of the Colleges for the Benefit of Agriculture and the Mechanic Arts Established under the Provisions of an Act of Congress Approved July Second, Eighteen Hundred and Sixty-two.

Public lands proceeds.

Agricultural, etc., colleges, increased annual appropriations to State and Territories for more complete endowment, etc., of.

Appropriation for year ending June 30, 1890.

Increasing annual appropriation for ten years.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and hereby is, annually appropriated, out of any money in the treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of Colleges for the Benefit of Agriculture and the Mechanic Arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual

amount to be paid thereafter to each State and Territory shall be twenty-five thousand dollars, 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; *provided*, that no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth; *provided*, that in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such state from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named, or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the Legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the treasury of the United States, to the State or Territorial Treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the Trus-

Annual appropriation thereafter.

Expenditure limited.

Provisos.

No distinction of race, etc., in any one college.

Separate colleges for white and colored students.

Division of funds in certain cases.

Legislative proposition and report of equitable, etc., division.

Compliance with law.

Time, manner, etc., of annual payments to State or Territorial treasurer, etc.

Payments to treasurers of colleges or other institutions.

Annual financial reports to Secretaries of Agriculture and the Interior.

Proviso.

Certain installments due, to be paid on assent of Governor, etc.

Diminution of fund to be made up by State, etc.

Limitation upon subsequent payments.

No portion to be applied to buildings.

Annual report of colleges to Secretaries of Agriculture and the Interior.

Exchanges of college reports, mail free.

tees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants; *provided*, that payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of Legislature meeting next after the passage of this act shall be made upon the assent of the Governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the President of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their costs and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

SEC. 4. That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall

ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid it shall be covered into the treasury. [And the Secretary of the Interior is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reasons therefor.

SEC. 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Approved August 30th, 1890.

Chapter 841, Statutes of U. S., 51st Congress, p. 417. (For acceptance by State of New Jersey, see p. 47)

Act of 1907 Providing Further Endowment for the Land-Grant Colleges (Nelson Amendment)

Extract from "An Act Making Appropriations for the Department of Agriculture for the Fiscal Year Ending June 30th, 1908."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the act of Congress approved July second,

Annual ascertainment and certification of amounts, etc., due to States, etc.

Withheld certificates.

Secretary of Interior to report facts to President, etc.

Appeal from Secretary of Interior to Congress.

Congress failing amount to be covered in.

Secretary of Interior to administer the law.

Annual report to Congress as to disbursement, withholding, etc.

Amendment, etc.

Annual appropriation for agricultural colleges increased.

eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety, the sum of five thousand dollars, in addition to the sums named in the said act, for the fiscal year ending June thirtieth, nineteen hundred and eight, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of five thousand dollars over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be fifty thousand dollars, to be applied only for the purposes of the agricultural colleges as defined and limited in the act of Congress approved July second, eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety.

Method of
payment.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the act of Congress approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the act of Congress approved July second, eighteen hundred and sixty-two," and the expenditure of the said money shall be governed in all respects by the provisions of the said act of Congress approved July second, eighteen hundred and sixty-two, and the said act of Congress approved August thirtieth, eighteen hundred and ninety: *provided*, that said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

Proviso courses
for teachers.

Approved March 4th, 1907.

Chapter 2907, Statutes of U. S., 59th Cong., p. 1281.

(b) STATE LAWS

Federal Land Grant Accepted, and Commission Authorized to Receive Land Scrip

(1863)

An Act Accepting on the Part of the State of New Jersey a Grant of Lands made by the United States to the Several States and Territories which may Provide Colleges for the Benefit of Agriculture and the Mechanic Arts.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That an act of Congress of the United States, approved July second, A. D. eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and the Mechanic Arts," and the grant of land and land scrip thereby made, be and the same is hereby accepted on the part of the State of New Jersey.

Grant of land
accepted.

2. *And be it enacted*, That the said grant of land and land scrip is hereby accepted for the purposes and upon the conditions in said act of Congress specified, and the assent of the State of New Jersey to the several conditions and provisions in said act contained, is hereby signified and expressed.

According to
conditions.

3. *And be it enacted*, That the Governor of this State, and such persons as he shall appoint for that purpose are hereby appointed Commissioners to receive from the Secretary of the Interior, or other officer of the United States, the land scrip to which the State of New Jersey is or may be entitled under the act of Congress aforesaid, said scrip to be held by said Commissioners for the State, until provision is made by law for the sale thereof and investment of the proceeds in accordance with the provisions of said act of Congress.

Commissioners
to receive scrip

Approved March 21st, 1863.

Chapter 222, Laws of N. J., 1863, p. 441.

(See Morrill Act, p. 27)

Rutgers Scientific School Designated the Land-Grant
College of New Jersey

(1864)

An Act Appropriating Scrip for the Public Lands Granted to the State of New Jersey by the Act of Congress Approved July Second, One Thousand Eight Hundred and Sixty-two.

Preamble.

WHEREAS, The Governor of this State has received from the Secretary of the Interior the scrip for public lands granted to the State of New Jersey by an act of Congress of the United States, approved July second, one thousand eight hundred and sixty-two, and holds the same subject to such disposition as may be made by the Legislature; therefore,

Commissioners to sell scrip.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the Governor of this State, the Attorney-General, the Secretary of State, the Comptroller, in case such office be created and the Treasurer of the State, and their successors in office for the time being, be and they are hereby appointed commissioners to take charge of such scrip, and as agents of the State, to sell and dispose of the same at such time or times, and in such mode as may appear to be most advantageous and safe; and in the name and on behalf of this State to convey and transfer the same to the purchaser or purchasers thereof, and to invest the avails thereof in the manner specially provided by said act of Congress.

To pay interest of fund to Rutgers College.

2. *And be it enacted*, That said Commissioners shall semi-annually pay over the interest of the fund which may 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.

Duty of trustees.

3. *And be it enacted*, That said Trustees shall 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), shall carry out the intent of said act of Congress in the manner specially prescribed by the fourth section of said act.

Gratuitous education to be furnished.

4. *And be it enacted*, That said Trustees shall furnish gratuitous education in said courses of instruction to pupils of said school in such manner as the Legislature shall prescribe;

the number of pupils to be so received gratuitously into said school, shall be in each year such a number as would expend a sum equal to one-half of the said interest for the same year, in paying for their instruction in said school, if they were required to pay for it at the regular rates charged to other pupils of said school for the same year; said pupils so nominated and received shall be citizens of this State, and shall be admitted into said school upon the same terms, and subject to the same rules and discipline which shall apply to all other pupils of said school, with the single exception that they shall not be required to pay anything for their instruction.

5. *And be it enacted*, That said Trustees shall annually make and distribute the reports required by the fourth paragraph of section fifth of said act of Congress. Annual reports.

6. *And be it enacted*, That no portion of the said interest shall be paid over to said Trustees until they shall contract with this State, in such form as the said commissioners shall approve, to fulfill and perform all the duties and obligations imposed upon them by this act; *provided*, that the said Board of Trustees shall, in their corporate capacity, obligate themselves to erect additional and adequate buildings as soon as the same may become necessary without charge to or upon this State, and in like manner to furnish and provide a suitable tract of land conveniently located for an experimental farm. When interest to be paid.
Proviso.

7. *And be it enacted*, That there shall be appointed by the Governor, with the advice and consent of the Senate a Board of Visitors, consisting of ten persons, two from each congressional district in this State, who shall hold their office respectively for five years, and who shall in the first instance be so appointed that the term of office of two of the said Board of Visitors shall expire each year, and the Governor shall in like manner appoint two annually thereafter, and shall have power to fill all vacancies in the Board; but the person so appointed to fill such vacancy shall only serve under such appointment until the next meeting of the Senate, and until an appointment shall have been made by the Governor, with the advice and consent of the Senate, and the person so appointed shall hold such office only for the unexpired term of the person whose place he is to supply, and it shall be the duty of the Board of Visitors to visit the said Board of Visitors.

school at least twice in each year, and to make report thereon to the Legislature during the second week of the annual session.

Powers.

8. *And be it enacted*, That the Board of Visitors shall possess general powers of supervision and control, and shall report to the Legislature such recommendations as to them may seem proper.

Public lectures.

9. *And be it enacted*, That the said Board of Trustees shall cause to be delivered annually in each county of this State, one or more public lectures upon the subject of agriculture, free of charge.

What students to be admitted.

10. *And be it enacted*, That the students of agriculture and the mechanic arts shall be admitted into said college upon the recommendation of the Board of Chosen Freeholders of their respective counties, and the number of students that a county shall at any one time be entitled to have in said college shall be equal to the number of representatives in the Legislature to which such county is entitled, or in proportion to the same.

Reservation of power.

11. *And be it enacted*, That the Legislature shall have power at any time hereafter to pass such laws as may be deemed necessary and proper to enforce the due execution of this act, and of the beforementioned act of Congress.

12. *And be it enacted*, That this act shall take effect immediately.

Approved April 4th, 1864.

Chapter 369, Laws of N. J., 1864, p. 650.

(For amendments and supplemental acts see p. 41-43, 48, 63, 68)

(See Morrill Act, p. 27)

(For acceptance by Trustees of Rutgers College, see p. 91)

Commission for Land-Grant College Fund Created
(1864)

An Act to Provide for Commissioners of the Agricultural College Fund, in Pursuance of the Provisions of the Act of Congress Passed July Second, Eighteen Hundred and Sixty-two, Entitled "An Act Donating Public Lands to the Several States and Territories which may Provide Colleges for the Benefit of Agriculture and the Mechanic Arts."

Commissioners for sale of land scrip.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the Governor of the State, the State Treasurer, the Attorney-General, the Secretary of State and

Comptroller, in case said office be created, shall be Commissioners for the sale of the land scrip donated to this State by the United States, by virtue of the act of Congress hereinbefore referred to, and for the investment of the proceeds of such sale, who shall be known as "The Commissioners of the Agricultural College Fund;" they shall have power, and it shall be their duty to sell and assign said scrip, or portions of it, from time to time, as it may seem best for the interests of the State, until the whole of said scrip is sold, and an assignment indorsed on the back of a piece of land scrip, signed by said Commissioners, shall pass and convey to the purchaser or purchasers thereof all the right and title and interest that the State of New Jersey shall have in the same at the time of such assignment; the Commissioners shall have power, and it shall be their duty to invest the money received from such sales in accordance with the act of Congress hereinbefore referred to; they shall have power to change said investments, and to re-invest such portions as may at any time be paid off; and it shall be their duty, so far as possible, to keep said fund, and every portion of it, in a productive condition; the bonds and other securities belonging to said fund shall be in the keeping of the State Treasurer, who shall be ex-officio Treasurer of the Commissioners; the Treasurer shall keep the accounts of this fund separate and distinct from all other accounts; the Commissioners shall make annually to the Legislature a detailed report of their doings under this act, and of the state of said fund.

2. *And be it enacted*, That the expenses necessarily incurred by the Commissioners, in the discharge of their duties, shall be defrayed out of the treasury of the State, upon the warrant of the Governor; said expenses, however, not to exceed two hundred and fifty dollars per annum, unless by virtue of a special appropriation for that purpose; and the Commissioners shall receive no compensation for their services. Expenses defrayed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 13th, 1864.

Chapter 406, Laws of N. J., 1864, p. 715.

Method of Appointment to State Scholarships Defined (1866)

An Act Providing for the Appointment of State Students to the Agricultural College

Board of
examiners.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the State Superintendent of Public Schools to serve notice upon the Board of Chosen Freeholders in each of the counties of the State, at their annual meetings, requesting the appointment of a Board of Examiners in accordance with the eighth section of "An act to establish public schools," approved April seventeenth, eighteen hundred and forty-six; and if the Board of Freeholders of any county neglect or refuse to appoint examiners as aforesaid, then it shall be the duty of the State Superintendent to appoint two or more discreet persons, who shall constitute a Board of Examiners in and for said county, and who shall hold office until the next annual meeting of the Board of Freeholders for said county.

How appointed.

Duties.

2. *And be it enacted*, That it shall be the duty of the Boards of Examiners of the several counties, in addition to the duties defined in the "Act to establish public schools" as aforesaid, to meet on the second Thursday of August of each year; provided the State Superintendent so appoints, and proceed to examine such candidates for State scholarships at the Agricultural College, as may present themselves; and the candidates shall be subjected to such examination as the faculty of the said college and State Superintendent shall prescribe; and the candidates who shall receive certificates of appointment to the Agricultural College in any one county shall be those who obtain the highest average number respecting scholarship; and the number of certificates thus granted shall in no case exceed the number of State scholarships to which such county is entitled.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately; all acts or parts of acts inconsistent with this act being hereby repealed.

Approved March 28th, 1866.

Chapter 346, Laws of N. J., 1866, p. 799.
(See Acts of 1879, p. 43, and 1890, p. 44)

Real Estate Held by College Exempted from Taxation (1866)

A Supplement to an Act Entitled "An Act Appropriating Scrip for the Public Lands Granted to the State of New Jersey by the Act of Congress," Approved July Second, Eighteen Hun- dred and Sixty-two.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the lands and real estate acquired in pursuance of the act to which this is a supplement, and appropriated for the purposes of instruction in science and agriculture, according to the provisions of the act of congress, be exempt from taxation.

Exempt
from tax.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 5th, 1866.

Chapter 443, Laws of N. J., 1866, p. 982.
(See Act of 1864, p. 36)

Candidates for State Scholarships to be Examined by County Superintendents of Schools (1867)

Section 27 of "An Act to Establish a System of Public Instruction."

27. *And be it enacted*, That it shall be the duty of the County Superintendent, at such time and place as the State Superintendent may appoint, to examine such candidates for State scholarships, at the Agricultural College, as may present themselves; and the candidates shall be subjected to such examination as the faculty of the said college and the State Superintendent shall prescribe; and the candidates who shall receive certificates of appointment to the Agricultural College in any one county, shall be those who obtain on such examination the highest average for scholarship; and the number of certificates thus granted shall in no case exceed the number of State scholarships to which such county is entitled.

Examine candi-
dates for state
scholarships at
agricultural
college.

Approved March 21st, 1867.

Chapter 179, Laws of N. J., 1867, p. 365.

Board of Visitors to Be Appointed by Congressional Districts
(1873)

A Supplement to the Act Entitled "An Act Appropriating Scrip for the Public Lands Granted to the State of New Jersey by the Act of Congress Approved July Second, One Thousand Eight Hundred and Sixty-two," Approved April Fourth, One Thousand Eight Hundred and Sixty-four.

Board of visitors from congressional districts.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the Board of Visitors to the Agricultural College of New Jersey shall hereafter consist of two members from each congressional district in this State under the present apportionment, to be nominated by the Governor with the advice and consent of the Senate.

Present members to be visitors for the districts in which they reside.

2. *And be it enacted*, That the members of the Board of Visitors to the Agricultural College now in office, shall continue to be members of the said Board for the respective congressional districts in which they now reside, until the expiration of the term for which they were appointed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved January 29th, 1873.

Chapter 7, Laws of N. J., 1873, p. 12.

(See Act of 1864, p. 36, and Supplemental Acts, p. 43, 48, 63, 68)

Requirements as to Public Lectures Changed
(1873)

Supplement to the Act Entitled "An Act Appropriating Scrip for the Public Lands Granted to the State of New Jersey by the Act of Congress Approved July Second, One Thousand Eight Hundred and Sixty-two."

Public lectures to be under direction of board of visitors to state agricultural college.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the public lectures hereafter to be delivered by the State Agricultural College in the counties of this State, shall, as to number, time and place, be under the direction of the Board of Visitors of the State Agricultural College.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27th, 1873.

Chapter 107, Laws of N. J., 1873, p. 23.

(See Act of 1864, p. 36)

Term of Office of Board of Visitors Fixed at Two Years
(1873)

A Further Supplement to the Act Entitled "An Act Appropriating Scrip for the Public Lands Granted to the State of New Jersey by the Act of Congress Approved July Second, One Thousand Eight Hundred and Sixty-two," Approved April Fourth, One Thousand Eight Hundred and Sixty-four.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the term of office of members of the Board of Visitors to the Agricultural College of New Jersey shall hereafter be two years; *provided*, that this provision shall not apply to members appointed previous to the passage of this supplement.

Term of office of visitors to agricultural college.

2. *And be it enacted*, That the actual personal expenses of members of the Board of Visitors incurred in the discharge of the duties imposed upon them by the act to which this is a supplement, shall be audited by the Comptroller and paid by the Treasurer of the State out of any moneys unappropriated, on the certificate of the President and Secretary of the Board.

Proviso.

Personal expenses of members of board of visitors to be paid out of state treasury.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 26th, 1873.

Chapter 365, Laws of N. J., 1873, p. 65.

(See Act of 1864, p. 36, and Supplemental Acts, p. 42, 48, 63, 68)

Notice to Be Given of Vacant Scholarships
(1879)

A Further Supplement to the Act Entitled "An Act Appropriating Scrip for the Public Lands Granted to the State of New Jersey by the Act of Congress Approved July Second, One Thousand Eight Hundred and Sixty-two," Approved April Fourth, One Thousand Eight Hundred and Sixty-four.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That for the purpose of bringing to public attention the condition of the free State scholarships in the State Agricultural College, the Board of Visitors are hereby authorized to give such notice by letter, or posting, or by advertisement, of the counties to which the vacant scholarships belong, and the mode of filling them, as they may judge to be to the interest of the State.

Notice to be given of vacant scholarships.

Bills, how audited and paid.

2. *And be it enacted*, That bills incurred for the above-named objects, properly certified by the President and Secretary of the Board, shall be audited by the Comptroller and paid out of the State treasury.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 10th, 1879.

Chapter 9, Laws of N. J., 1879, p. 20.

(See Act of 1864, p. 36, and Act of 1866, p. 40)

Erection of Farm Buildings Authorized (1883)

An Act to Provide for Some Special Work for the Benefit of Agriculture.

May construct receptacles for green fodders, etc.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the officers of the State Agricultural College be authorized to construct, upon the farm of that institution, proper and sufficient receptacles for the preservation of green fodders and for the protection and saving of manures; and that they communicate the result of their work in their next annual report to the Legislature.

Appropriation.

2. *And be it enacted*, That for the purpose of carrying out this work, a sum not exceeding two thousand dollars be appropriated, which may be drawn from the treasury on bills properly certified by the President of said College.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 19th, 1883.

Chapter 90, Laws of N. J., 1883, p. 106.

Additional State Scholarships Provided (1890)

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.

Additional free scholarships.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That in order that students in the schools in all parts of the State may receive the stimulus afforded by the opportunity to pursue the courses of study in the State Agricultural College, and in order to enable said State Agricultural College to furnish instruction gratuitously to students,

residents of this State, in its several courses of study, as special courses of advanced study in the public school system of this State, there shall be sent to the said college students to the number of one each year from each assembly district in this State, to be selected and designated as hereinafter provided, who shall receive gratuitous instruction in any or in all the prescribed branches of study in any of the courses of study of said State College, under the general powers of supervision and control possessed by the Board of Visitors of said State College; said students so received shall be residents of this State, and shall be admitted into said State College upon the terms and subject to the rules and discipline which shall apply to all other free students of said State College; and if there should be more than one suitable prepared applicant from the same assembly district in the same year, such additional applicants may, in the discretion of the Board of Visitors of the said State Agricultural College, be received on any vacant scholarships of any other assembly districts until such districts shall require such scholarships, after notice has been served on the Superintendent of Education of the county in which such vacant assembly districts are situated.

Students from each assembly district.

2. *And be it enacted*, That said students shall be selected as follows: A competitive examination, under the direction of the City Superintendents and the County Superintendent of Education, in each county, shall be held at the county courthouse in each county of the State, upon the first Saturday in June in each year, and the necessary traveling expenses of said examiners not otherwise provided for by law, on the approval of the President and Secretary of the Board of Visitors of said State Agricultural College, shall be paid by said State College; students who apply for examination shall be examined upon such subjects as may be designated by the faculty of said college and the State Board of Education; and the said City and County Superintendents shall report to the President of such college and to the State Superintendent of Public Instruction the names of all such students examined as in their opinion are suitably prepared to enter said college, with their estimate of the order of excellence in scholarship shown by said students at such preliminary examination; certificates of appointment to the State Agricultural College shall be issued by the State Superintendent of Public Instruction to all of such students as are so found to

Students may be received on vacant scholarships.

Students selected by examination and when held.

Certificates, by whom issued.

be qualified to enter said college; and in case the vacant scholarships shall not be sufficient to receive all such successful candidates, preference in appointing to vacant scholarships shall be given to successful candidates in the order of the excellence of their examination as certified by said Superintendents; and in general the regulations and provisions governing the conduct of such examinations, and the appointment of said students to said scholarships, shall be subject to the control of said Board of Visitors of said college.

Students appointed to hold state scholarship.

3. *And be it enacted*, That each student so appointed and admitted to said college shall be regarded as holding a State scholarship, and for each scholarship so held there shall be paid, as hereinafter provided, on the first day of November in each year, to the Treasurer of said college, the same sum of money as the said college is entitled to receive for each scholarship established in said college under the existing State Agricultural College fund; *provided*, that such payment shall be made only out of the income of the fund for the support of public free schools remaining after appropriations hertofore made payable out of said income are met.

Amount to be paid out of income of school fund.

Proviso.

President of college to certify number of students.

4. *And be it enacted*, That in order to ascertain the number of scholarships for which payment shall be made as aforesaid, the President of said college shall in the month of October in each year make his certificate in writing, setting forth the names of the students so as aforesaid appointed and then in attendance at said college, the assembly districts from which they were appointed and the classes in college to which they belong, or the special courses of study which they were pursuing, which certificate, when approved by the President of the Board of Visitors of the State Agricultural College, shall be plenary evidence of the number of scholarships for which payment shall be made, and on filing the same with the Comptroller of the State he shall draw his warrant upon the Treasurer of the School Fund for the sum of money to which the said college may accordingly be entitled, and the said Treasurer shall thereupon pay the same as aforesaid.

Certificate to be approved by president of Agricultural College and filed with State Comptroller.

5. *And be it enacted*, That this act shall take effect immediately, and shall be subject to amendment, alteration and repeal at the discretion of the Legislature.

Passed March 31st, 1890.

Chapter 108, Laws of N. J., 1890, p. 161.
(For amendments see p. 55, 59, 61, 63, 68)

Second Morrill Act Accepted (1891)

An Act to carry into Complete Effect in the State of New Jersey the Provisions of an Act of Congress, Entitled "An Act to apply a Portion of the Proceeds of the Public Lands to the more Complete Endowment and Support of the Colleges for the Benefit of Agriculture and the Mechanic Arts, Established under the Provisions of an Act of Congress Approved July Second, One Thousand Eight Hundred and Sixty-two," which Act was Approved August Thirtieth, One Thousand Eight Hundred and Ninety.

WHEREAS, By an act of Congress approved August thirtieth, one thousand eight hundred and ninety, the title of which is above recited, certain sums of money were appropriated to be paid annually to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, established in accordance with an act of Congress approved July second, one thousand eight hundred and sixty-two; *and whereas*, the Rutgers Scientific School, maintained by "The Trustees of Rutgers College in New Jersey," is and always hitherto has been recognized as the Agricultural College or Agricultural Department of the college established in accordance with the said act of Congress approved July second, one thousand eight hundred and sixty-two; therefore,

Preamble.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the assent of the State of New Jersey to the grant made to this State under the said act of Congress approved August thirtieth, one thousand eight hundred and ninety, and to the purpose of said grant, as indicated by the acts of Congress relating thereto, is hereby declared and signified, and the Secretary of State is hereby directed to transmit a certified copy of this act to the Secretary of the Treasury and to the Secretary of the Interior of the United States.

Declares the assent of the State to the grant of Congress.

2. *And be it enacted*, That the moneys received and to be received by this State under the said act of Congress approved August thirtieth, one thousand eight hundred and ninety, shall, immediately and as soon as received, be paid over by the Treasurer of this State, upon the warrant of the Comptroller of this State, and the order of the Trustees of Rutgers College, to the Treasurer of Rutgers College, for the more complete endowment and maintenance of the said Agricultural College or Agricultural Department of the college established as aforesaid for

Moneys received under the acts of Congress to be paid to Rutgers College for its agricultural dept.

the benefit of agriculture and the mechanic arts, to be by the said Trustees 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 of such instruction, in accordance with the acts of Congress relating thereto.

3. *And be it enacted* That the Legislature shall have power at any time hereafter to pass such laws as may be deemed necessary and proper to enforce the due execution of this act and the before-mentioned acts of Congress.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 10th, 1891.

Chapter 4, Laws of N. J., 1891, p. 13.
(See Second Morrill Act, p. 30)

Method of Appointing Board of Visitors Defined (1893)

A Supplement to an Act Entitled "An Act Appropriating Scrip for the Public Lands Granted to the State of New Jersey by the Act of Congress, Approved July Second, One Thousand Eight Hundred and Sixty-two," Approved April Fourth, One Thousand Eight Hundred and Sixty-four.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the board of visitors to the State Agricultural College shall hereafter consist of two members from each congressional district in this State, to be appointed by the Governor with the advice and consent of the Senate.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 10th, 1893.

Chapter 85, Laws of N. J., 1893, p. 168.

(See Act of 1864, p. 36, and Supplemental Acts, p. 42, 43, 63 and 68)

Transfer of Land-Grant Fund to State Sinking Fund Authorized (1895)

A Supplement to the Act Entitled "An Act Appropriating Scrip for the Public Lands Granted to the State of New Jersey by the Act of Congress, Approved July Second, One Thousand Eight Hundred and Sixty-two," Approved April Fourth, Eighteen Hundred and Sixty-four.

WHEREAS, The commissioners named in said act, approved April fourth, eighteen hundred and sixty-four, "to take charge

of such scrip and as agents of the State to sell and dispose of the same at such time or times and in such mode as may appear to be most advantageous and safe," did invest the proceeds of the sale thereof in "war bonds" of the State of New Jersey, a portion of which bonds have already matured and been paid, and the balance thereof will mature January first, eighteen hundred and ninety-seven, and January first, nineteen hundred and two;

AND WHEREAS, The monies received by said commissioners in payment of said bonds already matured and paid are uninvested, owing to the inability of said commissioners to invest the same conformably to the said act of Congress, and said moneys and the further funds to be received by said commissioners will remain uninvested and the objects of said act of Congress and of said act of the legislature of this State, approved April fourth, eighteen hundred and sixty-four, thereby defeated;

AND WHEREAS, The Governor, by special message, has recommended legislation to meet the requirements of the situation,

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That forthwith on the passage of this act the said commissioners named in said act, approved April fourth, eighteen hundred and sixty-four, shall transfer and pay over the funds now in their hands or deposited to their credit, to the official or officials having charge of the sinking fund of this State; and said commissioners shall, from time to time hereafter, as moneys shall be by them received under said act, approved April fourth, eighteen hundred and sixty-four, likewise pay over and transfer the same to the state sinking fund; and thereafter the said moneys so transferred or paid over shall be incorporated with and become part and parcel of the sinking fund of this State and dealt with in all respects as part and parcel thereof.

2. *And be it enacted*, That upon payment or transfer of any such moneys as aforesaid to the sinking fund of the State, the State treasurer and comptroller shall issue and deliver therefor to said commissioners, a certificate of this State to the effect that the State will pay to said commissioners, semi-annually, five per centum of the amount so paid into or transferred to the sinking fund, so long as said act of Congress and the laws of this State, passed in pursuance thereof, shall be in all things and by all parties observed and complied with.

Legislature empowered to pass laws to enforce execution of this act.

Board of visitors to agricultural college, how appointed.

Repealer.

Preamble.

Commissioners to pay over moneys to sinking fund.

Upon payment the treasurer and comptroller to issue certificate.

Percentum—to
whom paid.

3. *And be it enacted*, That the percentum paid to said commissioners upon any certificate issued under this act, shall be by them paid over to the person or persons, body or bodies, now or hereafter entitled by law to receive the same.

4. *And be it enacted*, That this act shall take effect immediately.

Approved June 13th, 1895.

Chapter 417, Laws of N. J., 1895, p. 804.
(See Act of 1864, p. 36)

Method of Payment of Interest on Land-Grant Fund Defined

(1896)

An Act to Amend an Act Entitled "A Supplement to the Act Entitled 'An Act Appropriating Scrip for the Public Lands granted to the State of New Jersey by the Act of Congress Approved July Second, One Thousand Eight Hundred and Sixty-two,' Approved April Fourth, Eighteen Hundred and Sixty-four," which supplement was approved June Thirteenth, One Thousand Eight Hundred and Ninety-five.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section two of the act to be amended hereby, being chapter 417 of the laws of one thousand eight hundred and ninety-five, is hereby amended so as to read as follows:

2. That upon payment or transfer of any such moneys as aforesaid to the sinking fund of the State, the State treasurer and comptroller shall issue and deliver therefor to said commissioners a certificate of this State to the effect that the State will pay to said commissioners five per centum annually in semi-annual payments of the amount so paid into or transferred to the sinking fund, so long as said act of Congress and the laws of this State, passed in pursuance thereof, shall be in all things and by all parties observed and complied with.

2. This act shall take effect immediately.

Approved March 30th, 1896.

Chapter 135, Laws of N. J., 1896, p. 192.
(See Act of 1864, p. 36, and Supplemental Act, p. 48)

Section as
amended.

Adjustment of Claim for State Scholarship Money Provided For

(1902)

An Act to Provide for Adjusting the Claim of the State College for Agriculture and the Mechanic Arts under "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.

WHEREAS, By the act, the title of which is above recited, it was enacted that one student from each assembly district in the State, to be selected by competitive examination under the direction of the city and county superintendents of education, should be sent each year to the state agricultural college for education in the courses of study there pursued, and that a stipulated compensation should be paid therefor to the college out of the public school fund of the State; *and whereas*, a large number of qualified students have, in accordance with said act, been received and educated in the college, but the stipulated compensation (except fifteen hundred dollars) has not been paid; *and whereas*, the State is under a moral obligation, at least, to compensate the college for the services thus rendered in educating citizens of the State at the instance of the legislature; therefore,

Preamble.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The Governor of the State is hereby authorized to appoint three citizens of New Jersey as a commission to examine into and consider the matters above mentioned, and to report, in writing, to the present or next session of the legislature what compensation ought, in justice and equity, to be paid by the State to said college in full satisfaction for the services rendered, and to be rendered, up to the close of the present collegiate year, under said act of March thirty-first, one thousand eight hundred and ninety.

Appointment of
Commission.

2. The said commission shall also, in a separate report to the present or next session of the legislature, state whether, in their opinion, the system of education provided for in said act of March thirty-first, one thousand eight hundred and ninety, should be continued after the close of the present collegiate year, or should be modified, or should be wholly discontinued, together with their reasons for such recommendations as they may make

Continuance of
system.

in the premises, to the end that the legislature may adopt such course as shall seem best for public interests.

3. This act shall take effect immediately.

Approved March 4th, 1902.

Chapter 4, Laws of N. J., 1902, p. 15.

(See Report of Commission, p. 108, and Court Rulings, p. 96, 107).

Department of Ceramics Established (1902)

An Act to Provide for the Establishment of a Course in Practical and Scientific Instruction in the Art of Clay Working and Ceramics in the State Agricultural College.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

Department of ceramics in state agricultural college.

1. The trustees of the State Agricultural College of New Jersey be and they are hereby required to establish in said agricultural college a department of ceramics, equipped and designed for the education of clay-workers in all branches of the art which exist in this State or which can be profitably introduced and maintained in this State from the mineral resources thereof, including the manufacture of earthenware, stoneware, yellow wares, white wares, china, porcelain and ornamental pottery, also the manufacture of sewer pipe, fire-proofing terra cotta, sanitary clay wares, electric conduits and specialties, fire bricks and all refractory materials, glazed and enameled bricks, pressed bricks, vitrified paving materials, as well as the most economic and scientific methods in the production of the coarser forms of bricks used for building purposes; also the manufacture of tiles used for paving, flooring, decorative wall paneling, roofing and draining purposes, and all other clay industries represented in our limits.

Subjects taught.

2. Said department shall offer special instruction to clay-workers on the origin, composition, properties and testing of clays, the selection of materials for different purposes, the mechanical and chemical preparation of clays, the laws of burning clays, the theory and practice of the formation of clay bodies, slips and glazes, and the laws which control the formation and fusion of silicates.

Equipment of laboratory.

3. Said department shall be provided with an efficient laboratory designed for the instruction of clay-workers in the list of subjects enumerated in the second section of this act, and also

equipped to investigate into the various troubles and defects which cannot be understood or avoided, except by the use of such scientific investigation; said laboratory shall be equipped with the necessary apparatus for chemical analysis, with furnaces and kilns for pyrometric and experimental trials and such apparatus and machinery as may be necessary for the proper preparation of clays for manufacture as is consistent with the character of the department.

4. Said trustees shall employ to conduct this department of ceramics a competent expert of the necessary education and scientific acquirement, who shall teach the theoretical part of the subject and direct the laboratory for the instruction of students and prosecute such scientific investigations of the various clay industries as may be practicable, and from time to time to publish the results of his investigations in such form that they will be made public and accessible to clay-workers of the State, for the advancement of the art and science of the subject.

Expert employed, duties.

5. There shall be appropriated out of the general revenues of the State the sum of twelve thousand dollars, to be expended in the organization, equipment and maintenance of said department as provided for in the first four sections of this act, for the current year, and then shall be appropriated from the same fund the sum of twenty-five hundred dollars annually hereafter, beginning on the next succeeding year, for the salary, supplies, and all other expenses of the maintenance of said department; *provided*, such sum or sums shall first be appropriated in the annual appropriation bill.

Appropriation.

Approved March 17th, 1902.

Chapter 17, Laws of N. J., 1902, p. 34.

Supplemental Acts passed March 14, 1907 (p. 57) and March 23, 1920 (p. 65).

Proviso.

Funds in Settlement of Scholarship Claim Appropriated (1903)

A Supplement to an Act Entitled "An Act Making Appropriations for the Support of the State Government and for Several Public Purposes for the Fiscal Year Ending October Thirty-first, One Thousand Nine Hundred and Three," Approved April Tenth, One Thousand Nine Hundred and Two.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. To pay the state college for the benefit of agriculture and the mechanic arts the balance due for services rendered to the

Appropriation to State College for Free Scholarships.

State in the instruction, from September first, eighteen hundred and ninety, to July first, nineteen hundred and two, of students holding free state scholarships, granted pursuant to "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, eighteen hundred and ninety, there is hereby appropriated out of the State fund eighty thousand dollars (the sum of fifteen hundred dollars having been heretofore paid), and the comptroller of the treasury is directed forthwith to draw his warrant therefor in favor of the treasurer of said college, and the State treasurer to pay the same; on surrender of such warrant the comptroller shall take from said college a release of all claims and demands of said college against the State.

2. This act shall take effect immediately.

Approved April 7th, 1903.

Chapter 119, Laws of N. J., 1903, p. 201.
(See Report of Commission, p. 108, and Court Rulings, p. 96, 107)

Short Courses in Agriculture Established (1905)

An Act to Provide for Short Courses in Practical and Scientific Agriculture in the State Agricultural College.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

Establish short courses.

1. The trustees of the state agricultural college of New Jersey be, and they are, hereby required to establish in said state agricultural college a department which shall provide short courses in agriculture, equipped and designed for the practical education of students, on both general and specific lines of farming.

Subjects of instruction.

2. Said department shall offer special instruction to students on soils, crops, fertilizers, manures, drainage, farm machinery, farm buildings; breeds of live stock, stock judging, animal diseases and remedies; production and handling of milk and cream, the manufacture of butter and cheese; the growth of fruits, berries, management of orchards, market garden and vegetable crops, and insects injurious to the various plants, diseases of plants; animal nutrition, including the use of forage crops, cereal grains, fine feeds, and all other matters pertaining to general and specific lines of farm practice.

3. Said department shall be provided with suitable buildings for stock judging, butter making, milk testing and lecture rooms; said buildings shall be equipped with the necessary apparatus and machinery for carrying out the specific instruction provided for in section two.

Buildings and apparatus.

4. Said trustees shall employ to conduct this department competent instructors of the necessary education and scientific acquirements, who shall teach the theoretical and practical part of the subjects herein provided for.

Instructors.

5. There shall be appropriated out of the general revenues of the State the sum of twenty-four thousand dollars, to be expended in the organization, equipment and maintenance of said department, as provided for in the first four sections of this act for the current year, and then shall be appropriated from the same fund the sum of six thousand five hundred dollars annually hereafter, beginning on the next succeeding year, for the salaries, supplies and all other expenses for the maintenance of said department; *provided*, that such sum or sums shall first be appropriated in the annual appropriation bill.

Appropriation.

Proviso.

6. This act shall take effect immediately.

Approved March 25th, 1905.

Chapter 55, Laws of N. J., 1905, p. 90.
Supplemental Act passed April 12, 1907 (p. 57).

State Scholarships to Be Awarded by Counties (1905)

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.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section one of the act of which this act is an amendment is hereby amended so as to read as follows:

Section Amended.

1. In order that the students in the schools in all parts of the State may receive the stimulus afforded by the opportunity to pursue the courses of study in the state agricultural college, and in order to enable said state agricultural college to furnish instruction gratuitously to students, residents of this State, in its several courses of study, as special courses of advanced study

Number of scholarships

As many as
members of
Assembly.

in the public school system of this State, there shall be sent to the said college, each year, from each county in this State, students to the number of members of assembly to which such county is entitled, to be selected and designated as hereinafter provided, who shall receive gratuitous instruction in any or all of the prescribed branches of study in any of the courses of study of said state college, under the general powers of supervision and control possessed by the board of visitors of said state college. Said students so received shall be residents of this State, and shall be admitted into said state college upon the terms and subject to the rules and discipline which shall apply to all other free students of said college; and if there should be from any county more than the designated number of suitably prepared applicants in the same year, such additional applicants may, in the discretion of the board of visitors of the said state agricultural college, be received on any vacant scholarships of any other county until the county last named shall require such scholarships, after notice has been served on the superintendent of education of the county in which such vacant scholarships existed.

Students on
vacant
scholarships.

Section amended. 2. Section three of the act of which this act is an amendment is hereby amended to read as follows:

Amount per
student.

3. Each student so appointed and admitted to said college shall be regarded as holding a state scholarship, and for each scholarship so held there shall be due from the State to the college, on the first day of November, in each year, the sum of one hundred and twenty dollars; *provided*, that the aggregate amount due for any year for such scholarships shall not exceed fifteen thousand dollars.

Proviso.

Section amended. 3. Section four of the act of which this act is an amendment is hereby amended to read as follows:

President of
college to certify
number of
students.

4. In order to ascertain the number of scholarships for which payments shall be due as aforesaid, the president of said college shall in the month of October in each year make his certificate in writing, setting forth the names of the students so as aforesaid appointed and then in attendance at said college, the counties from which they were appointed and the classes in college which they belong or the special courses of study which they are pursuing, which certificate, when approved by the president of the board of visitors of the state agricultural college,

Approval.

shall be plenary evidence of the number of scholarships for which payment shall be due, and on filing the same with the comptroller of the State he shall draw his warrant upon the state treasurer for the sum of money to which the said college may accordingly be entitled, and the state treasurer shall pay the same as soon as proper appropriation shall have been made therefor.

4. This act shall take effect immediately.

Approved March 31st, 1905.

Chapter 90, Laws of N. J., 1905, p. 187.

(See Act of 1890, p. 44, and further amendments, p. 59, 61, 63, 68)

Appropriation for Ceramics Increased (1907)

A Supplement to an Act Entitled "An Act to Provide for the Establishment of a Course in Practical and Scientific Instruction in the Art of Clay Working and Ceramics in the State Agricultural College," Approved March Seventeenth, One Thousand Nine Hundred and Two.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In addition to the amount now fixed by the act to which this is a supplement, a further sum of two thousand five hundred dollars shall annually be appropriated out of the general revenues of the State for salaries, supplies and other expenses of maintenance of said course; *provided*, that such sum shall first be appropriated in the annual appropriation bill.

Additional appro-
priation for cer-
amic course.

Proviso.

2. This act shall take effect immediately.

Approved March 14th, 1907.

Chapter 7, Laws of N. J., 1907, p. 18.

(See Act of 1902, p. 52)

Additional Funds Appropriated for Short Courses in Agriculture (1907)

Supplement to an Act Entitled "An Act to Provide for Short Courses in Practical and Scientific Agriculture in the State Agricultural College," Approved March Twenty-fifth, One Thousand Nine Hundred and Five.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. There shall be appropriated out of the general revenues of the State the sum of fifty thousand dollars, to be expended

Appropriations
for short courses
in agriculture.

for the further equipment of the short courses in practical and scientific agriculture in the state agricultural college, as provided for in section three of the act to which this is a supplement, and an additional annual appropriation of ten thousand dollars for salaries, supplies and all other expenses for the maintenance of the short courses in agriculture; *provided*, that such sum or sums shall first be appropriated in the annual appropriation bill.

Proviso.

2. This act shall take effect immediately.

Approved April 12th, 1907.

Chapter 43, Laws of N. J., 1907, p. 77.
(See Act of 1905, p. 54)

Funds for Equipping Engineering Building Appropriated (1908)

An Act to Provide for the Furnishing and Equipment of a Building Known as the Engineering Building at the State Agricultural College.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The trustees of the State Agricultural College for the benefit of agriculture and the mechanic arts be and they are hereby required to provide suitable equipment, machinery and furniture, in a building known as the engineering building at the said State Agricultural College for the benefit of agriculture and the mechanic arts, for the education of such students of the said State Agricultural College as may elect to pursue a course of study in all branches of mechanic arts and engineering which may be consistent with the character of the department.

Engineering building at agricultural college.

Purpose.

2. There shall be appropriated out of the general revenues of the State, for the current year, the sum of twenty thousand dollars, to be expended in the furnishing and equipment of said building, as provided for in section one of this act; *provided*, such sum shall first be appropriated in the annual appropriations bill.

Appropriation.

Proviso.

Approved April 6th, 1908.

Chapter 95, Laws of N. J., 1908, p. 142.

Requirements Concerning Time and Place for State Scholarship Examinations Modified (1909)

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.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section two of the act of which this act is an amendment be and the same is hereby amended so as to read as follows:

Section 2 amended.

2. And be it enacted, That said students shall be selected as follows: A competitive examination, under the direction of the city superintendents and the county superintendents of education in each county shall be held upon the first Friday in June in each year and the Saturday following, at such place or places in each county as shall be designated by the said superintendent, and the necessary traveling expenses of said examiners not otherwise provided for by law, on the approval of the president and secretary of the Board of Visitors of said State Agricultural College, shall be paid by said State College; students who apply for examination shall be examined upon such subjects as may be designated by the faculty of said college and the State Board of Education, and the said city and county superintendents shall report to the president of said college and to the State Superintendent of Public Instruction the names of all such students examined as in their opinion are suitably prepared to enter said college, with their estimate of the order of excellence in scholarship shown by said students at such preliminary examination; certificates of appointment to the State Agricultural College shall be issued by the State Superintendent of Public Instruction to all of such students as are so found to be qualified to enter said college, and in case the vacant scholarships shall not be sufficient to receive all such successful candidates, preference in appointing to vacant scholarships shall be given to successful candidates in the order of the excellence of their examination as certified by said superintendents, and in general the regulations and provisions governing the conduct of such examinations, and the appointment of said students to said scholarships shall be subject to the control of said Board of Visitors of said college.

Selection of students.

When examination held.

Subjects.

Certificates issued by state superintendent.

Approved March 24th, 1909.

Chapter 26, Laws of N. J., 1909, p. 44.
(See Act of 1890, p. 44, and Amendments, p. 55, 61, 63, 68)

Funds for Equipping Chemistry Building Appropriated (1910)

An Act to Provide for the Furnishing and Equipment of a Building known as the Chemistry Building at the State Agricultural College.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey:*

Chemistry building at state college.

1. The trustees of the State Agricultural College for the benefit of agriculture and the mechanic arts be and they are hereby required to provide suitable equipment, machinery and furniture, in a building known as the chemistry building at the said State Agricultural College for the benefit of agriculture and the mechanic arts, for the education of such students of the said State Agricultural College as may elect to pursue a course of study in all branches of chemistry which may be consistent with the character of the department.

Appropriation.

2. There shall be appropriated out of the general revenues of the State the sum of twenty-five thousand dollars, to be expended in the furnishing and equipment of said building as provided for in section one of this act; *provided*, that no payments shall be made pursuant to this act until the amount thereof shall have been included in the annual or supplemental appropriations bill.

Proviso.

3. This act shall take effect immediately.

Approved March 16th, 1910.

Chapter 24, Laws of N. J., 1910, p. 39.

Funds for Equipping Entomology Building and Physics Laboratory Appropriated (1911)

An Act to Provide 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.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

Building for entomological work.

1. The trustees of the State Agricultural College of New Jersey be, and they are, hereby required to arrange a building known as the entomology building at the State Agricultural College, and provide suitable equipment, apparatus and furniture for the same building, in order that proper facilities may be

offered for the entomological work of the State and College, and for the education of such students as may elect to pursue a course of study in entomology.

2. The trustees of the State Agricultural College be and they are hereby required to arrange a laboratory known as the physics laboratory at the State Agricultural College, and provide suitable equipment, apparatus and furniture for the same laboratory, in order that proper facilities may be offered for the education of such students as may elect to pursue a course of study in physics.

Physical laboratory.

3. There shall be appropriated out of the general revenues of the State for the current year the sum of ten thousand dollars, to be expended in the arranging, furnishing and equipping of said building and said laboratory as provided for in sections one and two of this act; *provided*, that no payments shall be made until the amount thereof shall have been included in the annual or supplemental appropriation bill.

Appropriation.

4. This act shall take effect immediately.

Approved March 14th, 1911.

Chapter 23, Laws of N. J., 1911, p. 34.

Proviso.

Amount of State Scholarships Increased (1911)

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.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section two of the act of which this act is an amendment is hereby amended to read as follows:

Title amended.

3. Each student so appointed and admitted to said college shall be regarded as holding a State scholarship, and for each State scholarship so held there shall be due from the State to the college, on the first day of November, in each year, the sum of one hundred and sixty dollars.

2. This act shall take effect immediately.

Approved March 15th, 1911.

Chapter 33, Laws of N. J., 1911, p. 49.

(See Act of 1890, p. 44, and Amendments, p. 55, 59, 63, 68)

Additional Service Required When Appropriations Are Made
(1912)

An Act Requiring Additional Educational and Experimental Equipment at the State Agricultural College when Appropriations are made Therefor.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

Additional buildings and equipment at state college.

1. 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.

Proviso.

2. This act shall take effect immediately.

Approved March 8th, 1912.

Chapter 36, Laws of N. J., 1912, p. 62.

Rutgers Scientific School Designated State University of New Jersey
(1917)

An Act Giving Additional Title to the State Agricultural College.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

New title.

1. 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.

2. This act shall take effect immediately.

Approved March 15, 1917.

Chapter 32, Laws of N. J., 1917, p. 65.

Board of Visitors to Be Appointed by Counties
(1917)

An Act to Amend an Act Entitled "A Supplement to an Act Entitled 'An Act Appropriating Scrip for the Public Lands Granted to the State of New Jersey by the Act of Congress, Approved July Second, One Thousand Eight Hundred and Sixty-two,' Approved April Fourth, One Thousand Eight Hundred and Sixty Four," which Supplement was Approved March Tenth, Eighteen Hundred and Ninety-three.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section one of the act of which this act is an amendment be and the same is hereby amended so as to read as follows:

Section 1 amended.

1. The Board of Visitors to the State Agricultural College shall hereafter consist of one member from each county in this State, to be appointed by the Governor with the advice and consent of the Senate.

Membership of board of visitors to agricultural college.

2. This act shall take effect immediately.

Approved March 16th, 1917.

Chapter 40, Laws of N. J., 1917, p. 74.

(See Act of 1864, p. 36, and Supplemental Acts, p. 42, 43, 48, 68)

State Scholarship Act Amended in Regard to Time of Holding Examinations and Filling of Vacancies
(1917)

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.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section two of the act of which this act is an amendment is hereby amended to read as follows:

Section 2 amended.

2. Said students shall be selected as follows: A competitive examination, under the direction of the city superintendents and the county superintendent of education, in each county, shall be held upon the first Thursday in June in each year and the Friday and Saturday following, at such place or places in each county as shall be designated by the said superintendents and the necessary traveling expenses of said examiners not otherwise provided for by law, on the approval of the president and secretary of the Board of Visitors of said State Agricultural College,

Students selected by examination.

When held.

Subjects.

shall be paid by said State College; students who apply for examination shall be examined upon such subjects as may be designated by the faculty of said college and the State Board of Education; and the said city and county superintendents shall report to the president of said college and the State Commissioner of Education, the names of all such students examined as in their opinion are suitably prepared to enter said college, with their estimate of the order of excellence in scholarship shown by said students at such preliminary examination; certificates of appointment to the State Agricultural College shall be issued by the State Commissioner of Education, to all of such students are so found to be qualified to enter said college; and in case the vacant scholarships shall not be sufficient to receive all such successful candidates, preference in appointing to vacant scholarships shall be given to successful candidates in the order of the excellence of their examination as certified by said superintendents; and in general the regulations and provisions governing the conduct of such examinations, and the appointment of said students to said scholarships, shall be subject to the control of said board of visitors of said college.

Certificates by whom issued.

Filling vacancies.

If at the beginning of any year any scholarship awarded in any preceding year be vacant, such scholarship may be filled, on the recommendation of the president of the college, by the State Commissioner of Education from students in the sophomore, junior and senior classes, residents of New Jersey, on the basis of excellence of work in the preceding year or from students who have qualified for entrance in excess of the number of scholarships to be awarded for that year. Students so appointed from the sophomore, junior and senior classes shall then be regarded as if appointed and admitted to the college after examination as aforesaid.

Repealer.

2. This act shall take effect immediately. And all acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 20th, 1917.

Chapter 77, Laws of N. J., 1917, p. 143.

(See Act of 1890, p. 44, and Amendments, p. 55, 59, 61, 68)

Department of Aeronautical Engineering Authorized (1920)

An Act Concerning the Establishment of a Course in Aeronautical Engineering at the State University of New Jersey at New Brunswick, New Jersey, and Providing for the Appropriation of Funds Therefor.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In the State University of New Jersey at New Brunswick, New Jersey, there shall be given a course of study in aeronautical engineering, which shall include training in the principles of aviation and aeronautics. The time to be devoted to such course shall be the equivalent of not less than ten (10) full hours a week throughout the college year, for a period of four (4) years.

Providing course in aeronautics.

2. The treasurer of the State of New Jersey is to be empowered to pay to the treasurer of the State University of New Jersey, at New Brunswick, New Jersey, the sum of seven thousand five hundred dollars (\$7,500) per annum for salaries and maintenance of said course, when such sum is included in any regular or supplemental appropriation bill.

Appropriation.

Approved March 19, 1920.

Chapter 21, Laws of N. J., 1920, p. 44.

Ceramic Research Station Established and Special Funds Appropriated (1920)

A Further Supplement to an Act Entitled "An Act to Provide for the Establishment of a Course in Practical and Scientific Instruction in the Art of Clay Working and Ceramics in the State Agricultural College," Approved March Seventeenth, Nineteen Hundred and two.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The trustees of the State Agricultural College of New Jersey be and they are hereby required to establish in the department of ceramics in the State Agricultural College, which department shall hereafter be known as the "New Jersey Ceramic Research Station," a four year curriculum in ceramic engineering, for the education and training of ceramic engineers for original research and the direction and control of unites of all branches of the ceramic industries of this State which shall

Researches in ceramics.

Four years' course.

Subjects considered.

include (a) clays and clay products of all kinds such as common brick, face brick, hollow brick and fire proofing, paving brick, fire brick, sewer pipe, drain tile, terra cotta, and all other products of clay; (b) special refractories of all kinds such as silica brick, magnesia brick, carborundum brick, graphite crucibles and like products; (c) pottery products of all kinds such as chemical stoneware, general stoneware, porcelain and china tablewares, abrasives, electrical porcelain, sanitary wares, floor and wall tile, art pottery, spark plug insulators and special porcelains and like products; (d) glass of all kinds such as table glassware, glass bottles, window glass, plate glass, optical glass, electrical glassware, art glass, laboratory glassware and special glasses, and like products; (e) lime and cement products, such as portland cement, special cements and like products, and all other branches of the ceramic arts which now exists or may hereafter be introduced therein.

Additional facilities for clay workers.

2. In addition to the curriculum in ceramic engineering the New Jersey Ceramic Research Station shall be for workers who have had experience in any of the branches of the ceramic industry and who do not have the time and facilities for undertaking the four year course afforded by the curriculum in ceramic engineering; the short courses in ceramics may be made to include extension courses in the several ceramic centers in the State.

Aid in solution of technical problems.

3. Through the cultivation of intimate relations with the ceramic industries of the State, the New Jersey Ceramic Research Station shall, to the extent to which its resources will permit, give advice and assistance in the solution of technical problems arising in the various manufacturing processes and in the development of new ceramic products which may be profitably manufactured from the resources of the State. In case assistance is rendered involving the expenditure of time by laboratory assistants or the use of fuel, power and supplies, or both, the manufacturer or party concerned shall pay a fee to cover the cost of any material assistance rendered. It shall be within the province of the New Jersey Ceramic Research Station to outline and supervise research work to be conducted in the laboratories of said station by representatives from the ceramic industries of the State, and in case such arrangement is made the manufacturer or party concerned shall contract to pay a sum to amply cover the costs incurred, including depreciation

Fee may be exacted.

Supervise research work.

of machinery and apparatus, materials used, fuel and power, assistance rendered and the like. All fees and revenues from all such contracts shall revert to the treasury of the State of New Jersey.

4. Said trustees shall employ at suitable compensation a competent expert having the necessary education and technical experience to direct the various activities of said station. The director shall devote his time to the teaching of ceramic subjects, outlining and prosecuting technical researches in ceramics, and in directing the general activities of the laboratories. There shall also be employed at suitable compensation such instructors, laboratory assistants and clerical and stenographic help as shall be necessary in said station. It shall be the duty of the instructors and assistants to assist in the teaching, research work and other activities of the station, and the director, together with his instructors and assistants, shall publish or cause to be published from time to time the result of researches conducted in the laboratories, in a form that will be made public and accessible to the public for the advancement of the ceramic art and science.

Director of station.

Assistants.

Duties.

5. Said trustees shall cause to be constructed suitable buildings and laboratories, properly equipped with necessary apparatus, machinery and equipment to carry out the provisions of this act. Upon the completion of said buildings all furnishings, machinery, apparatus, equipment and supplies pertaining to the present department of ceramics shall be transferred to the New Jersey Ceramic Research Station, and all functions of the department of ceramics shall revert thereto.

Buildings, apparatus, etc.

6. For the construction of the building or buildings herein provided for, together with the proper machinery, apparatus and equipment, there shall be appropriated out of the general revenues of the State of New Jersey the sum of one hundred thousand (\$100,000) dollars for the current year; and there shall be appropriated from the same fund the sum of at least twelve thousand (\$12,000) dollars annually thereafter, beginning at the next succeeding year, for salary, supplies and other expenses and maintenance of said department; *provided*, such sum or sums shall first be appropriated in the annual or supplemental appropriations bill.

Appropriations.

Proviso.

7. This act shall take effect immediately.

Approved March 23rd, 1920.

Chapter 36, Laws of N. J., 1920, p. 75.
(See Act of 1902, p. 52)

Amount of State Scholarships Further Increased (1920)

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.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section three of the act to which this act is an amendment is hereby amended to read as follows:

3. Each student so appointed and admitted to said college shall be regarded as holding a State scholarship, and for each State scholarship so held there shall be due from the State to the college on the first day of November, in each year, the sum of two hundred dollars.

2. This act shall take effect immediately.

Approved April 7, 1920.

Chapter 113, Laws of N. J., 1920, p. 246.

(See Act of 1890, p. 44, and Amendments, p. 55, 59, 61, 63)

Board of Visitors to Be Appointed for Three-Year Term (1923)

An Act to Amend an Act Entitled "A Supplement to an Act Entitled 'An Act Appropriating Scrip for the Public Lands granted to the State of New Jersey by the Act of Congress, Approved July Second, One Thousand Eight Hundred and Sixty-two,' Approved April Fourth, One Thousand Eight Hundred and Sixty-four," which supplement was approved March Tenth, Eighteen Hundred and Ninety-three.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section one of the act of which this act is an amendment be and the same hereby is amended to read as follows:

1. The Board of Visitors of the State Agricultural College shall hereafter consist of one member from each county in this State, to be appointed by the Governor with the advice and consent of the Senate. Seven of said members shall be appointed for a term of one year; seven for a term of two years, and seven for a term of three years. At the expiration of each term of such members their successors shall be appointed for a term of three years. All vacancies occurring during any term shall be filled for the unexpired term only.

2. This act shall take effect immediately.

Approved March 2, 1923.

Chapter 26, Laws of N. J., 1923, p. 55.

(See Act of 1864, p. 36, and Supplemental Acts, p. 42, 43, 48, 63)

Section 3
amended.

Scholarships at
state college.

Section amended.

Number of
members.

Term.

Vacancies.

II. LAWS CONCERNING THE AGRICULTURAL COLLEGE EXPERIMENT STATION

(a) FEDERAL LAWS

Act of 1887 Establishing Agricultural Experiment Stations

(Hatch Act)

An Act to Establish Agricultural Experiment Stations in Connection with the Colleges Established in the Several States under the Provisions of an Act Approved July Second, One Thousand Eight Hundred and Sixty-two, and of the Acts Supplementary Thereto.

1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, under direction of the college or colleges, or agricultural department of colleges in each State or Territory, established, or which may hereafter be established, in accordance with the provisions of an act approved July 2nd, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the Benefit of Agriculture and the Mechanic Arts," or any of the supplements to said act, a department to be known and designated as an "Agricultural Experiment Station;" *provided,* that in any State or Territory in which two such colleges have been or may be so established, the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the Legislature of such State or Territory shall otherwise direct.

2. *And be it enacted,* That it shall be the object and duty of said Experiment Stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for accli-

Agricultural
experiment
stations.

Proviso.

Division of
appropriation.

Scope of re-
searches.

mation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese, and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories.

Commissioner of agriculture to advise, etc.

3. *And be it enacted*, That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner* of Agriculture to furnish forms as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important, and, in general, to furnish such advice and assistance as will best promote the purposes of this act; it shall be the duty of each of said stations, annually, on or before the first day of February, to make to the Governor of the State or Territory in which it is located, a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner* of Agriculture, and to the Secretary of the Treasury of the United States.

Reports.

Bulletins.

4. *And be it enacted*, That bulletins or reports of progress shall be published at said stations, at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit; such bulletins or reports, and the annual reports of said stations, shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

To be post free.

Appropriations to be made from sales of public lands.

5. *And be it enacted*, That for the purpose of paying the necessary expenses of conducting investigations and experiments, and printing and distributing the results as hereinbefore

* Now Secretary.

prescribed, the sum of \$15,000 is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section eight of this act, out of any money in the treasury proceeding from the sales of public lands, to be paid in equal quarterly payments on the first day of January, April, July and October in each year, to the treasurer or other officer duly appointed by the Governing Boards of said colleges to receive the same; the first payment to be made on the first day of October, 1887; *provided, however*, that out of the first annual appropriation so received by any station, an amount not exceeding one-fifth may be expended in the erection, enlargement or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended.

Proviso.

Buildings.

6. *And be it enacted*, That whenever it shall appear to the Secretary of the Treasury, from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

Only amount necessary to be apportioned.

7. *And be it enacted*, That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

Legal status not affected.

8. *And be it enacted*, That in States having colleges entitled under this section to the benefits of this act, and having also Agricultural Experiment Stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established, under the provisions of said act of July second aforesaid, an Agricultural Department or Experimental Station in connection with any university, college or institution not distinctively an Agricultural College or school, and such State shall have established or shall hereafter establish a separate Agricultural College or school, which shall have connected therewith an experimental farm or station, the

Application to states having experiment stations.

Legislature of such State may apply in whole or in part the appropriation by this act made to such separate Agricultural College or school; and no Legislature shall, by contract, express or implied, disable itself from so doing.

Legislative assent necessary.

9. *And be it enacted*, That the grants of moneys authorized by this act are made subject to the Legislative assent of the several States and Territories to the purpose of said grants; *provided*, that payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its Legislature meeting next after the passage of this act, shall be made upon the assent of the Governor thereof, duly certified to the Secretary of the Treasury.

Right to suspend, etc., reserved.

10. *And be it enacted*, That nothing in this act shall be held or construed as binding the United States to continue any payments from the treasury to any or all the States or institutions mentioned in this act; but Congress may at any time amend, suspend or repeal any or all of the provisions of this act.

Approved March 2d, 1887.

Chapter 314, Statutes of U. S., 49th Cong., p. 440.
(See Amendment, p. 73)
(For Acceptance by State of New Jersey, see p. 78)

Act of 1888, Appropriating Federal Funds for Agricultural College Experiment Station

An Act Making an Appropriation to Carry into Effect the Provisions of an Act Approved March 2, 1887, Entitled "An Act to Establish Agricultural Experiment Stations in Connection with the Colleges Established in the Several States under the Provisions of an Act Approved July Second, One Thousand Eight Hundred and Sixty-two, and of Acts Supplementary Thereto."

Agricultural experiment stations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to carry into effect the provisions of an act approved March 2d, 1887, entitled "An act to establish Agricultural Experiment Stations in connection with the colleges established in the several States, under the provisions of an act approved July 2d, 1862, and of the acts supplementary thereto," the sum of \$585,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the fiscal year ending June 30th, 1888.

Appropriation.

Approved February 1st, 1888.

Chapter 5, Statutes of U. S., 50th Cong., p. 32.
(See Hatch Act, p. 69)

Act of 1888 Amending the Hatch Act

An Act to Amend an Act Entitled "An Act to Establish Agricultural Experiment Stations in Connection with the Colleges Established in the Several States under the Provisions of an Act Approved July Second, Eighteen Hundred and Sixty-two, and the Acts Supplementary Thereto."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the grants of money authorized by the act of Congress entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto," are subject as therein provided to the legislative assent of the States or Territories to be affected thereby; but as to such installments of the appropriations as may be now due or may hereafter become due, when the legislature may not be in session, the governor of said State or Territory may make the assent therein provided, and upon a duly certified copy thereof to the Secretary of the Treasury he shall cause the same to be paid in the manner provided in the act of which this is amendatory, until the termination of the next regular session of the legislature of such State or Territory.

Agricultural experiment stations.

Governor may give assent if Legislature be not in session.

Approved June 7th, 1888.

Chapter 373, Statutes of U. S., 50th Cong., p. 176.
(See Hatch Act, p. 69)

Amount of State Scholarships Further Increased Experiment Stations (Adams Act)

An Act to Provide for an Increased Annual Appropriation for Agricultural Experiment Stations and Regulating the Expenditure Thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and hereby is, annually appropriated, out of any money in the treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March second, eighteen hundred and eighty-seven, the sum of five thousand

Agricultural experiment stations. Annual appropriation to states and territories for, increased.

Amount of annual increase.

dollars, in addition to the sum named in said act for the year ending June thirtieth, nineteen hundred and six, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of two thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be thirty thousand dollars, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories.

Payments quarterly.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of Agricultural Experiment Stations shall be annually paid in equal quarterly payments on the first day of January, April, July and October of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the treasury of the United States, to the Treasurer or other officer duly appointed by the Governing Boards of said Experiment Stations to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the first day of September of each year a detailed statement of the amount so received and of its disbursement, on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants; *provided*, that payment of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session of Legislature meeting next after the passage of this act shall be made upon the assent of the Governor thereof, duly certified by the Secretary of the Treasury.

Report of receipts, etc.

Legislative assent necessary.

Proviso.

Assent of Governors.

Apportionments, when misapplied, etc.

SEC. 3. That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support and maintenance of Agricultural Experiment Stations as provided in this act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys exceeding five per centum of each annual appro-

Restriction.

priation shall be applied, directly or indirectly, under any pretense whatever; to the purchase, erection, preservation or repair of any building or buildings, or to the purchase or rental of land. It shall be the duty of said Stations annually, on or before the first day of February, to make to the Governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said Stations, to the Secretary of Agriculture, and to the Secretary of the Treasury of the United States.

Annual reports to Governors.

SEC. 4. That on or before the first day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this act and is entitled to receive its share of the annual appropriation for Agricultural Experiment Stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the treasury; and the Secretary of Agriculture is hereby charged with the proper administration of this law.

Certificates as to compliance with the law, etc.

Reasons for withholding allotments to be reported.

Disposal of withheld allotments.

SEC. 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the Agricultural Experiment Stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reason therefor.

Report to Congress.

SEC. 6. That Congress may at any time amend, suspend or repeal any or all of the provisions of this act.

Amendment.

Approved March 16th, 1906.

Chapter 951, Statutes of U. S., 59th Cong., p. 63.
(For Acceptance by State of New Jersey, see p. 81)

Act of 1925 for the More Complete Endowment of the Agricultural Experiment Stations

(Purnell Act)

An Act to Authorize the more Complete Endowment of Agricultural Experiment Stations, and for other Purposes.

Agricultural Experiment Stations. Additional amounts authorized for maintenance of.

Annual increase.

Estimates to be submitted.

Designated application of funds.

Payments quarterly.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the more complete endowment and maintenance of Agricultural Experiment Stations now established, or which may hereafter be established, in accordance with the act of Congress approved March 2, 1887, there is hereby authorized to be appropriated, in addition to the amounts now received by such Agricultural Experiment Stations, the sum of \$20,000 for the fiscal year ending June 30, 1926; \$30,000 for the fiscal year ending June 30, 1927; \$40,000 for the fiscal year ending June 30, 1928; \$50,000 for the fiscal year ending June 30, 1929; \$60,000 for the fiscal year ending June 30, 1930; and \$60,000 for each fiscal year thereafter, to be paid to each State and Territory; and the Secretary of Agriculture shall include the additional sums above authorized to be appropriated in the annual estimates of the Department of Agriculture, or in a separate estimate, as he may deem best. The funds appropriated pursuant to this act shall be applied only to paying the necessary expenses of conducting investigations or making experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and sociological investigations as have for their purpose the development and improvement of the rural home and rural life, and for printing and disseminating the results of said researches.

SEC. 2. That the sums hereby authorized to be appropriated to the States and Territories for the further endowment and support of Agricultural Experiment Stations shall be annually paid in equal quarterly payments on the 1st day of January, April, July, and October of each year by the Secretary of the Treasury upon a warrant of the Secretary of Agriculture out of the Treasury of the United States, to the Treasurer or other officer duly appointed by the Governing Boards of such Agricultural Experiment Stations to receive the same and such

officers shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amount so received and of its disbursement on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants: Provided, That payment of such installments of the appropriation herein authorized to be made as shall become due to any State or Territory before the adjournment of the regular session of the Legislature meeting next after the passage of this act shall be made upon the assent of the Governor thereof duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of Agricultural Experiment Stations as provided in this act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory, and no portion of said moneys exceeding 10 per centum of each annual appropriation shall be applied directly or indirectly, under any pretence whatever, to the purchase, erection, preservation, or repair of any building or buildings or to the purchase or rental of land. It shall be the duty of each of the said Stations annually, on or before the 1st day of February, to make to the Governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures for the fiscal year next preceding, a copy of which report shall be sent to each of the said Stations and the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

SEC. 4. That on or before the 1st day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this act and is entitled to receive its share of the annual appropriations for Agricultural Experiment Stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold from

Reports of receipts, etc.

Legislative assent necessary.

Proviso.

Assent of governors.

States to replace misapplied, etc., apportionments.

Buildings, etc., limited.

Annual reports to governors, etc.

Certificates as to compliance with the law, etc.

Reasons for withholding certificates.

any State or Territory a certificate of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. The Secretary of Agriculture is hereby charged with the proper administration of this law.

Disposal of sum withheld.

Report to Congress.

SEC. 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the Agricultural Experiment Stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor.

Amendment, etc.

SEC. 6. That Congress may at any time amend, suspend, or repeal any and all of the provisions of this act.

Approved February 24, 1925.

(For Acceptance by State of New Jersey, see p. 83)
Chapter 308, Statutes of U. S., 68th Cong., p. 970.

(b) STATE LAWS
Hatch Act Accepted
(1887)

An Act Accepting and Assenting to on the part of the State of New Jersey of the Appropriations and Grants of Moneys, as made and Provided for in an Act of the Congress of the United States, Approved March Third, One Thousand Eight Hundred and Eighty-seven, entitled "An Act to Establish Agricultural Experiment Stations in Connection with the Colleges Established in the Several States under the Provisions of an Act Approved July Second, One Thousand Eight Hundred and Sixty-two, and of the Acts Supplementary Thereto."

Act of Congress assented to.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That an act of Congress of the United States, approved March third, one thousand eight hundred and eighty-seven, entitled "An act to establish Agricultural Experiment Stations in connection with the colleges established in the several States under the provisions of an act approved July second, one thousand eight hundred and sixty-two, and of the acts supplementary thereto," and the appropriations and grants of moneys for the purposes therein made, be and the same are

hereby accepted and assented to on the part of the State of New Jersey.

2. *And be it enacted*, That the assent of the State of New Jersey to the grants of moneys for the purposes, upon the terms, and in accordance with the several conditions and provisions in said act contained, is hereby signified and expressed, and the Secretary of State is hereby directed to transmit a certified copy of this act to the Secretary of the Treasury of the United States.

Assent of the State to act of Congress.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 16th, 1887.

Chapter 16, Laws of N. J., 1887, p. 24.
(See Hatch Act, p. 69)

Establishment of Agricultural College Experiment
Station Authorized
(1888)

A Further Supplement to an Act Entitled "An Act Appropriating Scrip for Public Lands Granted to the State of New Jersey by the Act of Congress Approved July Second, One Thousand Eight Hundred and Sixty-two," Approved April 4th, 1864.

Whereas, The proceeds of the Agricultural College Fund of the State of New Jersey were, by act of the Legislature approved April 4th, 1864, directed to be paid to the "Trustees of Rutgers College, in New Jersey, for the maintenance in that department of Rutgers College known as Rutgers Scientific School, of such courses of instruction (including the courses of instruction already established by said Trustees) as shall carry out the intent" of the act of Congress of July 2d, 1862, entitled "An act donating public lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and the Mechanic Arts;" and *whereas*, said "Trustees of Rutgers College, in New Jersey," have by virtue of said act received the proceeds of said fund and have faithfully carried out the provisions of the laws of the United States and of the State of New Jersey relating thereto, and have maintained and are now maintaining the State Agricultural College of New Jersey in its various departments, in pursuance of and as required by the law of the State, it is hereby affirmed and repre-

Preamble.

sented that said institution is the State Agricultural College of New Jersey; *and whereas*, by the act of the Legislature of New Jersey entitled "An act to provide for the establishment of an Agricultural Experiment Station," approved March 10th, 1880, the State Agricultural Experiment Station was created and established, and by the Board of Managers thereof, by the authority given them in the law, has been located at the said State Agricultural College as a part of the agricultural educational system of the State; *and whereas*, there is no other State Agricultural College, and no other agricultural department of a college, and no other State Agricultural Experiment Station in this State than as hereinbefore mentioned:

Rutgers Scientific School designated to receive benefit of act of Congress.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the said Rutgers Scientific School, being said State Agricultural College of New Jersey, maintained by the "Trustees of said Rutgers College in New Jersey," and at which the said State Agricultural Experiment Station is established and located, be and the same is hereby designated the college to receive the benefit of the act of Congress entitled "An act to establish Agricultural Experiment Stations in connection with colleges established in the several States under the provisions of an act approved July 2d, 1862, and of the acts supplementary thereto," approved March 2d, 1887, and of the act entitled "An act making an appropriation to carry into effect the provisions of an act approved March 2d, 1887, entitled 'An act to establish Agricultural Experiment Stations in connection with the colleges established in the several States under the provisions of an act approved July 2d, 1862, and of the acts supplementary thereto,'" approved February 1st, 1888, and any supplements thereto; and the State of New Jersey does hereby designate the "Trustees of Rutgers College, in New Jersey," maintaining said Rutgers Scientific School, said State Agricultural College, as the parties to whom any and all moneys appropriated by Congress under said acts or supplements thereto shall be paid for the purposes mentioned in said acts of Congress.

Moneys to be paid to trustees of Rutgers College.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5th, 1888.

Chapter 97, Laws of N. J., 1888, p. 129.
(See Morrill Act, p. 27, Hatch Act, p. 69, and Act of 1864, p. 36)

Oyster Investigations Established (1901)

An Act to Provide for the Scientific Investigation of Oyster Propagation.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The director of the New Jersey Agricultural College Experiment Station, at New Brunswick, is hereby authorized to establish and maintain one or more stations for the scientific investigation of oyster propagation, said station or stations to be situate at some point or points in the oyster-growing sections of this state; the amount authorized to be expended under the provisions of this act shall not exceed the sum of two hundred dollars in any one year; *provided*, that no moneys shall be drawn from the treasury for the purposes of this act until the same shall have been specifically appropriated according to law.

Scientific study of oyster propagation.

Proviso.

2. This act shall take effect immediately.

Approved March 21st, 1901.

Chapter 226, Laws of N. J., 1901, p. 226.
Amended May 13, 1907 (p. 82).

Adams Act Accepted (1906)

An Act Accepting and Assenting to, on the Part of the State of New Jersey, of the Appropriations and Grants of Moneys as made and Provided for in an Act of the Congress of the United States, Approved March Sixteenth, One Thousand Nine Hundred and Six, Entitled "An Act to Provide for an Increased Annual Appropriation for Agricultural Experiment Stations and Regulating the Expenditure Thereof."

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. An act of Congress of the United States, approved March sixteenth, one thousand nine hundred and six, entitled "An act to provide for an increased annual appropriation for Agricultural Experiment Stations and regulating the expenditure thereof," and the appropriations and grants of moneys for the purposes therein made, be and the same are hereby accepted and assented to on the part of the State of New Jersey.

Act of Congress accepted.

2. The assent of the State of New Jersey to the grants of moneys for the purposes, upon the terms and in accordance with the several conditions and provisions in said act contained is

Assent of State given.

hereby signified and expressed, and the Secretary of State is hereby directed to transmit a certified copy of this act to the Secretary of the Treasury of the United States.

3. This act shall take effect immediately.

Approved May 3d, 1906.

Chapter 204, Laws of N. J., 1906, p. 383.
(See Adams Act, p. 73)

Establishment of Oyster Laboratories Authorized
(1907)

An Act to Amend an Act Entitled "An Act to Provide for the Scientific Investigation of Oyster Propagation," Approved March Twenty-first, One Thousand Nine Hundred and One.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

Section amended.

1. Section one of an act entitled "An act to provide for the scientific investigation of oyster propagation," approved March twenty-first, one thousand nine hundred and one, be amended so as to read as follows:

Stations for investigating oyster propagation.

1. The director of the New Jersey Agricultural College Experiment Station at New Brunswick is hereby authorized to establish and to maintain one or more stations for the scientific investigation of oyster propagation and other ostracultural problems, said station or stations to be situated at some point or points in the oyster-growing sections of this State; to procure a boat or boats adapted to the prosecution of the aforementioned research work; to have the same equipped with suitable apparatus; to engage such expert or experts and the services of such other persons as may be needed in the maintenance of the ostracultural studies so undertaken, and to transmit annually to the Governor a full and detailed report of the scientific operations under this act in the reports of the Agricultural College Experiment Stations; the amount authorized to be expended under the provisions of this act shall not exceed the sum of twelve hundred dollars in any one-year; *provided*, that no moneys shall be drawn from the State Treasury for the purposes of this act until the same shall have been specifically appropriated according to law.

Equipment.

Annual report.

Appropriation.
Proviso.

2. This act shall take effect immediately.

Approved May 13th, 1907.

Chapter 187, Laws of N. J., 1907, p. 434.
(See Act of 1901, p. 81)

Purnell Act Accepted

(1925).

An Act Accepting and Assenting to, on the part of the State of New Jersey, of the Appropriations and Grants of Moneys as made and Provided for in an Act of the Congress of the United States, Approved February Twenty-fourth, One Thousand Nine Hundred and Twenty-five, Entitled "An Act to Authorize the more Complete Endowment of Agricultural Experiment Stations, and for other Purposes."

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. An act of Congress of the United States, approved February twenty-fourth, one thousand nine hundred and twenty-five, entitled "An act to authorize the more complete endowment of Agricultural Experiment Stations, and for other purposes, and the appropriations and grants of moneys for the purposes therein made, be and the same are hereby accepted and assented to on the part of the State of New Jersey.

Acceptance of act of Congress as to experiment station.

2. The assent of the State of New Jersey to the grants of moneys for the purposes, upon the terms and in accordance with the several conditions and provisions in said act contained is hereby signified and expressed. The Trustees of the State Agricultural College are authorized and empowered to receive the grants for the benefit of the New Jersey State Agricultural College Experiment Station, and to use them in accordance with the terms and conditions expressed in the act of Congress aforesaid. The Secretary of State is hereby directed to transmit a certified copy of this act to the Secretary of the Treasury of the United States.

Assent of State given.

Use of grants.

3. This act shall take effect immediately.

Approved March 18th, 1925.

Chapter 183, Laws of N. J., 1925, p. 443.
(See Purnell Act, p. 76)

III. LAWS CONCERNING COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS

(a) FEDERAL LAWS

Act of 1914 Providing for Cooperative Extension Work

(Smith-Lever Act)

An Act to Provide for Cooperative Agricultural Extension Work Between the Agricultural Colleges in the Several States Receiving the Benefits of an Act of Congress Approved July Second, Eighteen Hundred and Sixty-two, and of Acts Supplementary Thereto, and the United States Department of Agriculture.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same, there may be inaugurated in connection with the college or colleges in each State now receiving, or which may hereafter receive, the benefits of the act of Congress approved July second, eighteen hundred and sixty two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts" (Twelfth Statutes at Large, page five hundred and three), and of the act of Congress approved August thirtieth, eighteen hundred and ninety (Twenty-sixth Statutes at Large, page four hundred and seventeen and chapter eight hundred and forty-one), agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture: *Provided*, That in any State in which two or more such colleges have been or hereafter may be established the appropriations hereinafter made to such State shall be administered by such college or colleges as the legislature of such State may direct: *Provided further*, That, pending the inauguration and development of the cooperative extension work herein authorized, nothing in this act shall be construed to discontinue either the farm management work or the farmers' cooperative demonstration work as now conducted by the Bureau of Plant Industry of the Department of Agriculture.

Agricultural extension work, cooperation of State colleges and agricultural department in.

Provisos.

Designation by State Legislature.

Farm management work, etc., of department continued temporarily.

SEC. 2. That cooperative agricultural extension work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges in the several communities, and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiving the benefits of this act.

Method of instruction outside of colleges, etc.

Determination of work.

SEC. 3. That for the purpose of paying the expenses of said cooperative agricultural extension work and the necessary printing and distributing of information in connection with the same, there is permanently appropriated, out of any money in the treasury not otherwise appropriated, the sum of \$480,000 for each year, \$10,000 of which shall be paid annually, in the manner hereinafter provided, to each State which shall by action of its legislature assent to the provisions of this act: *Provided*, That payment of such installments of the appropriation hereinbefore made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this act may, in the absence of prior legislative assent, be made upon the assent of the Governor thereof, duly certified to the Secretary of the Treasury: *Provided further*, That there is also appropriated an additional sum of \$600,000 for the fiscal year following that in which the foregoing appropriation first becomes available, and for each year thereafter for seven years a sum exceeding by \$500,000 the sum appropriated for each preceding year, and for each year thereafter there is permanently appropriated for each year the sum of \$4,100,000 in addition to the sum of \$480,000 hereinbefore provided: *Provided further*, That before the funds herein appropriated shall become available to any college for any fiscal year plans for the work to be carried on under this act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture. Such additional sums shall be used only for the purposes hereinbefore stated, and shall be allotted annually to each State by the Secretary of Agriculture and paid in the manner hereinbefore provided, in the proportion which the rural population of each State bears to the total rural population of all the States as determined by the next preceding Fed-

Permanent annual appropriation to each State.

Assent of Legislature.

Provisos.

Assent of Governor if Legislature not in session.

Additional increasing appropriations.

Maximum approval of plans required.

Proportional allotment.

Equal amount required from State, etc.

eral census: *Provided further*, That no payment out of the additional appropriations herein provided shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State, or provided by State, county, college, local authority, or individual contributions from within the State, for the maintenance of the cooperative agricultural extension work provided for in this act.

Time and manner of payment.

SEC. 4. That the sums hereby appropriated for extension work shall be paid in equal semi-annual payments on the first day of January and July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer of the State duly authorized by the laws of the State to receive the same; and such officer shall be required to report to the Secretary of Agriculture, on or before the first day of September of each year, a detailed statement of the amount so received during the previous fiscal year, and of its disbursement, on forms prescribed by the Secretary of Agriculture.

Detailed statement of receipts and disbursements.

Apportionment to be replaced by State if misapplied, etc.

SEC. 5. That if any portion of the moneys received by the designated officer of any State for the support and maintenance of cooperative agricultural extension work, as provided in this act, shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to said State, and no portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in colleges, promoting agricultural trains, or any other purpose not specified in this act, and not more than five per centum of each annual appropriation shall be applied to the printing and distribution of publications. It shall be the duty of each of said colleges annually, on or before the first day of January, to make to the governor of the State in which it is located a full and detailed report of its operations in the direction of extension work as defined in this act, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

Use restricted.

Annual reports from colleges.

SEC. 6. That on or before the first day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for cooperative agricultural extension work under this act, and the amount which it is entitled to receive. If the Secretary of Agriculture shall withhold a certificate from any State of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the treasury until the expiration of the Congress next succeeding a session of the legislature of any State from which a certificate has been withheld, in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the treasury.

Certificate to show right of State to allotment.

Action if certificate withheld.

Appeal to Congress.

Disposal of allotments not paid.

SEC. 7. That the Secretary of Agriculture shall make an annual report to Congress of the receipts, expenditures, and results of the cooperative agricultural extension work in all of the States receiving the benefits of this act, and also whether the appropriation of any State has been withheld, and if so, the reasons therefor.

Detailed report to Congress.

SEC. 8. That Congress may at any time alter, amend, or repeal any or all of the provisions of this act.

Amendment, etc.

Approved May 8, 1914.

Chapter 79, Statutes of U. S., 63rd Cong., p. 372.

(For Acceptance by State of New Jersey, see p. 89)

Act of 1928 for the Further Development of Cooperative Agricultural Extension Work

(Capper-Ketcham Act)

An Act to Provide for the Further Development of Agricultural Extension Work Between the Agricultural Colleges in the Several States Receiving the Benefits of the Act Entitled "An Act Donating Public Lands to the Several States and Territories which may Provide Colleges for the Benefit of Agriculture and the Mechanic Arts," Approved July 2, 1862, and all Acts Supplementary Thereto, and the United States Department of Agriculture.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to further develop the cooperative extension system as inaugurated under the Act entitled "An Act to provide for co-

operative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and all Acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, there is hereby authorized to be appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying the expenses of the cooperative extension work in agriculture and home economics, and the necessary printing and distributing of information in connection with the same, the sum of \$980,000 for each year, \$20,000 of which shall be paid annually, in the manner hereinafter provided, to each State and the Territory of Hawaii which shall by action of its legislature assent to the provisions of this act. The payment of such installments of the appropriations hereinbefore made as shall become due to any State or Territory before the adjournment of the regular session of the legislature meeting next after the passage of this act may, in the absence of prior legislative assent, be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury. There is hereby authorized to be appropriated for the fiscal year following that in which the foregoing appropriation first becomes available, and for each year thereafter, the sum of \$500,000. The additional sums appropriated under the provisions of this act shall be subject to the same conditions and limitations as the additional sums appropriated under such Act of May 8, 1914, except that (1) at least 80 per centum of all appropriations under this act shall be utilized for the payment of salaries of extension agents in counties of the several States to further develop the cooperative extension system in agriculture and home economics with men, women, boys, and girls; (2) funds available to the several States and the Territory of Hawaii under the terms of this Act shall be so expended that the extension agents appointed under its provisions shall be men and women in fair and just proportions; (3) the restriction on the use of these funds for the promotion of agricultural trains shall not apply.

SEC. 2. The sums appropriated under the provisions of this act shall be in addition to, and not in substitution for, sums appropriated under such act of May 8, 1914, or sums otherwise annually appropriated for cooperative agricultural extension work.

Approved May 22, 1928.

(Operative in New Jersey July 1, 1928, under assent given by the Governor of the State pending action by the Legislature.)

(b) STATE LAWS
Smith-Lever Act Accepted
(1915)

An Act to Carry into Effect, in the State of New Jersey, the Provisions of an Act of Congress Entitled "An Act to Provide for Cooperative Agricultural Extension Work Between the Agricultural Colleges in the Several States Receiving the Benefits of the Act of Congress Approved July Second, One Thousand Eight Hundred and Sixty-two, and of Acts Supplementary Thereto, and the United States Department of Agriculture," and to give the Assent of the Legislature Thereto, and to Designate the College which shall Administer the Appropriations made to this State under and by virtue of such Act.

WHEREAS, The Congress of the United States has passed an act approved by the President, May eighth, one thousand nine hundred and fourteen, entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act of Congress approved July second, one thousand eight hundred sixty-two, and of acts supplementary thereto, and the United States Department of Agriculture;" and,

WHEREAS, It is provided in section three of the act aforesaid that the grants of money authorized by this act shall be paid annually "To each State which shall by action of its legislature assent to the provisions of this act;" therefore,

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The assent of the Legislature of the State of New Jersey be and is hereby given to the provisions and requirements of said act, and that the trustees of Rutgers College be and they are hereby authorized and empowered to receive the grants of money appropriated under said act, and to organize and conduct agricultural extension work which shall be carried on in connection with the State College for the Benefit of Agriculture and the Mechanic Arts of Rutgers College, in accordance with the terms and conditions expressed in the act of Congress aforesaid.

2. This act shall take effect immediately.

Approved April 6, 1915.

Chapter 155, Laws of N. J., 1915, p. 284.
(See Smith-Lever Act, p. 84)

Appropriations by Counties and Municipalities for Extension Work Authorized
(1918)

An Act to Authorize the Appropriation of Money for Agricultural Extension Work and the Promotion of Home Economics.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

Funds for agricultural extension work, etc.

1. In all cases where agricultural extension, home demonstration or boys' and girls' club work now receives, or shall hereafter 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 is hereby authorized to appropriate such sums of money as shall 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.

Use of funds.

Appropriations made by any county or other municipality shall be used only in such county in addition to the funds appropriated by the Federal government or the government of this State in furtherance of the projects contemplated by this act.

2. This act shall take effect immediately.

Approved February 16, 1918.

Chapter 74, Laws of N. J., 1918, p. 203.

(See Smith-Lever Act, p. 84)

RESOLUTIONS ADOPTED BY THE TRUSTEES
OF RUTGERS COLLEGE IN NEW JERSEY*

(a) Accepting the Land-Grant
(1864)

Resolved, That the Trustees of Rutgers College in New Jersey do hereby accept the grant made to them by the Legislature, in and by an act entitled "An act appropriating scrip for the public lands granted to the State of New Jersey by the act of Congress, approved July second, one thousand eight hundred and sixty-two," which act of the Legislature was approved, on the 4th of April, 1864—and hereby pledge themselves, and their successors to carry out the provisions of said act in good faith:

On motion it was resolved that a copy of the foregoing resolution duly certified under the signature of the President and the seal of the Trustees of Rutgers College in New Jersey be forwarded to the Governor of the State, and to the commissioners appointed under the aforesaid act.

Adopted April 13, 1864.

(See Act of 1864, p. 36)

(b) Establishing the College for Women
(1918)

Resolved, That the Trustees of Rutgers College do establish a Woman's College as a department of the State University of New Jersey maintained by the Trustees.

Resolved, That the property of Mrs. John N. Carpenter, offered to the Trustees in communication now received, be secured either by purchase or rent as a site for the proposed Woman's College.

Resolved, That courses appropriate to freshman year be offered in such Woman's College next September in such variety as may be found possible through the service of professors and instructors now in the teaching staff of Rutgers and any professors and instructors secured in addition to them.

Resolved, That all matters of organization and curriculum of the Woman's College be referred to a special committee of seven to report at the meeting of the Trustees on May 21st.

Resolved, That the name of the Woman's College be especially referred to the special committee for careful study and recommendation.

* From the minutes of the Board of Trustees.

Resolved, That the budget and financial maintenance of the Woman's College be wholly separate from the budget and financial maintenance of Rutgers College.

Resolved, That the cause of the Woman's College be commended to men and women throughout the State of New Jersey and elsewhere for generous donations for buildings and maintenance.

Resolved, That the Trustees request the Legislature of 1919 to make appropriation for the Woman's College as a part of the State College and State University under the general powers of the Board of Visitors.

Adopted April 12, 1918.

**(c) Providing for the Management of the College for Women
(1919)**

Realizing the need of more thorough organization of the New Jersey College for Women recently established by this board as a department of the State University, *be it resolved*:

1. That a Board of Managers be annually appointed for 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 the higher education of women.

2. That said Board of Managers shall supervise the expenditure of all monies appropriated or raised for said college, whether by the State or by Rutgers College or by private endowment, and all such funds, given or appropriated to be held in the custody of the treasurer of Rutgers College and of the State University, and said Board of Managers shall engage the clerical and teaching force of said College for Women, shall have charge of its property, shall establish and from time to time alter the curriculum of said college, and shall generally direct its policies and management.

3. That said Board of Managers may appoint such committees as it shall deem expedient, and shall appoint a secretary who shall keep full minutes of the meetings of the board and of its committees. All minutes of committees shall be reported by the secretary to the said Board of Managers for approval or disapproval of the action taken by or recommendation of said committees, as shown by said minutes, and copies of all said minutes and of the minutes of meetings of said Board of Managers shall be filed by the secretary of the said Board

of Managers with the secretary of this board, to be read at the stated meetings thereof for the information of the board or for such action as to it may seem proper.

4. That the Dean of said College for Women shall annually, as of the 30th day of June, and when otherwise requested by this Board, present to the President of Rutgers College and of the State University, who shall transmit the same to this board, a report of the operations of said College for Women for the preceding scholastic year, or upon other specified matters.

5. That the cause of the College for Women be presented to men and women throughout the State of New Jersey and elsewhere, to the end that gifts be obtained for the purchase of property, erection of buildings, the establishment of an ample endowment fund, and for other needs of said college generally, and that the Board of Managers when appointed direct a thorough canvass of the State to obtain such gifts and general endowments.

6. That said Board of Managers shall in all things be subject to the direction of this Board of Trustees.

7. That the Committee on the New Jersey College for Women now in being be discharged.

It was resolved that the selection of the members of the Board of Managers be left to the President of Rutgers College and the State University of New Jersey with power.

Adopted October 10th, 1919.

(See *Resolutions of Trustees establishing College for Women, p. 91*)

**(d) Creating the Managing Committee of the College of
Agriculture**

(1921)

In order to organize more completely as a department of the State University of New Jersey the work in agriculture, *be it resolved*:

1. That so much of the activities of the State University of New Jersey as is now or may hereafter be devoted to the science of agriculture be henceforth known as "The College of Agriculture."

2. That a Managing Committee be annually appointed by this board for said college to be composed of the President of Rutgers College, *ex-officio*; the Dean of Agriculture, *ex-officio*; and ten other members, five of whom shall be members of this board and five of whom shall be members of the Board of Visitors, to be selected by said board.

3. That said committee shall have charge of the property devoted to the use of said department and of the expenditure of moneys available therefor; shall direct the work of its officers, teachers and employees; shall nominate to this board persons for employment as instructors in said department, and shall in general direct and conduct said department.

4. That said Managing Committee may appoint such committees as to it shall seem expedient, and shall appoint a secretary who shall keep full minutes of the meetings of the committee and of its sub-committees. All minutes of its sub-committee shall be reported by the secretary to its said Managing Committee for approval or disapproval of the action taken or recommendation of said sub-committees as shown by said minutes and copies of all said minutes and of the minutes of meetings of said Managing Committee shall be filed by its secretary with the secretary of this board to be read at the stated meetings thereof for the information of the board or for such action as it may deem proper.

5. That the Dean of Agriculture shall annually as of the 30th day of June and when otherwise requested by this board, present to the President of Rutgers College, who shall transmit the same to this board, a report of the operation of the College of Agriculture for the preceding scholastic year, or for any period of its work.

6. Subject to the powers conferred by law upon the Board of Visitors, the said Managing Committee shall in all things be subject to the direction of this Board of Trustees.

Adopted June 12th, 1921.

(e) Adopting the College of Pharmacy as a Branch of the State University

(1927)

Be it resolved:

1. That the Trustees of Rutgers College are willing to receive transfer of property of the New Jersey College of Pharmacy and to make it an integral part of Rutgers University and the State University of New Jersey, coordinate with other colleges of the University, and to accept responsibility for its government and management.

2. That the President be authorized to present this offer to the representatives of the College of Pharmacy and to take over that institution and its property in accordance herewith, if the offer be accepted.

3. That such action be taken subject to approval by counsel as to legality and form of transfer and subject to the approval of the special committee whose report has just been received as to any details not herein covered.

4. That if said offer be accepted and such transfer be made, a standing committee of five members called, "Committee on College of Pharmacy," be appointed by the President to serve until the October meeting of the board and that hereafter such committee be appointed each year at the October meeting.

5. That all acts of the committee be submitted promptly and in full to said Trustees through the President of the University for ratification or rejection.

6. That the duties of the Committee on the College of Pharmacy shall be to carry out the acts and policies of the Trustees with reference to said College, to make recommendations concerning the same, and to exercise a general oversight of said College and to promote its interests.

7. That not less than five persons interested in pharmaceutical education in New Jersey be requested to serve as an advisory committee and to attend all meetings of the Committee of the College of Pharmacy, but without vote.

8. That administrative officers, members of the faculty, and other employees of the New Jersey College of Pharmacy continue in their present positions, unless hereafter action to the contrary is taken, but members of the faculty of New Jersey College of Pharmacy shall have no vote in faculties sitting in New Brunswick, and *vice versa*.

9. That degrees be conferred by Rutgers University, through its President, on recommendation of the faculty of New Jersey College of Pharmacy, and regularly voted by the corporation of the University.

10. That the internal administration of the College of Pharmacy under the supervision of the President of the University be conducted by a Dean, who shall be recommended by the Committee on the College of Pharmacy and appointed by the Trustees of the University. He shall preside at meetings of the faculty of the College. The faculty shall be the legislative body of the College in academic matters, subject to the control of the Trustees.

Adopted January 14th, 1927.

COURT DECISIONS, THE TRUSTEES OF
RUTGERS COLLEGE ET AL, vs. J. WILLARD
MORGAN, COMPTROLLER

(a) The Supreme Court of New Jersey
(1904)

*The opinion of the court was delivered by Mr. Justice Van Syckel,
February 23, 1904.*

This is an application for a writ of mandamus to compel the State Comptroller to draw his warrant in favor of the Treasurer of Rutgers College for \$80,000.

The claim for a mandamus is rested upon the following basis, which is set up in the brief for the relator as follows:

"By an act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2d, 1862, the Congress of the United States donated certain of the public lands to the several States and Territories and provided for the issue of land scrip as evidence thereof. The fourth section of this act provided that all moneys derived from the sale of the scrip should be invested, and that the moneys so invested should constitute a perpetual fund, the capital of which should remain forever undiminished, and the interest should be inviolably appropriated to the endowment, support and maintenance of at least one college, where the leading object should 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 several States might respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

"The fifth section declared that the grant was made upon certain conditions, the assent to which by legislative enactment was required before the grant should become operative. The first condition was that if any portion of the fund invested should be diminished or lost it should be made up by the State and the annual interest regularly applied without diminution to the purposes mentioned in the fourth section. The second condition was that no portion of the fund, nor any interest thereon, should be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation or repair of any building or buildings. The third condition was that any

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State which should take and claim the benefit of the act should provide, within five years at least, not less than one college as described in the fourth section, or the grant to such State should cease and the State should be bound to pay to the United States the amount received for any land previously sold.

"By an act passed March 21st, 1863, the legislature of the State of New Jersey accepted the grant made by the congressional act referred to, 'for the purposes and upon the conditions in said act of Congress specified.' By the same act commissioners were appointed to receive the scrip and convert it and invest the proceeds according to the terms of the grant.

"By an act passed by the Legislature of New Jersey April 4th, 1864, the Governor, Attorney-General, Comptroller and Treasurer were appointed a commission to administer the fund realized upon the sale of the land scrip and were directed to pay over the interest of the fund semi-annually to the Trustees of Rutgers College for the special purposes and upon the special conditions therein referred to. These conditions were that the said 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 should carry out the intent of said act of Congress, in the manner specifically prescribed by the fourth section thereof; that said trustees should furnish gratuitous education in said courses to pupils of said school in such manner as the legislature should prescribe—the pupils to be so received gratuitously into said school to be in each year such a number as would expend a sum equal to one-half of the said interest for the same year in paying for their instruction at regular rates; that the trustees should obligate themselves to erect additional and adequate buildings as soon as the same might become necessary, without charge to or upon the State; that the instruction of said school should be under the supervision and control of a board of ten visitors, to be appointed by the Governor with the advice and consent of the Senate, who should report annually to the Legislature; that students of agriculture and the mechanic arts should be admitted into the college upon the recommendation of the board of chosen freeholders of their respective counties, and that the number to which each county should be entitled should be in proportion to the number of representatives of such county in the Legislature.

"March 28th, 1888, the Legislature passed an act providing for the examination of candidates for State scholarships at the Agricultural

College by a board of examiners under rules to be prescribed by the faculty of the college and the State Superintendent of public instruction.

"March 5th, 1888, the Legislature passed an act in which it was declared that the Trustees of Rutgers College had received the proceeds of said congressional fund and had faithfully carried out the provisions of the laws of the United States and of the State of New Jersey relating thereto, and had maintained, and were then maintaining, the State Agricultural College of New Jersey in its various departments in pursuance of and as required by the laws of the State, and that 'the said institution is the State Agricultural College of New Jersey.'

"On the 31st of March, 1890, the Legislature passed 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.' The act reads as follows:

(Act of March 31, 1890, quoted in full; see p. 44-46.)

"These acts are all collected in the report of the State Agricultural College for the year 1890.

"Rutgers College accepted the terms of the act of 1890 and has received and educated a large number of students in accordance therewith. These students were all examined by the city and county superintendents of public instruction, and certified to the college by the State Superintendent of Public Instruction, and were instructed under the supervision of the State Board of Visitors, who annually reported to the Legislature the full details thereof.

"By the performance of this service the college earned from the State, during the years 1890 and 1901, the sum of \$133,101. The State, however, failed to pay any part of the same, except the sum of \$1,500, which it paid the first year.

"On March 4th, 1902, the Legislature passed an act, the title, preamble and first section of which are as follows:

(Act of March 4, 1902, quoted in part; see page 51.)

"Under this act, the Governor appointed Hon. Amzi Dodd, Hon. Charles J. Baxter and William H. Corbin, Esq., commissioners.

"The commissioners investigated the matter so referred to them and reported to the Legislature of 1903 that the college had earned, between the years 1890 and 1901 for tuition under the act of 1890, the sum of \$133,110; that it had received on account the sum of \$1,500, and that there was due to it a balance of \$131,610. The report

declares that the Board of Visitors appointed by the Governor and confirmed by the Senate had visited the college twice a year during the period covered by the performance of these services, and had made yearly reports to the Legislature of their supervision, certifying that the Trustees of the college were faithfully and liberally carrying out the provisions of their contract with the State; that in their inquiries and investigations the commissioners had learned of no reason why the amount was not paid and should not have been paid from time to time as it accrued, or why it should not now be paid in the aggregate, except some supposed or apprehended inability founded on the suggestion that the provision for payment made in the act of 1890 was void because in contravention of the State constitution. The commissioners found that this suggestion was without substance, and reported that the said sum of \$131,610 was in justice and equity due from the State to the college and advised the passage of a bill submitted with the report appropriating the said sum to the Trustees of the college in payment of their claim.

"The Legislature, on April 7th, passed this bill in substantially the form submitted by the commissioners, but changed the amount from \$131,610 to \$80,000. (*Pamph. L. 1903, p. 201.*)

"On April 17th the Legislature passed the general appropriation bill, and inserted therein, as section 75, the following:

"To the treasurer of Rutgers College, to pay the State Agricultural College for the benefit of agriculture and the mechanic arts the balance due for services rendered to the State in the instruction, from September first, eighteen hundred and ninety, to July first, nineteen hundred and two, of students holding free state scholarships, the sum of eighty thousand dollars is hereby appropriated; *provided*, such sum is authorized by enactment of the present Legislature, such payment to be actually made by the treasurer of the State only and when the act under which such services were rendered, 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, eighteen hundred and ninety, shall have been judicially determined to be valid and constitutional."

"On the 26th of May, 1903, the relators demanded of the State Comptroller that he draw his warrant in favor of the treasurer of the college for \$80,000 to pay the said claim as allowed by the act of April 7th, offering to release the State from all claims and demands upon the delivery of said warrant. The demand was refused, whereupon this application was noticed."

First. It is insisted that the comptroller was justified in refusing to issue his warrant, because the act of April 17th, 1903, prohibited him from doing so until it was judicially determined that the act of March 31st, 1890, is valid and constitutional, such determination not having as yet been made.

The reading of the act shows that no inhibition was directed to the comptroller; it expressly prohibits the State treasurer from paying the \$80,000 until the act of March 31st, 1890, is declared to be constitutional; it is the payment of the money by the treasurer on the warrant which is stayed, he having been previously directed by the act of April 7th, 1903, to pay the warrant, leaving the comptroller with respect to his duty subject to the prerogative writ.

Second. It is contended that the act of March 31st, 1890, is unconstitutional, because it seeks to appropriate to Rutgers College moneys arising out of the income of the funds for the support of public free schools.

The provisions of the State Constitution, article 4, section 7, paragraph 6, are invoked to sustain this contention. It provides as follows:

"The fund for the support of free schools and all money, stock and other property which may hereafter be appropriated for that purpose or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public free schools for the equal benefit of all the people of the State; and it shall not be competent for the Legislature to borrow, appropriate or use the said fund or any part thereof for any other purpose under any pretense whatever. The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in this State between the ages of five and eighteen years."

The language of this paragraph clearly indicates that the intent of its framers was to preserve the school fund for the sole purpose of maintaining free public schools for all children of the State between the ages of five and eighteen, and that it should not be applied to any other purpose whatever by which it might be diminished to such an extent that such free public schools might at any time be without sufficient support. The provision is mandatory, and the expression of this care for the unimpaired maintenance of these free public

schools to which all the children must be admitted, excludes the competency of the legislature to make any other appropriation of the school fund for part only of such children.

Assuming that the act of March 31st, 1890, is infirm and unconstitutional by reason of appropriating a part of the school fund for scholarships in the agricultural college, two questions are presented by this case.

First. Had the legislature power to establish an agricultural college or any other educational institution to which all children between the years of five and eighteen were not admitted?

The federal fund was passed to the State of New Jersey in 1862 and accepted by the State with an undertaking with the Federal Government that if any part of the fund should be lost the State would make it good, and further would, within five years, provide at least one college to effectuate the purposes for which the federal appropriation was made.

By an act passed on March 21st, 1863, the State Legislature accepted the grant made by the act of Congress "for the purposes and upon the conditions in the act of Congress specified."

By the acts of 1864 and 1888 the State adopted and established Rutgers Scientific School as the State Agricultural College and provided for free scholarships there.

The acceptance of the federal endowment with its accompanying terms led to legislation which clearly committed the State to the intention and purpose of paying out of State funds such sum in addition to the federal endowment as would be necessary to secure and maintain the proposed scholarships provided for in the said several legislative acts.

That the State had the power to establish an agricultural college with the grant to it of the income of the federal endowment, I think, cannot be successfully controverted, and it seems equally clear that the State might give the necessary additional support out of the State's treasury, conceding the power to create the college.

The facilities for education are to be provided by the legislature, subject only to constitutional restraints.

The government of the United States was formed with enumerated powers, and therefore, to support the power of Congress, we must find in the Federal Constitution a grant of power broad enough to embrace the power exercised, but the power of a State Legislature cannot be denied unless we find in the Constitution of the United

States or of the State that it is prohibited. *Maxwell v. Goetschius*, 11 *Vroom* 383; *Cooley Const. Lim.* 223.

A power must be found to be given in the former case; a restraint must be expressed in the latter case.

There is no constitutional limitation which restrains the State Legislature from establishing an agricultural college. It promotes a branch of education beneficial to the State, and support for it can be found in many judicial decisions. *Commonwealth v. Hartman*, 17 *Pa. St.* 118 *Stuart v. School District*, 30 *Mich.* 69; *Higgins v. Prater*, 14 *S. W. Rep.* 910; *Briggs v. Johnson County*, 4 *Dill.* 148.

The injunction in the organic law that free public schools shall be established and maintained for all children between the ages of five and eighteen years does not exclude the legislative power to provide for the education of persons not within that class. The former must be provided for; the latter may be an object of legislative concern.

The act of March 31st, 1890, is 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."

If the legislature had power to create an agricultural college it must be conceded the power to support it and to add to it its efficiency at the public expense, otherwise the power to create would be nugatory.

By the act of 1874, inserting section 27 in the school law, the legislature adopted the agricultural college as part of its school system, giving to the state superintendent the right to examine candidates for scholarships, enabling the legislature thereby to provide for its support out of any State funds except the school fund.

The legislation upon which the State's obligation must rest, it is insisted, is infirm, for two reasons.

First. That it is prohibited by the constitutional provision against enacting private, local or special laws providing for the management and support of public schools.

The legislation applies to no locality to the exclusion of others; it provides a scholarship for every assembly district in the State; it operates upon the whole class on which it is intended to operate, and the classification is not illusory or evasive. It selects as the class those who have the highest attainments, giving to everyone an equal opportunity to secure the prize.

Substantial classes may be selected for education by the State as well as property may be selected by a proper classification for taxation.

The legislature has provided for the instruction of deaf and dumb, blind and feeble-minded persons (*Gen. Stat.*, p. 1179); it has passed an act founding the State institution for the deaf and dumb (*Gen. Stat.*, p. 1181); the act "providing for the establishment of schools for industrial education" (*Gen. Stat.*, p. 3069); the act "for the promotion of manual training" (*Gen. Stat.*, p. 3072); the act providing for a course in clay working and ceramics in the State Agricultural College (*Pamph. 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.

The Constitution of Pennsylvania requires the legislature to provide schools for the instruction of the poor, gratis.

In *Commonwealth v. Hartman*, *supra*, the Supreme Court upheld a law establishing schools for the free education of persons between the ages of five and twenty-one.

Chief Justice Black said that it seems to be believed that the Constitution is a limitation on the power of the legislature, and that no law can be valid which looks to any other object than the teaching of the poor, gratis. The error, he said, consisted in supposing the Constitution to define the maximum of the legislative power, while in truth it only fixes the minimum. It enjoins them to do thus much, but does not forbid them to do more.

To the like effect is *Higgins v. Prater*, *supra*, a Kentucky case, and *Briggs v. Johnson County*, *supra*.

"The test of a special law is the appropriateness of its provisions to the objects that it excludes. It is not, therefore, what a law includes that makes it special, but what it excludes. If nothing be excluded that should be contained, the law is general." *Budd v. Hancock*, 37 *Vroom* 133.

Thus tested, the legislation in respect to the agricultural college is not inimical to this constitutional guarantee.

Second. Does it violate section 20 of article I, which provides, "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?"

This provision, as well as that relating to special laws, does not bar instrumentalities for public education provided by the State and under its control by general laws where the appropriation is made for such

schools. They were designed as an insurmountable barrier to giving free State aid, and to donations to private or 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 cases of *State Normal School v. The Auditors*, 79 Va. 233, and *Hall's Free School Trustees v. Horne*, 80 Id. 470, cited in the very able brief of the attorney-general, involved the right of the law-maker to encroach upon the fund set apart by the State Constitution for the support of free public schools specified therein.

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

In my judgment, therefore, these two provisions of the fundamental law do not invalidate the legislation on the subject in hand.

The payment of a recognized moral obligation assumed for services rendered is within the legislative power, and its discharge does not constitute a donation of the public funds. (*Cleveland v. Board of Finance*, 9 Vroom 259; *Rader v. Township of Union*, 10 Id. 509.)

The only remaining question is, whether the acts of April 7th and April 17th, 1903, in connection with the several acts previously passed, will justify payment by the state treasurer of the warrant for \$80,000 to be drawn by the comptroller?

The act of March 31st, 1890, shows the intention of the State to secure the scholarships by a promise to pay for them, although the mode provided for payment did not furnish legal authority for making it. Good faith, however, must be imputed to the legislature, and it must be charged with an intention and an obligation to pay for what it obtained.

The situation we then have is this: The Agricultural College was adopted as a State college for the purpose of imparting free public education; an effort, which proved to be futile, was made by the act of 1890 to support it out of the school fund, the terms of the act being accepted by Rutgers; by the performance of the engagements on the part of Rutgers the Agricultural College earned from the State, between the years 1890 and 1901, the sum of \$133,101, of which the State has paid only \$1,500.

On March 4th, 1902, the legislature passed an act to adjust the claims of the State college for the services performed under the act of 1890.

That act recited the moral obligation at least to compensate the college for such services in educating citizens of the State at the instance of the legislature, and the Governor of the State was thereby authorized to appoint three citizens of New Jersey as a commission to examine and report in writing what compensation ought, in justice and equity, to be paid to the State college in full satisfaction of its claim.

That commission was appointed, and reported that in justice and equity \$131,610 was due to the college, and advised the passage of a bill authorizing an appropriation for that sum.

The legislature, on the 7th of April, 1903, (*Pamph. L.*, p. 210), passed a bill appropriating out of the State treasury \$80,000, and directed the state comptroller to draw a warrant for that sum in favor of the treasurer of the college and ordered the state treasurer to pay it on condition of its being accepted in full satisfaction of the claim. On the 17th of April the State appropriation bill was passed, by which it was ordered that the sum of \$80,000 be paid to the State Agricultural College for the services rendered from September 1st, 1890, to July 1st, 1902, provided the act of March 31st, 1890, shall have been judicially determined to be valid and constitutional.

By an act passed June 10th, 1895, it was provided that after November 1st, 1895, no money should be drawn from the treasury unless it should have been explicitly appropriated by the annual appropriation bill to the purpose for which it is drawn.

A bill authorizing an appropriation is required, and its payment must be provided for, in the annual appropriation bill. Both these requirements were complied with in respect to this claim of the agricultural college.

What, then, was the meaning and extent of the proviso in the act of April 17th? After attempting to provide, by the act of 1890, for payment for services to be rendered to the State and declaring, by the act of 1902, that these services had been rendered, and that there existed at least a moral obligation to pay for them, which it must be admitted the State could not creditably repudiate or fail to honor; after appointing a commission to ascertain what in justice and equity should be paid by the State; after providing for a compromise by which more than one-third of the sum reported by the commission was rebated, and after passing a special act making an appropriation for \$80,000, could it have been the intention of the legislature to make so feeble an attempt to discharge its admitted moral obligation as to impose upon the relator the burden of establishing the power of the

legislature to encroach upon the school fund, after two attorney-generals of the State had declared it could not be done?

Taking all this legislation under review, the recognized obligation to pay the claim, the expressed desire to be equitable and just, and the passing of an act prescribing a legal method of payment, the only inference, giving the legislature credit for fairness, is that payment should be made if it is competent for the legislature to provide payment out of the State's general fund. We must attribute to the legislature an intention to pass an act which would enable the State to pay, and not an act to avoid a payment which it had capacity to authorize, and which was declared to be equitable and just.

When the act of April 17th, 1903, was passed, the claim in dispute could have been liquidated only by the act of April 7th out of the State's general fund, and not out of the school fund. The legislature having acknowledged the justness of the claim and expressed a desire to pay it, it was immaterial whether the mode of payment in the act of 1890 was legal, and therefore the only purpose of the proviso in the act of April 17th that can be ascribed to the legislature, giving it credit for sincerity and honorable dealing, was to ascertain whether it was competent to pay it out of the general fund.

If the State could not legally establish the agricultural college, no money could be withdrawn from the State treasury on its behalf, and therefore the purpose of the act of April 17th, 1903, was to ascertain whether payment could lawfully be made for services rendered under the act of 1890, with the added provision for payment contained in the act of April 7th.

The legislature, by providing a different mode of payment, manifested an intention to impose on the State an obligation to liquidate the claim, if the new mode of payment would legalize its action, and that meaning should be given to the proviso in the act of April 17th.

An unconstitutional act may be rendered valid by amendment. *Allison v. Corker*, 38 *Vroom* 597.

But whether or not the act of April 7th can be regarded as a legal mode of amending the act of 1890, it is valid legislation and must be construed in connection with that act, thereby substituting a legal mode of payment for the illegal one adopted in the act of 1890.

This legislation must be dealt with not only as legislation, but also as an agreement to pay a just claim against the State, which the legislature was competent to make.

The expressed purpose of the legislature was to dispense equity and justice with respect to this claim, which was declared to impose

at least a moral obligation on the State. Where under the facts disclosed a construction by which the right fails to prevail is allowed to predominate, equitable and just dealing ends by the defeat of the legislative intent. The spirit and reason of all this legislation forbids such an interpretation.

In my judgment, therefore, legal authority exists for the payment by the state treasurer of a warrant for the payment of the \$80,000 when it is drawn by the comptroller, and the mandamus should be issued as applied for.

New Jersey Law Reports, vol. 70, p. 460.

(b) The Court of Errors and Appeals
(1905)

Decided March 6, 1905.

Saving in one respect, the opinion of Mr. Justice Van Syckel, in the Supreme Court, states the grounds upon which the judgment of that court is affirmed. Only in regard to the decision that the mandamus should issue against the comptroller regardless of the conditional restriction imposed upon the state treasurer by the proviso of the act of March 31st, 1890, do we differ from the conclusions of the learned justice. In our view, the comptroller should not be compelled by mandamus to do a nugatory act, and we think that it was within his sound discretion to withhold his warrant upon the state treasurer until in orderly course it could be honored.

There is also an intimation in the opinion of Mr. Justice Van Syckel that seems to us to express a doubt where we entertain none, viz., his suggestion that the act of April 7th, 1903, might be regarded as an amendment to the act of March 31st, 1890. We think it is clear that it could not be so regarded, and that the correct view of the later act is that expressed in the other suggestion of the learned justice, viz., that it was the substitution of a legal mode of payment for the illegal one adopted by the act of March 31st, 1890.

With these emendations, the opinion delivered in the Supreme Court states the grounds upon which the judgment of that court is affirmed.

New Jersey Law Reports, vol. 71, p. 663.

NOTE: There was a dissenting opinion written by Mr. Justice Green, which took the view, "that the contract and appropriation are under the ban of the Constitution of New Jersey, Article 1, paragraph 2, and the judgment below should be reversed."

New Jersey Law Reports, vol. 71, p. 664.

REPORT OF THE COMMISSION ON SCHOLARSHIP CLAIMS

(1903)

Reports of the Commission Appointed by the Governor Pursuant to the Act of March 4, 1902, to Ascertain and Report the Amount to be Paid to the State College for the Benefit of Agriculture and the Mechanic Arts for Services Rendered in the Education of Students Holding Free State Scholarships Under the Act of March 31, 1890, and Whether the System of Education Should Be Continued

FIRST REPORT

Being the Report Upon the Amount Due to the College for Past Services

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

The Trustees of the New Jersey State College for the Benefit of Agriculture and the Mechanic Arts, located at New Brunswick, by their memorial of February 5th, 1902, addressed to his Excellency Governor Murphy, solicited his attention and that of the Legislature to the unpaid tuition fees due from the State to the College.

By his message of February 17th, 1902, Governor Murphy submitted the memorial to the Legislature recommending the passage of a law for the appointment of commissioners to examine into the matter and report in order that legislative action might be taken in accordance with the public welfare.

In response to his recommendation an act was passed, approved March 4th, 1902, entitled "An act to provide for adjusting the claim of the State College of Agriculture and the Mechanic Arts, under 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 31st, 1890."

The preamble of this act recites as follows:

WHEREAS, By the act, the title of which is above recited, it was enacted that one student from each assembly district in the State, to be selected by competitive examination under the direction of the State and County Superintendents of Education, should be sent each year to the State Agricultural College for education in the courses of studies there pursued, and that the stipulated compensation should be paid therefor to the College out of the public school fund of the State; and

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WHEREAS, A large number of qualified students have, in accordance with said act, been received and educated in the College, but the stipulated compensation therefor, except the sum of \$1,500, has not been paid; and

WHEREAS, The State is under a moral obligation at least to compensate the College for the services thus rendered in educating citizens of the State at the instance of the Legislature.

It was therefor enacted that the Governor be authorized to appoint three citizens of New Jersey as a commission to examine and consider the matters so recited, and report to the Legislature what compensation ought in justice and equity be paid by the State to the College in full satisfaction for the services rendered, and to be rendered up to the close of the current collegiate year under said act of March 31st, 1890, and, in addition thereto, and by a separate report, whether, in their opinion, the system of education provided for in said act of March 31st, 1890, should be continued after the close of the present collegiate year, or should be modified or wholly discontinued, with their reasons therefor.

The undersigned, having been appointed such commissioners by the Governor, and having examined into and considered the matters above referred to us, beg leave respectfully to submit to the Legislature our two separate reports.

First, as to the compensation due the College under the act of March 31st, 1890.

The College was constituted the State College for the Benefit of Agriculture and the Mechanic Arts in pursuance of and under the provisions of the act of Congress of July 2d, 1862, granting public lands to New Jersey and the other States, the object of which was to secure the establishment and perpetual administration in all the States and Territories of the Union of the system of education described in the act. In aid of this purpose several legislative acts of New Jersey were approved, under which the trustees of Rutgers College established, in 1864, in connection with their College, the educational department commonly called, for the sake of brevity, "The Agricultural College." This brief designation, however, only partially indicates its scope and work, which embrace, in fact, the larger ones mentioned above. The trustees, in fulfillment of their contract, exacted by the State, enlarged their accommodations for students, put up additional buildings at a cost of not less than \$150,000, and purchased one hundred acres of land, conveniently located to the College, at the cost of \$50,000, for an experimental farm.

Beginning with the year 1865, students were received, and thereafter continued to be received, from the several counties of the State to the number of forty, the limit of the number called for by their contract for tuition, until the year 1888, when ten additional scholarships were added by the trustees of their own volition to the forty for gratuitous instruction. By the act of March 31st, 1890, sixty annual free scholarships were provided for in addition to the forty whose tuition fees had been paid by the interest arising from the fund donated by the United States, as will appear more fully in our second report. These new State scholarships began in 1890 to be taken by duly accredited students to whom tuition was accorded by the College from 1890 to 1902, inclusive. Such tuition was directed by the act to be paid for by the State at the same yearly rate that had been paid out of the interest on the U. S. Land Grant fund for the preceding twenty-six years, viz., the yearly sum of one hundred and seventy-four dollars for each scholarship filled. The number of students who received the benefits of these additional free scholarships, and the amounts to be paid for them by the State, are shown in the following figures:

Year	Attendance	Amount Due
1890.....	25	\$4,350.00
1891.....	42	7,308.00
1892.....	80	13,920.00
1893.....	91	15,834.00
1894.....	78	13,572.00
1895.....	77	13,398.00
1896.....	53	9,222.00
1897.....	42	7,308.00
1898.....	52	9,048.00
1899.....	60	10,440.00
1900.....	80	13,920.00
1901.....	85	14,790.00
		<hr/> \$133,110.00
	Cr.	
1891 Paid on Account		1,500.00
		<hr/> \$131,610.00

The above sum of \$1,500 is the only payment made on the indebtedness.

The several courses of instruction given to the students during these years will be more particularly referred to in our second Report on the educational system. It may, however, be said here that the Board of Visitors, two from each Congressional district of the State, visited the College twice every year during this period in performance of their duties under the act, and made yearly reports to the Legislature of their supervision, certifying that the trustees of the College were

faithfully and liberally carrying out the provisions of their contract with the State.

In our inquiries and investigations we have learned of no reason why the amount was not paid and should not have been paid from time to time as it accrued, or why it should not now be paid in the aggregate, except some supposed or apprehended inability founded on the suggestion that the provision for payment, made in the Act of March 31st, 1890, was void, because in contravention of the State Constitution, and that the State Officials therefor could not safely pay it. Excepting this objection we are aware of no reason against the payment of the claim. In the hearing before us as a commission, the State was ably represented by the Comptroller of the Treasury. The meritorious character of the claim for services rendered by the College in compliance with its contract was not questioned in respect either of utility or amount. The suggested bar is exclusively the constitutional disability. In regard to this it is said:

(1.) That the act contains an appropriation of money for the use of an association or corporation contrary to Article I, paragraph 20, of the Constitution; and

(2.) That the taking of the moneys from the school fund would violate Article IV, Section 7, paragraph 6 of the Constitution which limits the use of the school fund to the "support of public schools for the equal benefit of all the people of the State." It is urged that the support of free scholarships in the State Agricultural College does not come within this limitation.

These are important questions and we have given them careful consideration. The second objection is no longer of special significance, so far as the matter in hand is concerned, because by Chapter 401 of the Laws of 1895, the Legislature enacted that hereafter "No money shall be drawn from the treasury unless it shall have been explicitly appropriated by the annual appropriation act to the purpose for which it is to be drawn." Consequently, no money can be drawn out for the purpose of the Act of 1890, either from the School Fund or any other fund until it shall have been specially hereafter appropriated by law.

Inasmuch as the income of the State School Fund has, for the past ten years at least, been insufficient to meet the annual appropriations made by the Legislature for the support of the public schools, and the State has established the custom of annually augmenting the School Fund by appropriations from the State Fund, it is quite

obvious that any appropriations hereafter to be made to the State Agricultural College must come directly or indirectly from the State Fund, therefore, the further consideration of the question of drawing upon the School Fund would serve no practical purpose.

The other Constitutional objection is to the effect that the payment of tuition fees to the State Agricultural College is the giving of public money to "An Association or Corporation," in contravention of Article I, above mentioned.

It is not denied that the State had the power in 1864 to establish the State College of Agriculture, and give to it the income of the Federal endowment, but it is contended that the amendment to the State Constitution, adopted in 1875 (Article I, Section 20), disabled the State from thereafter appropriating any public moneys for the payment of tuition fees to the State College, because to support it would be to give moneys to "an association or corporation."

If this be true, the amendment of 1875 has a singular and unexpected meaning, one which the Legislature has never given it; but it has repeatedly given it the contrary interpretation and effect. This contrary interpretation was given by the Legislature at its session last year, by an Act approved March 17th, 1902, entitled "An act to provide for the establishing of a course in practical and scientific instruction in the art of clay working and ceramics in the State Agricultural College."

By this Act the State College was required to establish a Department of Ceramics and there was appropriated out of the general revenues of the State the sum of \$12,000, to be expended in the organization, equipment and maintenance of such department and also the sum of \$2,500 annually thereafter for the salary, supplies and other expenses of such department. The \$12,000 has actually been paid out of the State treasury and a building erected, equipped and the department maintained.

In all cases where this interpretation has been acted on the Legislature has had regard to the words of the constitutional provision as well as to the reason and substance of the matter. 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 tuition fees directed by the Act to be paid to the College are not, in our judgment, appropriations of money to "an association or corporation" within the meaning of the Constitution. On the contrary, they are payments to the College for services rendered to the State in the furtherance of public education. Indeed, it may be said, that Rutgers Scientific School, which has been erected into the State College for the Benefit of Agriculture and the Mechanic Arts, has been taken into the control of the State and has become a State institution under the State's own Board of Visitors.

The Constitutional prohibition in question if construed so as to prevent the State from making purchases of or contracts with private corporations would apply equally by the words of the prohibition to every municipal corporation in the State—a result condemnatory of what are the known business methods which such corporations have hitherto pursued and have not regarded as open to question.

In whatever light the State's plan of establishing its State College, in pursuance of the Act of Congress, may be looked at, we can see nothing objectionable or inappropriate from a legal point of view. The Acts of the Legislature appear to us to be wholly valid and appropriate to the ends sought to be attained.

We find therefor, and report that the sum of \$131,610 is the balance which in justice and equity is due from the State to the College, and we therefore advise the passage of the bill submitted herewith, appropriating that sum to the Trustees of the State College in payment of their claim.

Respectfully submitted,
AMZI DODD,
WILLIAM H. CORBIN.

AN ACT appropriating money to pay for services rendered by the State College for the Benefit of Agriculture and the Mechanic Arts in the instruction of students holding free scholarships.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. To pay the State College for the Benefit of Agriculture and the Mechanic Arts the balance due for services rendered to the State in the instruction, from September first, eighteen hundred and ninety, to July first, nineteen hundred and two, of students holding free

State Scholarships, granted pursuant to "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, eighteen hundred and ninety, there is hereby appropriated out of the State Fund one hundred and thirty-one thousand six hundred and ten dollars (the sum of fifteen hundred dollars having been heretofore paid), and the Comptroller of the Treasury is directed forthwith to draw his warrant therefor in favor of the treasurer of said college, and the State Treasury to pay the same.

2. All acts and parts of acts inconsistent with this act are repealed, and this act shall take effect immediately.

(NOTE: This act was passed essentially as submitted, except in the amount allowed, which was reduced to \$80,000. See page 53.)

MINORITY REPORT

In Reference to the Claim of Rutgers College Against the State

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

The members of the commission fully agree as to the value of the service Rutgers College has rendered, and is continuing to render the State through the agency of its scientific department, and as to the unmistakable moral obligation resting upon the State, and disagree only as to the manner in which said College can be legally compensated.

In accepting the gift of 210,000 acres of land from the Federal Government, assenting by legislative enactment to the terms of the donating act, subsequently converting the scrip representing said gift into an endowment fund, pledging itself to maintain the integrity of said fund and devote the income thereof to instruction in agriculture, the mechanic arts and military tactics, the State entered into an irrevocable contract with the Federal Government, making it incumbent upon it either to assume the formidable outlay required to establish a State Agricultural College of its own, or else, by legal and satisfactory agreement with the trustees of an existing educational institution, to provide a State Agricultural College which, under the organic law of the State, would be, in fact as well as in name, an integral part of our system of public education. Viewed from the standpoint of economy, the latter plan appeals to us as the more feasible, and it need not prove less serviceable.

The aforesaid contract with the Federal Government the State is not keeping fully in spirit so long as it shall continue to delegate its fulfillment to a private corporation, and, because of constitutional

prohibition, fail to pay for the valuable service rendered at the instance of the State and thus afford the Federal Government the generous co-operation that was anticipated, and which has been given by forty other States. This is much to be regretted, not only as a matter of State pride, but also as a matter of utility, for no other State in the Union has larger inducement to promote such practical education.

The undersigned fully indorses the preceding majority report up to and including the sentence on page 8* which reads as follows: "The suggested bar is exclusively the constitutional disability."

Article I, Section 20, of the State Constitution is as follows: "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."

In virtue of this prohibitory section, Attorney-General Stockton gave, in 1894, an adverse opinion as to the payment of \$3,000 to the Industrial School for Colored Youth at Bordentown, N. J., because at that time said school was not under the control of a Board of Trustees directly responsible to the State, and, consequently, not strictly a State school. In an opinion given in 1893 to the House of Assembly, he refers to a former and similar adverse opinion given by him in regard to the claim of Rutgers College against the State. (See minutes of Assembly, 1893, page 563.)

Attorney-General Grey also gave a written opinion to the same effect to Governor Voorhees, when a memorial of the trustees of Rutgers College setting forth the claim of said College against the State, was referred to him for an opinion, and in such opinion maintained that because of the previously quoted constitutional prohibition the Legislature had no power to enter into a contract with Rutgers College, and, consequently, the contract was void.

In 1894 a bill authorizing an appropriation from State funds of the amount then due the College for tuition was passed and vetoed by Governor Werts. As explicitly stated in his veto message, this action was based upon the same constitutional objections that were raised by Attorney-Generals Stockton and Grey. (See Senate Journal, 1894, page 770.) Aside from the seemingly unmistakable purport of the section in question, the opinions of these able jurists are certainly entitled to our most respectful and serious consideration.

Though well aware that the said constitutional prohibition has not prevailed in several other important cases, notably the Act of 1902

* P. 111 of this pamphlet.

providing for the establishment and maintenance of a Department of Ceramic Art in the aforesaid Agricultural College, still the undersigned is of the opinion that a safe policy would confine all appropriations of State money to such interests as are under the control of boards directly responsible to the State; also that the real purpose of the Legislature in authorizing the appointment of a commission, and of his Excellency the Governor in recommending such enactment and subsequently making such appointment, will not have been accomplished unless the said commission shall recommend an "adjustment" (the constitutionality of which cannot be reasonably questioned) of the claim of Rutgers College against the State.

With the conviction that Rutgers College has, at the instance of the State Legislature, faithfully performed its part of what it believed to be a valid contract, and rendered the State service that is a full and just equivalent for the sum claimed, also fully believing that said College has a moral claim upon the State for the full amount of said sum, and that any adjustment of it other than its full and complete payment would involve the good name of the State, I beg leave to recommend (on condition that the Board of Trustees of Rutgers College shall assent) that "The State Board of Education" shall, by appropriate legislation, be vested with such supervision and control of "The State Agricultural College" as will make such Treasurer as the said State Board may appoint, legally competent to receive from the State the sum of \$131,610.00, and also qualify the said Board to expend the said sum for the benefit of said Agricultural College and render to the State Legislature a full account thereof.

The law explicitly states that "the general supervision and control of public instruction shall be vested in a state board of education," and then necessarily provides for the creation and perpetuity of said board and defines its powers and duties. Its most important power, and the one which would admirably qualify it to deal with the various administrative questions that would unavoidably arise under the enactment above proposed, is the power "to prescribe and enforce rules and regulations necessary to carry into effect the school laws of the State."

One of its duties is "to report annually to the State Legislature in regard to all matters committed to its care." To its care is committed the general supervision and control of the public school system of the State. No institution or form of instruction can be either capstone, foundation or other integral part of the New Jersey public school system that is not under the supervision and control of the said Board or (as in the case of the Newark Technical School, the School

for Industrial Education at Hoboken and School for Industrial Art at Trenton) of other legally constituted authority that is directly responsible to the State. The difficulties which now confront our so-called "State Agricultural College," and which have beset it in the past, inhere in its anomalous relation to the State and to the system of public education of which it is assumed to be an integral part.

I beg leave to submit herewith bills drafted in accordance with the preceding recommendations.

Respectfully submitted,

CHARLES J. BAXTER.

AN ACT relating to The New Jersey State Agricultural College.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The name and title of the "Agricultural College of New Jersey," commonly known as the "State Agricultural College," shall be "The New Jersey State Agricultural College." Said College shall be hereafter a part of the State system of Public Education.

2. The State Board of Education shall have general supervision and control of "The New Jersey State Agricultural College." Said Board shall appoint a suitable person as treasurer or custodian of the State funds appropriated for said College and shall fix his salary. Said Treasurer shall hold office for one year, and until his successor shall be appointed and qualified.

3. All moneys appropriated from the State Treasury for scholarships in said College, and for the establishment and maintenance of special departments in said College, shall be hereafter paid to the Treasurer of said College appointed as provided in section two of this act. Said moneys shall be disbursed by said Treasurer on bills approved by the State Board of Education, and for the purposes named in the act or acts providing for such appropriations.

4. All powers possessed by the Board of Visitors to the Agricultural College in relation to said College shall, upon the passage of this act, cease and determine. Nothing in this act, however, shall be construed as giving to the State Board of Education any power or control over the State Agricultural Experiment Station, but said station shall be and remain under the control of said Board of Visitors.

5. Nothing in this act shall be construed as giving to the State Board of Education any control over moneys due said College from funds provided by any act of Congress, or from donations or legacies

from private sources, it being the intent and meaning of this act that all moneys received by said College, except moneys appropriated from the State Treasury, shall be paid in the same manner as heretofore.

6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

7. This act shall take effect immediately.

(NOTE: This bill was not passed by the Legislature.)

A SUPPLEMENT to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and three," approved April tenth, one thousand nine hundred and two.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In lieu of all claims which the New Jersey State Agricultural College may have up to July first, one thousand nine hundred and two, by virtue of the provisions of "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, eighteen hundred and ninety, there is hereby appropriated the sum of one hundred and thirty-one thousand six hundred and ten dollars, which sum shall be paid to the State Board of Education, and shall be used by said board for such purposes as it shall deem for the best interests of said college.

2. This act shall take effect immediately.

(NOTE: This bill was not passed by the Legislature.)

SECOND REPORT

Being the Report Upon the Question Whether the System of Education Should be Continued

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

The Commissioners appointed under the Act of March 4th, 1902, relating to the State Agricultural College and directed by said Act to make a separate report whether in their opinion the system of education provided for in the Act of March 31st, 1890, respecting said College should be continued, after the close of the then collegiate year, or should be modified or should be wholly discontinued, together with their reasons for such recommendations as they may make, beg leave respectfully to submit the following:

The system of education so referred to us originated in the Act of Congress of July 2d, 1862, entitled: "An act donating public lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts." A donation of land or land scrip to the amount of 30,000 acres for each Senator and Representative in Congress under the census of 1860 was thereby tendered to every State not in a condition of rebellion or insurrection against the government of the United States, upon the acceptance of such donation by the State and its assent by legislative enactment to the terms and conditions prescribed in the donating act.

A State having no public lands within its limits was to make sale of its scrip and securely invest the proceeds so as to yield not less than five per cent. per annum; the moneys so invested to constitute a perpetual fund to remain forever undiminished, excepting ten per cent. thereof specially provided for; the interest of the fund to be inviolably appropriated to the endowment, support and maintenance of at least one college whose leading object should be in the words of the act, as follows: 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; no portion of the fund or of the interest to be applied under any pretence to the purchase, erection, preservation or repair of any building; all expenses of management to be paid by the State, so that the entire proceeds of the sale of lands should be applied without any diminution whatever to the purposes prescribed in the Act.

By an Act approved March 21st, 1863, the grant to New Jersey of land scrip for 210,000 acres was accepted by the State for the purposes and upon the conditions specified in the Act of Congress, and the assent of the State to the several provisions of the Act was expressly declared. The scrip was received and sold by commissioners for the sum of \$116,000, which amount is now the capital fund held, and its perpetual integrity guaranteed, by the State.

By an Act approved April 4th, 1864, the interest of the fund was directed to be paid semi-annually to the Trustees of Rutgers College in New Jersey, to be devoted by them 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 the Act of Congress in the manner therein specially prescribed. Before receiving any part of the interest the Trustees were required to contract with the State in form approved by it to perform all the duties and obligations imposed by the said Act, and obligate themselves in their corporate capacity to erect additional and adequate buildings as soon as necessary, without charge to the State and provide a suitable tract of land conveniently located for an experimental farm.

The action of New Jersey in thus accepting the donation and constituting a college was one of the earliest taken. It was followed by many States before the close of the war, and afterwards by the others until all of the States became associated in the adoption of the national scheme. Every State became irrevocably a contractor with the general government to make such a College a part of its system of public education. There are now sixty-five such colleges in the forty-five States and three Territories of the Union. The annual reports made by them respectively to the Secretary of the Interior and also to each other according to the Congressional Act furnish detailed accounts of their management and affairs. Arranged and digested by the National Bureau of Education, they appear in the yearly reports of that department, which exhibit with interesting and instructive elaboration, the educational work being done by these colleges. The latest of these published reports by the Bureau is for the year ending June 30th, 1901. In it are eight tabulated statements showing in compendious form the statistics referred to; presenting a summary view of the location of the colleges; when established; the original grants of public lands to each State; the proceeds of sales; the income derived from appropriations by Congress, and the several States maintaining the colleges; also the property of each college; the number of professors, teachers and pupils in each, the courses of instruction; the various studies pursued; by how many and for how long a time.

It is apparent from the foregoing outline that the inquiry submitted to us as commissioners whether the system of education provided for in the New Jersey act of 1890 should be modified or discontinued is necessarily of very limited scope.

The act of April 4, 1864, makes it incumbent on the State to maintain the system in accordance with and in fulfillment of the intent and purposes of the Act of Congress donating the means for its perpetual continuance. For twenty-six years the State's College administered the system with the unqualified approval of the State's Board of Visitors, as their yearly reports to the Legislature setting forth the

educational lines and the specific methods pursued by the college conclusively show. After the long trial thus had of the system, provision was made by the act of March 31, 1890, for sixty annual free scholarships open to students on competitive examinations, to whom the college was directed to afford a like course of instruction, under the same system theretofore carried on. We cannot, therefore, advise the discontinuance of the system under the New Jersey Act of 1890 without including in our disapproval the entire National scheme. The sixty annual free scholarships, whose tuition fees are payable by the State, might be modified or discontinued by the Legislature, but not the Congressional Educational System. The only bar to the continuance of the free scholarships, as we understand, is the suggested prohibition in the State Constitution of the appropriation of money for such a purpose.

While, however, the State is bound to apply the interest of the donated fund to the maintenance of the system of education described in the Congressional Act, it must be observed that the terms of the description are comprehensive and general, and allow discretionary power to the Legislature in regard to method and details; the distinctive primary purposes of the system being to provide for liberal and practical education of the industrial classes in the several pursuits and professions in life. Classical studies and the purely theoretical sciences are not excluded, but they are not required. Military tactics are required to be taught and such branches of learning as relate to agriculture and the mechanic arts. How much of strictly scientific learning is here included, and of what practical utility to all industrial occupations and the advantages to those engaged therein need not here be insisted on in detail. These topics are fully discussed in the various official reports above mentioned.

Colleges for the purpose of a more thorough scientific and practical teaching in relation to agriculture in particular were started in a few of the States some years before the introduction into Congress by Representative Justin S. Morrill, of Vermont, of this act of 1862, now known and celebrated as the Morrill Act. A bill embodying its provisions was presented by him in the House of Representatives on the 14th of December, 1857, which came back from the committee with a minority and a majority report, the latter unfavorable because of the alleged want of constitutional power to so dispose of the public lands; the adverse report declaring that the majority united with the friends of the bill in an appreciation of the merits of the object to which the proposed grant was intended to be applied, and if those

merits could alone determine the conclusions of the committee, they would most cordially recommend the passage of the bill. Any one who will take the trouble to follow the discussions reported in the Congressional Globe, that went on in that body till the passage of the bill in April, 1858, and the later discussions in the Senate, where it was passed in February, 1859, will not fail to be amply repaid for so doing. The bill was vetoed by President Buchanan on constitutional grounds February 16, 1859. In the 6th of December, 1861, Mr. Morrill again introduced it into the House, where in the stress of that time it was reported against by the Committee on Public Lands. It was introduced in the Senate by Senator Wade, of Ohio, and passed by a vote of 32 to 7 on the 7th of June, 1862, and on the 17th of June was passed by the House by a vote of 90 to 25, and signed by President Lincoln on the 2nd of the following July.

The author of this historical bill was born in Vermont in 1810; had only the tuitional advantages of a common school in his boyhood; was in early life a blacksmith by trade; became a representative in Congress in 1854; a Senator in 1867; and so continued to his death in Washington, December 28, 1898. He bore an efficient and prominent part generally in legislative affairs, but his crowning achievement is the Act in question, securing, as declared by high authority, "the establishment and maintenance of a great system of institutions of higher education to be aided by the United States, organized and controlled by the individual States, and fitted in as an integral part of the whole scheme of public education." Based, as the system is, on the fundamental principle that public education at public cost is maintained not simply for the sake of the individual, but primarily and chiefly for the sake of the State, the aid given by the government in the original donations of the public lands belonging to the States collectively is manifestly an appropriate as well as an effective measure. The donations are an aid to the expected contributions of the States and the munificence of public-spirited citizens. This expected aid in the carrying on of the co-operative work has been given by nearly all the individual States and by private munificent donors. The Reports of the Bureau of Education, to which we have referred, show what has been contributed by the several States in aid of their respective colleges during each of the successive years covered by these annual publications. With the exception of the single payment of \$1,500 made in 1891, on account of the new State scholarships, our own State has contributed nothing. This is true of four only of the

other States in the Union. We attribute this notable omission to the constitutional objection alone.

By reference to the Report of the National Bureau of Education, mentioned above, it will be seen that for the college year 1900-1901 the several States and Territories contributed more than \$3,000,000 to the support of their colleges of agriculture and the mechanic arts, the only States failing to give being Arkansas, Delaware, Florida, New Jersey and Tennessee.

The State of Wisconsin gave \$418,000, California, \$309,000; Illinois, \$240,000; Minnesota, \$244,000; Ohio, \$184,000; Virginia, \$115,000; Nebraska, \$184,000; Georgia, \$55,000; Iowa, \$101,000; South Carolina, \$97,000; Rhode Island, \$24,796; Nevada, \$28,340; Idaho, \$64,000; Arizona, \$17,332; Wyoming, \$19,045, etc.—the average given by all the States and Territories contributing being more than \$72,000.

It appears that the smallest States and Territories gave more than the amount due to the New Jersey State Agricultural College under the act of 1890, the amount accrued under that act being an annual average of only \$11,092.

The States and Territories contributing give a little more than four cents per inhabitant per year. If New Jersey should give at the same rate, its quota would be about \$75,000 per year. The amount actually accrued under the New Jersey Act of 1890 amounts to about six and a half mills per inhabitant per year.

As we have already said, the educational system described in the Act of Congress is comprehensive in its terms, and leaves legislative discretion to be exercised with due regard to different conditions and needs. The colleges to be established under it are for the benefit of agriculture and the mechanic arts, descriptive terms obviously inclusive of several branches of learning applicable to the practical occupations of life. These branches of learning are nowhere more important than in New Jersey, where the calls and opportunities for skilled industries notably exist.

The State College for the Benefit of Agriculture and the Mechanic Arts has provided courses of study in agriculture, biology, chemistry, civil engineering, electricity, and during the past year in clay working and ceramics, the last-mentioned department having been required by the Legislature in 1902 to be added to the scientific industrial courses previously afforded. The places and value of the clay deposits in the State, for the development of which this additional branch of

instruction was assigned to the college, were originally indicated by the late Dr. George H. Cook, whose connection with the college is well known, and is strikingly illustrative of the beneficial application of scientific skill to the industries of life. He was one of the foremost advocates of scientific farming. Under his direction, and with the aid of two of the college professors, the topographical maps of New Jersey, then the best of their kind in the Union, were prepared. He supplied the information which led to the boring of artesian wells along the seacoast, making possible the development of many seaside resorts, and to him is largely, if not chiefly, due the founding of the State Agricultural Experimental Station, the second one in the order of establishment in the nation. The character and public services of this eminent citizen, investigator and teacher, justly entitle him to an eminent place among the promoters of scientific education adapted to the improvement and elevation of the industrial classes.

How usefully the discretionary power vested by the Act of Congress in the State Legislature has been exercised by the Trustees of our own State College in carrying on the national system, can be adequately known and appreciated only by an attentive examination of their detailed annual reports, and the reports of the State Board of Visitors, and also by a visit to the college itself, by which last method of investigation the reports can best be judged. It was provided by the Legislature by the Act of 1864 establishing the college, that the supervision of it should be lodged in a State Board, originally ten, now twenty in number, nominated by the Governor and confirmed by the Senate, required to visit the college twice in each year and report the results with such suggestions as they might deem proper. They have done so with manifest care, particularity and thoroughness, as their thirty-eight annual printed reports in the State's files sufficiently evince. We refer to them as evidence of the faithful performance by the Trustees of their duties as the agents of the State in promoting the national system intended to be in advance of and in aid of the public common schools, supplying the intermediate need which the purely classical and scientific colleges are not adapted to meet.

From our examination of these official reports, and from our own personal examination of the college equipment, its buildings, its laboratories for instruction and original research, its experimental farm where agricultural work is exhibited practically, illustrating the scientific principles taught in the class rooms, its apparatus for tuition in chemistry and electricity, its excellent building for instruction in

military tactics, especially required by the Congressional Act, we emphatically concur in the official testimonies as to the very satisfactory manner in which the Trustees by means of a large body of the best trained and most competent professors and teachers have performed the educational work intrusted to them by the State. We also refer to the donations which generous friends of the college have made to it, without which, several of its large buildings, costly and needed for its work, could not have been erected, and without which many young men of bright and aspiring minds but small pecuniary means, who secured their appointments through competitive examinations under the provisions of the State law of March 31, 1890, would not have been prepared for useful and industrial careers.

The national system has received during many years past the unqualified indorsement of a large body of educators, scholars, publicists and patriotic citizens, and we believe will continue to be more highly regarded the more thoroughly it is examined and the more it is evidenced by its results.

Our investigations lead us to the suggestion that the "State Agricultural College" may be more intimately associated with the State system of public education by bringing it under the general supervision and fostering care of the State Board of Education.

We therefore recommend that the State Board of Education be charged with the supervision above suggested, and made legally competent to receive appropriations from the State for the purpose of maintaining free scholarships in the "State Agricultural College," and that Chapter CVIII, P. L. 1890, be so amended as to carry out this purpose. A bill drawn in accordance with this recommendation is submitted herewith.

We further recommend that the sum of \$25,000.00 be appropriated to enable the State Board of Education to maintain free scholarships in the State Agricultural College for the current and the next ensuing school year.

Respectfully submitted,

AMZI DODD,
CHARLES J. BAXTER,
WILLIAM H. CORBIN.

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, eighteen hundred and ninety.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The first section of the act to which this act is amendatory, is hereby amended so as to read as follows:

1. In order that students in the schools in all parts of the State may receive the stimulus afforded by the opportunity to pursue the courses of study in the State Agricultural College, and in order to enable said State Agricultural College to furnish instruction gratuitously to students, residents of this State, in its several courses of study, as special courses of advanced study in the public school system of this State, there shall be sent to the said college students to the number of one each year for each member of assembly in this State, to be selected and designated as hereinafter provided, who shall receive gratuitous instruction in any or in all the prescribed branches of study in any of the courses of study of said State College, under the general supervision and control of The State Board of Education. Said students so received shall be residents of this State, and shall be admitted into said State College upon the terms and subject to the rules and discipline which shall apply to all other free students of said State College. If there shall be in any county more suitably prepared applicants in any year than the number of members of assembly elected in such county in the same year, such additional applicants may, in the discretion of The State Board of Education, be received on any vacant scholarships of any other county until such county shall require such scholarships, after notice has been served on the county superintendent of schools of the county in which such vacancies occur.

2. Section two of the act to which this act is amendatory, is hereby amended so as to read as follows:

2. Said students shall be selected as follows: A competitive examination, under the direction of the city superintendents and the county superintendent of schools in each county, shall be held at the county court house or other suitable place in each county of the State, upon the first Saturday in June in each year, and the necessary expenses of said examiners, on the approval of the State Superintendent of Public Instruction, shall be paid by said State College;

students who apply for examination shall be examined upon such subjects as may be designated by the faculty of said college and the State Board of Education; and the said city and county superintendents shall report to the President of such college and to the State Superintendent of Public Instruction the names of all such students examined as in their opinion are suitably prepared to enter said college, with their estimate of the order of excellence in scholarship shown by said students at such preliminary examination. Certificates of appointment to the State Agricultural College shall be issued by the State Superintendent of Public Instruction to all of such students as are so found to be qualified to enter said college; and in case the vacant scholarships shall not be sufficient to receive all such successful candidates, preference in appointing to vacant scholarships shall be given to successful candidates in the order of the excellence of their examination as certified by said superintendents; and in general the regulations and provisions governing the conduct of such examinations, and the appointment of said students to said scholarships, shall be subject to the control of The State Board of Education.

3. Section three of the act to which this is amendatory, is hereby amended so as to read as follows:

3. Each student so appointed and admitted to said college shall be regarded as holding a State scholarship, and for each scholarship so held there shall be paid, as hereinafter provided, on the first day of December in each year, to such treasurer as may be appointed by The State Board of Education, a sum of money equal to the sum the college is entitled to receive for each scholarship established in said college under the existing State agricultural fund.

4. Section four of the act to which this act is amendatory, is hereby amended so that the same shall read as follows:

4. In order to ascertain the number of scholarships for which payment shall be made as aforesaid, the President of said college shall in the month of November in each year make his certificate in writing, setting forth the names of the students so as aforesaid appointed and then in attendance at said college, the counties from which they were appointed and the classes in college to which they belong, or the special course of study which they were pursuing, which certificate, when approved by the President of The State Board of Education, shall be plenary evidence of the number of scholarships for which payment shall be made, and on filing the same, with the Comptroller of the Treasury he shall draw his warrant upon the State Treasurer

for the sum of money to which the said college may accordingly be entitled, and the State Treasurer shall thereupon pay the same as aforesaid, provided the necessary moneys shall have been included in the annual appropriation bill, or otherwise specifically appropriated for the purpose.

5. This amendatory act shall take effect immediately.

(NOTE: This bill was substantially revised before adoption by the Legislature. See page 55.)

OPINION OF THE ATTORNEY GENERAL ON THE RELATIONS BETWEEN RUTGERS UNIVERSITY AND THE STATE OF NEW JERSEY

Opinion of Hon. Edward L. Katzenbach, Attorney General of
the State of New Jersey, Delivered to Hon. William A.
Stevens, President of the New Jersey Senate,
March 7, 1927

MY DEAR SENATOR STEVENS:

On behalf of a committee of the legislature, of which you are the chairman, I have been requested to express my views as to the nature of the relations between Rutgers University and the State of New Jersey. You desire to know what the connection is and whether the institution involved is the proper and appropriate subject for appropriations when voted by the legislature in an appropriation act.

I am referring briefly to the subject to which your inquiry is addressed, but shall be glad to furnish in such further detail such data as you may wish concerning any of the matters mentioned in this communication. At the outset I may say that the name "Rutgers University," like that of many other universities in America, is the popular rather than the legal title of the institution. It was adopted by "The Trustees of Rutgers College in New Jersey" in June, 1924, as a general designation for educational activities conducted along a number of lines and in which in general the State is interested.

In 1766 when the Province of New Jersey was under the rule of George the Third, that Monarch through his Governor, William Franklin, Esquire, delivered a charter to certain named individuals for the operation and conduct of a college called "Queen's College" in the Province of New Jersey, and conferred upon such individuals and their successors certain powers which, after the Declaration of Independence, continued in force, as was decided by the Supreme Court of the United States in the case of *The Trustees of Dartmouth College v. Woodward*, 4 Wheaton 518, 4 Law. Ed. 629. The name, by lawful and appropriate legislation and assent of the corporation, was in 1825 changed to "The Trustees of Rutgers College in New Jersey." Although at the time of the receipt of its charter and for years subsequent to that it was purely a private corporation and governed wholly by trustees who were self perpetuating save in certain instances, the institution was nevertheless even in those days connected with the government of the Province and later of the State by

reason of certain ex-officio trustees. Among the officers named as such ex-officio trustees and serving by reason of the ancient charter are the Governor, the Chief Justice and the Attorney General. By a very recent action of amendment there have been added the Chancellor, the President of the Senate, the President of the State Board of Education and the Commissioner of Education.

Since taking my office as Attorney General I have ever felt that I represented the State upon this Board of Trustees and that it was needful for me to inform myself concerning the interests of the State in the institution and the exact relationship which existed between the institution and the State, which information I am now passing over to you, pursuant to your request.

First, let me clear away certain misapprehensions. I have heard it stated from time to time that the institution is at the present time wholly a private sectarian institution. This is distinctly not so. There is no connection between the institution and any religious sect, and even all reference to any sectarianism which might have existed in the original charter has been long since removed. Both upon the Board of Trustees and the Board of Visitors, there are men of widely differing religious beliefs, including alike persons of the Protestant, Catholic and Jewish faiths. There are no religious requirements with respect to the student body and it is made up of persons of a variety of religious faiths. At no time certainly within my own knowledge has any question concerning religion or sectarianism and differences of view in connection with such matters been apparent in the governing boards of the institution. Of this I am confident, for I have attended every meeting since my appointment. The extent to which the institution is public and controlled by the State will be apparent in what is said herein. The character of control is unusual. With respect to charitable, civil or ecclesiastical institutions it has been practiced in England and was referred to as early as the time of Sir William Blackstone when he wrote his commentaries. It has been commented upon in the opinion of Mr. Justice Storey in the case of *Dartmouth College vs. Woodward* (supra). It would follow that it is perfectly competent for the legislature to delegate the legal right of visitation, as it has been done in the instance of New Jersey, in accordance with legislation passed to that end. The control is by a Board of Visitors appointed by authority of the State rather than the more direct management of officers of the State. It is to my mind an equally competent method of control and perfectly proper when adopted by the State.

In order to show the exact relation between the institution and the State, it will be necessary to review very briefly the history of this relationship. The fact that certain State officials have been or now are on the Board of Trustees makes no definite difference with respect to the private or public character of the institution. That State officials serve by reason of the charter or amendment thereof upon the Board would not in itself make the institution any less private than if they were not serving. In fact, the Governor, ex-officio, serves upon the Board of Princeton University and yet that institution is a wholly private institution. There are, however, other considerations which will demonstrate the institution to be a proper recipient of State appropriations. In order to do this and to show the exact degree to which the State is legally and morally bound to the institution, may I refer to the following facts.

By enactment of Congress of the United States approved July 2, 1862, and commonly called "The Morrill Act," the Federal Government offered certain benefits to "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."

By enactment of the Legislature of New Jersey approved March 21, 1862, the provisions of the Morrill Act were accepted for the purposes and upon the conditions in said act of Congress specified and a contract was thus created between the government of the United States and the State of New Jersey, by which the State of New Jersey was obliged, under the terms of the Morrill Act, to designate and provide for the type of college expressed to be appropriate in the Morrill Act in return for the benefits which the State accepted from the Federal government.

By enactment of the Legislature of New Jersey, approved April 4, 1864, the scientific school conducted by the Trustees of Rutgers College was designated by the Legislature of the State of New Jersey as "the Land Grant College" provided for in the Morrill Act. A portion of the language of this statute may be of importance. The act imposed an obligation upon the Trustees of Rutgers College to "devote said interest wholly and exclusively to the maintenance, in that depart-

ment of Rutgers College known as Rutgers Scientific School, of such courses of instruction as (including the courses of instruction already established by said Trustees), shall carry out the intent of said act of Congress in the manner specially prescribed by the fourth section of said act."

The terms of this legislation cast certain onerous duties upon the Trustees of Rutgers College in connection with the land grant privileges which the Trustees of Rutgers College assumed and have performed in accordance with the directions and instructions received from time to time from the State. By this act the State, pursuant to its contract with the Federal Government, adopted the institution as "the Land Grant College" for the State and certain obligations arose with respect to this relation. It may be appropriate here to call attention to the fact that the benefits to be received by the college in those days were very slight; whereas, the benefits conferred upon the State by the college at the same time were of considerably greater magnitude. In return for comparatively little support at the moment, the college at that time saved the State the expense of an entirely new institution and placed at the service of the State from thence hitherto its accumulation not only of traditions, but of endowments and serviceable equipment. The relation between the State and the college has been mutual, of course, but in the beginning and even to the present time the benefit to the State is appreciable. Following after the adoption of the Morrill Act of the designation of "The Land Grant College," the college money purchased and equipped the college farm for agricultural purposes and conducted the necessary scientific work almost wholly at its own expense and in the interests of the State.

At the present time the benefits derived by the State, aside from its own investments in the institution, are quite considerable. They arise from the use of the Queen's Campus and the buildings erected by the college thereon, the Neilson Campus and dormitories, the athletic fields and the grounds and equipment of the Women's College, save in respect of the buildings erected thereon by the State, and the grounds and buildings of the Agricultural College, save in respect of certain buildings erected thereon with the aid of the State. To the assistance of the education of the students of the State, there is likewise appropriated the benefits of the private endowments and bequests which, from long time past, have come to "The Trustees of Rutgers College in New Jersey." This was, in the beginning, a very material assistance in connection with the State's adoption of the

Land Grant College and it is even now in the larger aspect of the college not to be passed over without consideration.

The relations between the State and the institution since their inception have been contractual, but more, by reason of the fact that there was established by the State a Board of Visitors for the institution to be appointed by the Governor and confirmed by the Senate and to have "general powers of supervision and control and to report to the legislature such recommendations as to them may seem proper." By reason of such supervision the State exercised over the institution with which it had contracted and which had assumed certain obligations, such power and control as to it seemed proper, expressing in the act what control it meant. Such control was accepted by the institution. If it be assumed, as it must, that this State has a right to educate its citizens between the ages of 5 and 18 years according to the Constitution of 1844 and beyond, in accordance with the determination of our Supreme Court in an opinion by Mr. Justice Swayze, *in re Newark School Board*, 70 Atl. 881, then it must be apparent that there is nothing unlawful in making a contractual relation for the education of citizens with an institution over which the State has exercised proper control by a Board of Visitors. In fact the basis of contract forms the basis of matters of considerable importance in the State, as well with respect to matters pertaining to education and those engaged therein, as with respect to divers and several other matters. The contract theory of relationship has been quite liberally adopted from time to time by this State as well as by others.

The relation between the State and the institution has been further augmented and defined by acts of the legislature enacted from time to time to only a few of which I shall refer. Some of them provided for extension of the system by Congress with the assent of the State, and others merely definitized and confirmed the State relation and control with respect to the institution. The Legislature of New Jersey, by act approved March 5, 1888, affirmed and represented that this institution is the State Agricultural College of New Jersey. It would naturally follow that it was such a college for the purpose of carrying out the broad purposes of the Morrill Act as the terms of the Morrill Act had been previously adopted by the legislature. It was further enacted that the "State of New Jersey hereby designates 'The Trustees of Rutgers College in New Jersey' maintaining said Rutgers Scientific School and said Agricultural College, as the parties to whom said moneys appropriated by Congress and the said act or supplements

thereto, shall be paid for the public purposes mentioned in said acts of Congress."

In the act of the Legislature of New Jersey approved March 31, 1890, entitled "An Act to increase the efficiency of the school system of the State, etc.," certain free scholarships were established at the State College to be held by citizens of the State of New Jersey. The relation was further supplemented by Act of Congress approved August 30, 1890. To carry into effect the provisions of the last mentioned Act of Congress in the State of New Jersey, an act, approved February 10, 1891, provided that the benefits of said Act should be used for instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural and economic sciences, with special reference to their applications in the industries of life and to the facilities of such instruction, in accordance with the acts of Congress relating thereto. See also acts of March 10, 1893, June 13, 1895, March 30, 1896.

A further expansion of the relationship and a commencement of the development of the greater state-wide activities of the institution in scientific work began in 1901, when the Agricultural Experiment Station, under the direction of the institution and its Board of Visitors, was required to make scientific investigation of oyster propagation. A question having been raised as to whether, in spite of all I have said heretofore, the college was properly authorized to receive appropriations from the State, there was, practically at the instance of the legislature, instituted the suit of *The Trustees of Rutgers College, et al. vs. J. Willard Morgan, Comptroller*, 70 N. J. L. 460, affirmed by the Court of Errors and Appeals in 71 N. J. L. 463. The opinion in this case, being delivered by Mr. Justice Van Syckle, discusses at length much of the previous relationship between the institution and the State and reaches the conclusion that it was competent for the State to establish the institution as the State Agricultural College and, in the interests of education in the State, to contribute for its support out of the general State funds, in view of the fact that it exercised over it such control as it deemed wise in its Board of Visitors. The language of Mr. Justice Van Syckle follows:

"By the Acts of 1864 and 1888, the State *adopted and established Rutgers Scientific School* as the State Agricultural College and provided for free scholarships therein. * * * The Rutgers Agricultural College was adopted as a State College and such control was exercised over it by the State as was deemed to be necessary to *secure free public*

education in the Department of Agriculture and the Mechanic Arts." See 70 N. J. L. 471.

By act of the Legislature of New Jersey approved March 17, 1902, the State Agricultural College was directed to establish in connection therewith courses in ceramics. Further legislation, April 7, 1902, may be observed, and the legislature to assist the agricultural interests of the State and in connection with the Agricultural College, by act approved March 25, 1905, began a provision for short courses in agriculture.

A further act of the Legislature of New Jersey, affecting the college, was passed March 31, 1905. An act of Congress relative to State Agricultural Colleges was approved March 16, 1906, and by act of the Legislature of the State of New Jersey, was accepted May 3, 1906.

Congress passed a further act under date of March 4, 1907, making appropriations for the work in agricultural colleges, of which New Jersey received a portion of the benefit. The State Legislature March 14, 1907, made further provision relative to the courses in ceramics. The relationship between the college and the State was further augmented in connection with scholarships by Act of April 12, 1907, and so far as engineering was concerned, by Act of April 6, 1908. There was a further act to increase the efficiency of the college March 24, 1909. The State manifested its interest and control with respect to chemical engineering by providing for the furnishing and equipment of a chemistry building in 1910. Then followed the furnishing and equipment of an entomology building and of a physical laboratory in 1911. The free scholarship policy was carried out still further by enactment of March 14, 1911. By Act of the Legislature of March 8, 1912, it was provided that "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, providing that the sum or sums required for such purpose or purposes shall be appropriated in any annual or supplemental appropriation bill."

By act of the Legislature of New Jersey, approved March 15, 1917, known as Chapter 32, Laws of 1917, it was enacted that "The Rutgers Scientific School, being the State Agricultural College, the State College for the benefit of agriculture and the mechanic arts, main-

tained by 'The Trustees of Rutgers College of New Jersey' and under the general 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 power of supervision and control of the same Board of Visitors."

The Board of Visitors consists of one person from each county, nominated by the Governor and confirmed by the Senate, in accordance with P. L. 1923, c. 26, p. 55, being the most recent enactment upon the subject of the Board of Visitors. The question now arises as to what constitutes "The State University of New Jersey." This requires a knowledge of the actual conduct of the institution in its several branches. There can be no doubt whatsoever but that the School of Engineering and the College of Agriculture, with everything that may be related to them and courses conducted in relation to them, constitute the State University of New Jersey and are the proper subject for appropriation and support from the State. It is of no moment as to the departments in which the institution may divide its work, provided the instruction to be given is related to agriculture, engineering in all its branches and the liberal arts, and provided the instruction is interrelated so that service is rendered to the end that persons may receive their training in liberal and industrial arts within the meaning of the acts of Congress and of the several pronouncements of the legislature. In fact, having by contract with the Federal Government definitely established this institution as that which would be supported by the State for the benefit of teaching such branches of learning as are related to agriculture and the mechanic arts, without excluding other scientific and classical studies, and including military tactics, in such manner as the Legislature of the State may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life; and further having directed courses in agriculture, engineering, chemistry, ceramics and other allied subjects, the State is lawfully and morally obligated to the support of the university. It is to be noted that the branches of liberal learning, including economics as well as English and scientific studies, are obliged to be furnished to students of the State. The departments of the institution called the College of Arts and Sciences and the branch called the New Jersey College for Women, are service schools connected with the State University in furnishing such liberal instruction relating to the scientific and agricultural work of such character as is in conformity with the contract with the Federal Government and the several pronounce-

ments of the Legislature and in the School of Education conducting summer courses for instruction, there can be no question as to the direct authority and command of the Legislature with respect to the institution of such courses and they are not unrelated to the suggestion of Congress in connection with the Land Grant Colleges.

The State University of New Jersey, therefore, touches the institution as conducted in most of its several activities. Certain of them, of course, are operated and conducted by reason of the endowments of the institution, which is highly beneficial to the State. In general, however, the institution has been brought to its expansion and has taken on in service of the State considerable obligations. As these obligations were by command and by contractual relation with the institution, as well as with the Federal Government, it would seem that the institution has become literally and virtually, as well as lawfully, the State University of New Jersey, by virtue of contract with visitorial control and supervision. If this were not so, there could not have been the commands from the Legislature to the institution and there would be no purpose in the Visitorial Board. More recently since 1912, the appropriation acts by line items have controlled and directed the development of the institution according to the command of the several legislatures. The Legislature has deliberately spoken as to what should be done and how much should be expended in doing it. In fact, I do not know of any State university which is more directly and definitely supervised and controlled as to its expenditures than the institution which is known as the State University of New Jersey. The State in the course of time, has made very considerable investment in the institution. It ought to be expanded still further to meet current needs and the demands of the future. Interrelated with an old college as it is, it is nevertheless to my mind definitely and properly under the law as it exists, the State University and a proper subject for appropriation.

I am making special mention of the New Jersey College for Women as related to the State University, as it is a service department related to the State University and offering the courses in science, arts and home economics which are requisite, and the State Agricultural College operates in connection with it for certain of its work as it does in connection with the college for men. It is the extension for women of the privileges which existed previously for men, and it is interesting that it develops almost contemporaneously with the enfranchisement of women.

There has been some question raised from time to time as to whether the erection of buildings in connection with the institutions has been upon the ground of the institution privately owned or upon State property. Some years ago it was customary for the Legislature to command the erection of a building and contribute to it and for the institution to declare that it held such property in trust for the State and the work of the State in connection with the institution. For some time past and ever since I have been in office, it has been customary for the lands to be definitely owned by the State when a building has been erected by reason of State appropriation. This, of course, constitutes the direct ownership by the State of any building which it erects, though said building is dedicated to the use of education in connection with the State University. The relation of the several departments of the institution to the program of the State may not be so clear to those who do not have the opportunity to study it. To one who examines it, however, in the light of the history of its development it will be perfectly apparent that the entire institution is operating to serve according to the desires of Congress and the State Legislature in equipping the people of the State with the means of obtaining a livelihood in the several arts and callings. No other view could possibly be gained from a study of the recent appropriation acts in the light of the legislation which has gone before than that the State was deliberately developing an institution under suitable control for the education of its people. The relation is contractual, as I have said before, but with equal force it may be said that the State has created a certain trust relation which casts obligations upon the Trustees of Rutgers College to see to the carrying out of such trusts for the benefit of the State and such persons as may properly avail themselves of the privileges offered. The State has gone further and, through the operation of the Board of Visitors, has supervised such trust relationship so that there can be no doubt as to its proper conduct. The Board of Visitors has positive powers by legislative enactment of supervision and control. The Legislature has delegated these powers, which are of great magnitude, to the Board of Visitors, who are charged with a knowledge of the State's expenditure of money and to see to its proper application. The provision made for courses in general and scientific education indicates the direct legislative control referred to hereinabove, even to the extent of providing for courses in journalism. The command was not to exclude the arts and they have been deliberately included.

I trust that I have been able to give you information which will lead you to understand the relationship of the institution to the State by

reason of the contractual relations between the State and "The Trustees of Rutgers College in New Jersey" together with the general supervision and control of the Board of Visitors. On the other hand, may I say, because of my own obligation as a trustee ex-officio and therefore to a certain extent representing the State upon the board, and not by reason of anything which you have asked me, that I regard the work of this institution of a high order and well worthy of the name of the State University of New Jersey. It is doing a meritorious educational work among the young men and women of the State, to whom in the near future the doors of institutions out of the State will necessarily be less available. It is necessary for New Jersey to conduct higher education, even in ever-increasing branches, to the end that its citizens may be trained in the arts and the professions. Each State must provide for its own. The extension of the institution would be highly creditable to the State and no less highly creditable because it is one of the few very ancient institutions of the country bearing an honorable record for almost a century before its association with the State as the State College or the State University of New Jersey. Few States can have the privilege of an association with an institution with such a record and dating back even beyond the independence of the State. The connection is worthy of the fine old State of New Jersey, and, while the State must exercise control, it is not needful that the control should in anywise destroy the old charter of the institution. The State can be amply and fully protected without committing such a crime against history, and that honorable sentiment to which both the State of New Jersey and Rutgers University are justly entitled. Other States have had no difficulty in this connection and have honored themselves by honoring the institutions, for one of the glories of America has been the continuity of its Colonial educational corporations. None of them has passed away as yet.

Very sincerely yours,

EDWARD L. KATZENBACH.

APPROPRIATIONS OF PUBLIC FUNDS

STATE APPROPRIATIONS

Prior to 1900 the State of New Jersey made the following appropriations to the Rutgers Scientific School (State Agricultural College):

(a) Interest on the Land-Grant Fund:

Generally representing interest at 6 per cent on \$116,000, but with some variation in certain years, due to changes in investment (From Annual Financial Statements of Rutgers College):

Year	Annual Appropriation
1866	\$930
1867	6,736
1868	6,924
1870	6,942
1871-1893, incl.	6,960
1894-1895, incl.	6,924
1896	5,854
1897	6,644
1898-1900, incl.	6,480

(b) For expenses of the Board of Visitors.

Authorized by Chapter 365, Laws of 1873, (see p. 43) amounting to \$50.00 a year.

(c) For advertising scholarship examinations.

Authorized by Chapter 9, Laws of 1879, (see p. 43) amounting to \$90.00 a year.

(d) For erection of buildings at the college farm, appropriated in 1883 (see p. 44), \$2,000.

(e) For Scholarships under Act of 1890: paid on account of 1891, \$1,500.

STATE APPROPRIATIONS 1900 TO DATE

For Fiscal Year Ending	Total	For General Support and Maintenance*		For Buildings and Equipment	Remarks
		For Men	For Women		
1901	2,540.00	2,540.00		\$12,000.00	\$2,400 Land Grant, Board of Visitors \$50 and \$90.
1902	16,240.00	8,240.00			\$12,000 establishing course in ceramics; \$5,800 Land Grant.
1903	8,472.50	8,472.50			
1904	8,440.00	8,440.00			\$80,000 scholarships, \$24,000 organization and equipment of short courses.
1905	70,240.00	69,240.00		24,000.00	\$37,800 equipment of short courses in agriculture.
1906	51,440.00	50,440.00		23,000.00	\$25,000 equipment of short courses in agriculture.
1907	54,440.00	53,440.00		20,000.00	\$20,000 furniture and equipment, Engineering Building.
1908	34,940.00	34,940.00		25,000.00	\$25,000 furniture and equipment, Chemistry Building.
1909	67,440.00	67,440.00		22,000.00	\$10,000 arranging, furnishing and equipment Entomology Building and Physics Laboratory Building.
1910	81,960.00	79,960.00		100,000.00	\$12,000 farm buildings for Dairy Husbandry.
1911	170,940.00	170,940.00		20,000.00	Agricultural Building.
1912	101,440.00	101,440.00		8,500.00	Equipment Agricultural Building.
1913	91,660.00	91,660.00		55,000.00	\$3,500 erection Greenhouses; \$5,000 equipment Agricultural Building.
1914	103,640.00	103,640.00		5,000.00	\$1,500 erection of Greenhouse; \$4,000 equipment Engineering and Chemistry Buildings.
1915	120,440.00	115,440.00		5,000.00	Erection of Calf Barn.
1916	125,840.00	121,840.00		4,000.00	Erection of Calf Barn.
1917	122,840.00	122,840.00			
1918	263,240.00	138,240.00		75,000.00	Erection of Horticultural Building.
1919	330,540.00	160,540.00		120,000.00	\$20,000 equipment for Horticultural Building, \$100,000 Ceramics Building.
1920	388,450.00	193,450.00		95,000.00	\$5,000 Storage Building; \$5,000 work shop, Crops Department; \$85,000 Poultry Building.
1921	524,200.00	229,200.00		170,000.00	\$150,000 Dairy and Animal Husbandry Building; \$20,000 equipment Poultry Building.
1922	750,200.00	250,200.00		350,000.00	\$50,000 equipment Dairy and Animal Husbandry Building; \$50,000 dairy barns, silos and yards; \$250,000 Recitation Building, New Jersey College for Women.
1923	485,000.00	280,000.00		40,000.00	\$30,000 equipment Recitation Building, College for Women.
1924	971,748.67	304,370.00		450,000.00	\$200,000 Physics Building; \$250,000 Recitation Building, College for Women.
1925	1,163,589.00	488,090.00		461,499.00	\$172,500 completing and equipping Physics Building; \$8,000 calf barn; \$250,000 Recitation Building; \$30,999 equipment College for Women.
1926	829,930.00	494,930.00		50,000.00	\$10,000 Machinery Storage Building; \$40,000 equipment, College for Women.
1927	862,138.50	535,138.50		34,500.00	\$30,000 equipment, College for Women; \$4,500 installation and equipment Nutrition Laboratories.
1928					
1929					

* All except special major items for buildings and equipment given in other column. Minor items for buildings, equipment, grounds, purchase of land, etc., included in "General Support and Maintenance."
 † Includes extension courses and other service open to both men and women.

FEDERAL APPROPRIATIONS

Federal Aid was provided also by the passage of the Hatch Act in 1887 (p. 69), and by the second Morrill Act in 1890 (p. 30). Under the former the College received \$15,000 annually; under the latter \$15,000 the first year, increasing at the rate of \$1,000 a year until the maximum allowance, \$25,000, was reached in 1900.

The Federal appropriations since 1900 (exclusive of income from the Land-Grant Fund) have been as follows:

<i>Year</i>	<i>Total Amount</i>	<i>Remarks</i>
1899-00	\$40,000.00	Hatch and Morrill Acts.
1900-01	40,000.00	Hatch and Morrill Acts.
1901-02	40,000.00	Hatch and Morrill Acts.
1902-03	40,000.00	Hatch and Morrill Acts.
1903-04	40,000.00	Hatch and Morrill Acts.
1904-05	40,000.00	Hatch and Morrill Acts.
1905-06	45,000.00	Increase, Adams Act.
1906-07	47,000.00	Increase, Adams Act.
1907-08	54,000.00	Increase, Adams and Nelson Acts.
1908-09	61,000.00	Increase, Adams and Nelson Acts.
1909-10	68,000.00	Increase, Adams and Nelson Acts.
1910-11	75,000.00	Increase, Adams and Nelson Acts.
1911-12	80,000.00	Increase, Nelson Act.
1912-13	80,000.00	Hatch, Adams, Morrill, Nelson Acts.
1913-14	80,000.00	Hatch, Adams, Morrill, Nelson Acts.
1914-15	86,972.94	Increase, Smith-Lever Act.
1915-16	97,646.04	Increase, Smith-Lever Act.
1916-17	104,040.99	Increase, Smith-Lever Act.
1917-18	110,426.00	Increase, Smith-Lever Act.
1918-19	116,807.29	Increase, Smith-Lever Act.
1919-20	142,734.05	Increase, Smith-Lever Act, and Supplemental War Dept.
1920-21	148,720.74	Increase, Smith-Lever Act, and Supplemental.
1921-22	156,841.93	Increase, Smith-Lever Act, and Supplemental.
1922-23	160,773.81	Increase, Smith-Lever Act, and Supplemental.
1923-24	160,773.81	Hatch, Adams, Morrill, Nelson, Smith-Lever Acts.
1924-25	160,773.81	Hatch, Adams, Morrill, Nelson, Smith-Lever Acts.
1925-26	180,773.81	Increase, Purnell Act.
1926-27	190,773.81	Increase, Purnell Act.
1927-28	200,773.81	Increase, Purnell Act.
1928-29	230,773.81	Increase, Purnell and Capper-Ketcham Acts.

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