.C.40-2

COPY NO. 2

April 1

LEGISLATIVE HISTORY OF R.S. 40:46-5

(Members of governing body ineligible for certain offices)

Laws 1917, Chapter 152 - Art. 37, sec. 23 - A-592 - Intro. Mar. 12, 1917 by Mr. C. Bill had no statement. This section not amended during passage.

The following report, which drafted this revision and discusses its general purposes in a foreword, does not mention this particular provision:

974.90 New Jersey. Comm. to Revise & Codify the Statutes...
M966 relating to ... municipalities.
1917 Report. 1917. (Pages 3-12 of rep't attached).

Laws 1938, Chapter 149, A-558 - Introduced March 7, 1938 by Mr. Wickham. This act added these provisos:

> Provided, nothing herein contained shall prohibit a councilman from resigning as councilman and being appointed to a position required to be filled by the governing body of a borough during the time for which he was elected such councilman; provided, further, that said position shall have been in existence and continuously filled for five years or more prior to the passage of this act; and provided further, that the salary of said office shall not be increased during the term for which said councilman was elected.

Statement:

> The purpose is to allow a councilman to resign during the term for which he was elected councilman and be appointed to a position to be filled by the governing body.

We checked the following without success: New Jersey Municipalities, 1938.

Laws 1948, Chapter 46 - A-161 - Introduced February 9, 1948 by Mr. Miller. This act adds "or alderman" in four places. It had the following statement:

> At the present time a Councilman or members of Boards of Freeholders may resign from the governing body of which he is a member and take certain municipal positions. This bill would grant the same privilege to a member of a municipality governed by an aldermanic form of government.

Laws 1955, Chapter 131 - S-164 - Introduced March 7, 1955 by Mr. Vogel. This act adds "or commissioner" in four places. No statement on the bill.

RS/jmg

The New Jersey Commission for the Revision and Codification of Laws Relating to Municipalities, created by the 1916 legislature, which rendered a report to the 1917 legislature, as a result of which a so-called home rule bill was passed, was continued by the 1917 legislature. The purpose of continuing the commission was threefold:

1. That they might continue the work of revising and codifying the statutes of the state relating to counties, as well as other statutes relating to governmental functions of all municipalities.

2. To study the operation of the bills theretofore reported by the commission.

3. To report a bill providing that salaries paid by counties should be fixed and regulated by local agencies, rather than by application to the legislature.

The very valuable report rendered by the commission to the 1917 legislature was even more valuable because of the revision and codification of the statutes relating to municipalities than for the merits of the bill which resulted from the report. The work of the commission which, in the words of Mr. Edward F. Merrey, one of the members of the commission, was chiefly for the purpose of revising and codifying the vast number of statutes relating to municipalities, was most thoroughly performed and resulted in paving the way for a proper approach to more complete home rule whenever that may be found possible.

The report of the commission to the 1918 Legislature has likewise been successful, and valuable, in clearing up the confusing and conflicting statutes relating to counties. The legislation resulting from both reports has worked out as planned and has resulted as expected in a great reduction in the number of bills introduced in the legislature.

However, the commission found that the statutes relating to counties, although not as numerous as those relating to municipalities, did not lend themselves, as easily to codification. The following statement from the report of the commission shows something of their problem as the commission saw it:

> Good county government requires that there should be a governing body with full control over the various departments of the county. This cannot be accomplished in New Jersey without an amendment to the constitution. Our present constitution provides for a number of county officials with power to expend the county funds independent of any direct control and without responsibility to anyone. The board of chosen freeholders, the present governing body, which is responsible to the people of the county for the raising of funds and the expenditures of the county's money, has not proper control over such expenditures.
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> In many respects the county is not an independent corporation, but merely a division of the state government. The commission felt that it was not within the scope of its work to revise the laws relating to this phase of county activity. Such laws cover matters which should be under state rather than county control.
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> The commission directed its attention principally to the revision and codification of statutes conferring powers on boards of chosen freeholders.

The bills prepared by the commission were Senate Bills Nos. 17 to 34, inclusive. These were all passed with the exceptions of Nos. 20 and 23, both of which were relatively unimportant, so that, in general, it may be said that the entire work recommended by the commission was passed.

Eleven of the bills passed are repealers and greatly clarify the statutes relating to counties. In addition to this much desired end, among the advantageous features of the laws as passed are:

1. Provision for a system of county planning, by which it is made possible to have all the municipalities within a county, and adjoining it, co-operate in the laying out of roads and boulevards, and in the betterment and systematic development of the county.

2. One of the bills made several amendments to Chapter 152, Laws 1917, the result of the report of the commission to the 1917 legislature. Among the more important of these amendments is one which provides for a change in the procedure relating to the passing of ordinances. It abolishes the different methods of proce-

one, should he not be retained—good officials are none too plentiful. If he is a 'bad one' don't re-elect him. It is another attempt at government by repression instead of government of responsible power."

Unable to locate 1918 report. In this Library or elsewhere. 1963. R. Schlaus

dure under all other statutes and fixes one method of procedure for all municipalities. Another provides a referendum in the question of fixing salaries of officers of municipalities. A referendum is also provided on the question of fixing the hours of service of police departments. There is also provision permitting municipalities to join with counties in doing certain work. Another amendment provides a method of procedure in appeals from assessments and awards of damages for local improvements.

While both the 1917 and 1918 reports of this commission have resulted in much immediate good in clearing the New Jersey code of the confusion and complexity previously existing in the statutes relating to municipalities, the chief good will come later. The way has been opened for laws that the municipalities sorely need and which the work of this commission has made more nearly possible of attainment.

C. H. ANDERSON.

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New Jersey Legislation Affecting Municipalities.—At last New Jersey has local option on the liquor question. This is a measure that, after years of importuning of the legislature from many quarters, the 1918 session has seen fit to pass. While perhaps not the most important of the laws affecting municipalities enacted by the legislature just adjourned, it is the first one of importance to appear in the new volume of the statutes. It is Ch. 2. The act authorizes municipalities, by popular vote, at general or special elections, to prohibit the sale of liquor within their boundaries. (Pertinent to the liquor question it may be well to note that the 1918 Legislature of New Jersey took no action toward ratifying the federal prohibition amendment.) Already several municipalities are planning to hold elections soon and a few have already voted on the question. The result of the vote in at least half of those that have voted has been to make their municipalities dry.

An important health and sanitation measure is Ch. 23, Laws 1918, which requires those in charge of water purification and sewage treatment plants to be examined and licensed by the state department of health.

Municipalities are authorized to buy and sell food and fuel during the present war and for six months thereafter. Ch. 53, Laws 1918. This act supersedes Ch. 8, Laws 1917.

Police powers have been conferred upon members of fire departments by Ch. 129.

The motor vehicle law relative to signals for slowing, stopping, turning or backing of vehicles has been amended by Ch. 141. Additional requirements to those just enumerated are bells on horses drawing sleighs and regulations for lamps and signals on bicycles.

An act of very considerable importance from the standpoint of city planning, has been passed by the 1918 New Jersey legislature. It authorizes governing bodies of first and second class cities to create building zones. New Jersey has two cities of the first class and thirty-four of the second class. Ch. 146, Laws 1918.

As a war measure the tenure of office of municipal employees entering the military or naval service of the United States, has been extended. Ch. 151, Laws 1918.

Another health measure is found in Ch. 155 of the 1918 session laws which authorizes municipalities to expend money for dental clinics for children of school age.

After a year's experience with a department of municipal accounts, which department was created as a result of the work, and the legislation resulting therefrom, of the commission for the survey of municipal finances, it was found that, in the interests of efficiency, the powers of the commissioner of municipal accounts should be enlarged. This has been done under Ch. 266, Laws 1918. This act is an amendment to Ch. 154, Laws 1917. The amendment gives the commissioner of municipal accounts supervision over the financial affairs of municipalities and counties, including the annual budget. This enlarged scope of authority is recommended by the commission that investigated the affairs of Jersey City, and from the conditions found in the department's examination of sinking funds and the careless methods employed by so many municipalities it would seem that a duly consti-

REPORT

OF THE

Commission to Revise and Codify the Statutes of this State

RELATING TO CITIES AND OTHER MUNICIPALITIES

APPOINTED BY

THE GOVERNOR

UNDER CHAPTER 84 OF THE LAWS OF [illegible]

Commissioners—
LEON ABBETT,
EDWARD F. MERREY,
FRANCIS A. STANGER, Jr.

SIDNEY J. TURNER,
Secretary.

To the Governor, and Members of the Senate and General Assembly of the State of New Jersey:

The Commission appointed by Governor Fielder under the provisions of Chapter 84 of the Laws of 1916, entitled "An Act to provide for the appointment of a commission to revise and codify the statutes of this State relating to cities and other municipalities, and to prepare bills delegating additional powers thereto," known as the McCram Act, beg leave to report as follows:

The commission organized promptly upon its appointment and the qualification of its members. Mr. Abbett was elected President, and Mr. Merrey, Secretary. Mr. Sidney J. Turner assisted the Commission in a clerical capacity from the time of its organization until June 14th, 1916, when Mr. Merrey resigned as Secretary, and Mr. Turner was elected to succeed him.

Realizing the vital importance to municipalities of the work assigned by the above-mentioned Act, the commission immediately arranged for a series of public meetings, which were held at the places and on the dates following: Trenton, May 2; Newark, May 3; Camden, May 10; Atlantic City, May 17; Bridgeton, May 18, Long Branch, May 23, and Jersey City, May 24.

To each municipality in this State was sent a written invitation, requesting that it have representatives present at one of these meetings. In addition, a general invitation to all persons interested, to attend the meetings was extended through the press.

The municipalities responded fairly well to the invitations, and, as a result, the meetings proved to be interesting and helpful. The commission received many suggestions, all of which were given the most careful consideration, and some of which were found to be of considerable value to the commission. At each meeting it was announced that the commission would meet weekly in Trenton, until the completion of the work, and requests were made that further suggestions be communicated personally, or in writing, at these meetings.

The laws referred to the commission for revision and codification comprise nearly one-third of all the statutes of this State. In the Compiled Statutes there are collected twenty-eight hundred and seventy-two sections under the title "Cities," one hundred and forty-five sections under the title "Boroughs," four hundred and seventy-three sections under the title "Towns," one hundred and seventy-two sections under the title "Townships," one hundred and seventy sections under the title "Villages," seven hundred and ninety-two sections under the title "Municipal Corporations," six hundred and fifty-nine sections under the title "Fire and Police" and one hundred and eighty-seven sections under the title "Public Parks," besides numerous other sections under various titles which refer to the powers conferred upon municipalities.

The session laws subsequent to the Compiled Statutes (1911 to 1916, inclusive), contain more than four hundred chapters relating to municipalities; and there are still in force many parts of old municipal charters passed before the constitutional amendment of 1875.

Municipalities in this State, so far as the work of this commission is concerned under the provisions of the above act, consist of townships, boroughs, villages, towns and four classes of cities. Some statutes are effective in all of the municipalities aforesaid, some in several of the classes, and others in only one class. In many instances a statute passed at one session of the Legislature empowers boroughs to make a certain kind of improvement or to render certain service to their inhabitants, enumerating with much detail how the power is to be exercised; and thereafter, perhaps at the same session of the legislature, another statute, almost identical in wording, has been passed conferring the same power on towns, or on some other class of municipality. Some statutes now on the books relating to municipalities are exact duplicates of others, while there are many that differ in wording but not in substance. Conflicting provisions are numerous, and the absence of any system of indexing makes the confusion much worse. Many statutes, while general in form, are local and special in application.

Much ingenuity has been displayed in attempts to evade the plain mandate of the constitution, that no special law shall be passed regulating the internal affairs of municipalities. There are several laws containing charters for cities which may be adopted by the

voters at referendum elections. These charters not only provide a form of government, but specify with great detail the powers conferred upon the governing bodies and executive officers.

The constitutional provision referred to became effective in eighteen hundred and seventy-five, and was designed to prevent laws relating to municipalities from falling into the condition in which we find them today. Chief Justice Beasley, in 1878, (Van Riper V. Parsons, 40 N. J. Law, page 5) in his able manner, set forth the evil that the amendment to the constitution sought to cure. He said:

"The object of the constitutional regulation is manifest. It was to exterminate, root and branch, special and local legislation, and to substitute general law in the place of it, in every instance in which such substitution could be effected. This is conspicuously apparent, for it is written in the general frame of the section, and in all of its specifications. The evils that had been inflicted under the guise of laws operative only within certain areas, had been of long standing, and were of the most serious character; and I think it is not too much to say that they constituted one of the principal causes that led to the project, recently carried into effect, of amending the constitution of the State. Experience had conclusively shown that the system itself was vicious, that permitted a city, or other political district, to be governed by laws applicable to it alone, such laws being enacted by persons having no particular interest in such locality, and having no constituency living within its bounds, to whom they were accountable for the measures to which they gave their sanction. This, in truth, was but one remove from the oppression of being governed by strangers. The result was such as might have been anticipated: laws were to be had for the asking by scheming persons, that were subversive of the rights of property, and which tended to the most reckless expenditure of the public moneys, so that the debts of some of these public bodies accumulated to such a degree as to threaten them with insolvency. Besides these grievances there were others of a lesser magnitude, it is true, but which were, nevertheless, the sources of much vexation and inconvenience. Among these minor mischiefs was the practice of amending and supplementing municipal charters with a profusion that knew no bounds, the consequence being that the law of this department was kept in a state of constant flux and transition, so as to make the consolidation of it into a system, by judicial decision, an impossibility.

"In short, in my opinion the clause in question seems to have been provided with the intention to require that, for the future, all legislative regulation of the internal affairs of cities should be the creatures, whenever practicable, of general laws framed for the purpose. This is a

domain from which special and local legislation is utterly excluded whenever the legislative end can be effected by a general law. The presence of such a provision in the fundamental law of the State would seem imperatively to demand the reorganization, under one general system, of the various municipal governments that now exist. As the present institutions of this kind are susceptible, except in rare cases, of improvement or alteration only by means of general enactments, it is safe to say that, until such a step be taken, the greatest embarrassment and difficulty will attend the administration of these local establishments."

Notwithstanding the adoption of the constitutional amendment, and its interpretation in so favorable a manner by the learned Chief Justice, the condition of the statutes relating to municipalities is in far worse condition in respect to the very evils it was proposed to cure than it was prior to the adoption of the amendment. The amendment contains, first, a command in negative form that "the legislature shall not pass private, local or special laws" regulating the internal affairs of municipalities; and secondly, an affirmative command that "the legislature shall pass general laws" providing therefor. The negative command has been obeyed in form, but, as yet, no complete system of general laws, as was contemplated by the affirmative provision, has been passed.

Since the adoption of the amendment the population of this State has increased threefold, and the number of municipalities has been multiplied in greater proportion. With the increase of population has come improved methods of communication and a great increase of wealth, with a much greater increase in the extent and number of the services which municipalities are called upon to render to their inhabitants. The ratio of this increase has been greater in the smaller municipalitis than in the larger. Today there is no improvement which may be made by any of our large cities which is not demanded by our smallest municipality; and the legislature has practically conferred the same power on the smallest municipality that it has on the greatest. This situation has been partly caused by the fact that the classification of municipalities is one in name only. One cannot tell the classification of a municipality under our law from its size or the density of its population.

In many states municipalities are classified with reference to the density and number of their respective populations, but in

New Jersey the classification is quite arbitrary and without any logical reasoning to support it. We have a city with less than one hundred population, and townships with over twenty thousand. Towns range in population from less than two thousand to nearly forty thousand. There is one borough with a population of nineteen, and another with fifteen thousand four hundred and fifty-five, while one village has a population of over six thousand.

With the absence of any system of proper classification, it is not surprising to find that there is little difference in the powers conferred upon the several classes of municipalities. It is evident that the time has now arrived when identical powers may be conferred on all municipalities of the State, and that classification is no longer necessary in that respect.

In the structure of government of the municipalities, particularly in the larger cities, there is a wide divergence of form. It has been considered necessary that as a city grew, it required a more complex system of government, and required that the power usually given to a common council should be divided up among several boards. This theory has been exploded by the law providing for the commission form of government, which took as its model the township commtitee of five, and so applied it that it could be used in the smallest borough or the largest city. This law may be adopted by the voters of every municipality in the State. The fact that it has not been more genrally adopted is evidence of the fact that many of the communities are satisfied with their more complex forms of government. As a principle of home rule, the legislature should not force upon them a system for the sake of merely securing uniformity in the structure of government.

In the act reported herewith, the commission has not provided for any change in the structure of government of any municipality. In fact, it does not seem to be the intent of the act providing for the commission, that it should attempt any such change. While the act particularly sets forth that it is the intention of the legislature to confer additional power upon municipalities, it does not refer in any way directly to any change in the form or structure of government. Besides, the

limited time allowed the commission was entirely too short for it to give consideration to that question.

The evil sought to be cured by this commission's work, is set forth in the first two clauses of the preamble to the act creating the commission, which read as follows:

"Whereas, At each session of the Legislature numerous bills are introduced relating to cities and other municipalities which, though general in form, are special in application; and

"Whereas, The time given to the consideration of such bills is one of the main causes in prolonging the sessions of the Legislature, and the enactment of such laws has encumbered the statute books, causing confusion and uncertainty as to the actual state of the law relating to cities and other municipalities."

The third and fourth clauses point out how the evil is to be remedied. They read as follows:

"Whereas, It is desired that the largest possible measure of home rule, consistent with constitutional limitations, should be granted to the municipalities of the State, so that each of them, in response to the sentiment and desire of its people, may from time to time deal with every matter of local concern, including the ownership and operation of such public utilities as any municipalities may see fit to own or operate; and

"Whereas, The revision and complication of the present laws relating to cities and other municipalities, and the delegation of more power to cities and other municipalities without sweeping away those fundamental principles and policies generally accepted and recognized throughout this State as wise and beneficent, would remove much of the present confusion and uncertainty and would shorten the sessions of the Legislature."

Since the powers now granted to all classes of municipality are substantially alike, the commission concluded that its revision could and should be completed in one act conferring on all municipalities the same powers. This will materially reduce the number of statutes, permit a simple system of indexing, remove all confusion and conflict; and by conferring complete power on all municipalities, make unnecessary the great number of requests by different municipalities for special laws granting special powers. As new needs arise in the future, they can be met by amendments to the act reported by the commission, if it be adopted.

The commission calls attention to the method of numbering sections in the bill reported by it. Instead of numbering the sctions consecutively, it has divided the bill into articles, and has numbred the sections of each article independently, thus permitting additions to the act to be made in the appropriate place by amendment, rather than by supplement.

In many states attempts have been made to confer complete power on municipalities by one general clause, frequently referred to as the "genral welfare clause." It would have simplified the work of the commission very much if it were practicable to have conferred the desired home rule powers in that way. Attempts of this kind have been unsuccessful elsewhere, and the legislative custom of specifying in detail the powers granted, is so well established that it is unsafe to attempt a radical change in method. Such a clause, without a specification of powers granted, would leave the powers granted uncertain. It would be necessary to limit the power granted to municipalities to matters of "local concern." This would leave open the question as to what is a "matter of local concern," with a consequent recourse to the courts to determine the question whenever any citizen felt disposed to question the action of a governing body. There are many matters which are of both local and state concern. The nature of the direction to it by the legislature made it necessary for the commission to settle this question. It considers the making of improvements and the rendering of service by the municipalities to its citizens, particularly matters of local concern in which other municipalities have little or no interest. On such subjects the bill reported by the commission gives to the municipality full power.

Regulations of the conduct and actions of persons who may happen to be within the municipal limits, are matters of much more than local concern. These are matters more properly to be dealt with by the legislature of the State than by municipal councils. It is far better to have police regulations of this sort general, and applicable throughout the entire State, than to have a different set of regulations in each municipality. That this policy is one that has been accepted and recognized throughout the State as wise and beneficient, is clear from the

course of legislation. To give municipalities full power over all police regulations within their boundaries, would require the repeal of the traffic law of nineteen hundred and fifteen, and would permit a differnt set of regulations for the use of vehicles in each municipality. Such a condition would be intolerable. Giving such power would result in the abolition of numerous State departments and the substitution of local regulations different in each municipality, in place of regulations general in character and applicable throughout the State. This would require the repeal of the general laws regulating tenement houses, factories, weights and measures, and other matters; would repeal laws for the relief and settlement of the poor, for the preservation of health, etc.

Feeling that these matters are of more than local concern, the commission does not advise the granting of additional powers to municipalities with relation to them.

Allied to these subjects is the regulation or prohibition of the sale of intoxicating liquor. The commission unanimously feels that the important work presented by it should not be considered or acted upon in connection with this subject, upon which the policy of this State is still unsettled. Mr. Stanger proposed a separate bill on this subject, containing local option features. The majority of the commission feels that the question of the regulation or prohibition of the sale of intoxicating liquor is one of more than local concern, and not within the province of the commission, and therefore no recommendation is made concerning it.

The commission presents a bill to the legislature in which is contained a full grant of powers to municipalities over matters of local concern, including the right to operate such utilities as any municipality may see fit to own and operate. It also presents several bills providing for the repeal of such statutes as will be unnecessary if the bill reported by the commission is adopted.

The commission has not covered the subject of bonds and finances, inasmuch as the Pierson Commission for the Survey of Municipal Financing was continued. We have had several conferences with that commission, in order that there would be no conflict between its work and the work of this commis-

sion. We have suggested, and the Pierson Commission has agreed to report a slight amendment to the bonding bill of last year.

In the bill herewith reported, no limitation is placed upon the amount of money that a municipality may expend for any municipal improvement, or in rendering any municipal service. Limitations of this kind have been placed in legislation in the past in a haphazard manner and without system. No good method for making such limitation suggests itself.

The commission feels that this matter should be left in the hands of the voters of each municipality, and have included in the bill reported a provision permitting a number of taxpayers to check the action of a governing body authorizing the making of any improvement, or incurring any indebtedness, until the approval of the voters is secured.

The bill reported gives to all municipalities the right to own and operate water works, heat, light and power plants, and transportation systems. Such plants can only be acquired after a referendum vote, which may be initiated by a petition signed by thirty per cent of the voters. It further delegates to all municipalities full power to acquire property for all purposes necessary, and to engage in all activities which any statutes now permit any municipality to engage in. It concentrates in one article all power for making local improvements, and provides one simple system for the making of assessments of benefits by reason thereof. This subject heretofore has been covered by a multitude of statutes. Not only is there at present a different mode of procedure provided for different classes of municipalitis, but in many classes there is a different mode for each kind of improvement. There is, undoubtedly, a greater demand for a revision and codification of the laws on this subject than any other referred to the commission. There seems to be no good reason why assessment laws should differ in different classes of municipalities, than should the laws regulating the assessment of taxes.

The time allotted to the commission has been too short to permit it to take up and prepare a law for the enforcement of all liens acquired by municipalities, including liens for taxes,

assessments, water rents, and all other municipal charges aganist property.

The bill provides for the joining of two or more municipalities in any undertaking in which one may engage. This provision is the best that can be made at present to relieve a situation that is being brought about by the rapid increase of population in the State. Only two states in the Union are more densely populated than New Jersey. In many instances, particularly in the northern part of the State, the municipal unit is too small to engage in many undertakings. This has resulted in the combining of several municipalities into districts for the purpose of providing sewerage facilities and the acquiring of water plants. In the vicinity of New York City, New Jersey municipalities are thickly settled and have many interests in common, and some system must be devised for the formation of a district or districts which will have power to undertake such activities as are common to all municipalities of the district, leaving only those activities which are local in their nature to be undertaken by a single municipality. It may, in the near future, be considered a wise policy in this State to grant to the counties certain powers which are now only vested in municipalities. We do not consider this a violation of the principal of home rule when the powers transferred relate to the matters which are really of county-wide interest. The enforcement of the criminal law is now vested in county courts, but police departments are municipal institutions. In one county near the New York border there are sixty-five municipalities, with sixty-five police forces under sixty-five chiefs. It can easily be seen that proper co-operation, in police work, under such conditions, is impossible.

The paralysis epidemic of nineteen hundred and sixteen furnishes another instance of the working of police power conferred upon small municipal units. Practically every municipality put separate quarantine regulations in force; a traveler by automobile, was in some instances stopped by health officers of as many different municipalities in a twenty-five mile ride. Street cars in the suburban sections were boarded every mile or two by officrs who removed children from them, often imposing serious hardships. Quarantines of this kind, if necessary, could be better regulated by some more

central authority than the officers of small municipalities. These suggestions are made in accordance with the third section of the Act under which the commission was appointed, and for the purpose of having the same considered by the legislature and the people of the State, but the commission realizes that public opinion has not sufficintly formed on this subject to permit of any legislation carrying into effect these suggstions at this time.

The commission also begs leave to mention the efficient and valuable services rendered to it by Mr. Sidney J. Turner. Mr. Turner has attended all meetings of the commission, making records of the minutes thereof; at the public meetings held in the several cities throughout the State, he made full stenographic notes for the use of the commission; and in all the work of the commission Mr. Turner has rendered services which could not have been dispensed with. The commission feels, and in fairness to Mr. Turner wishes to state, that it would have been almost impossible for the work to have been completed and prepared for consideration at this time had it not been for his valuable assistance. As yet Mr. Turner has received no compensation for his services.

Dated January 22, 1917.

Respectfully submitted,

LEON ABBETT,
President.
EDWARD F. MERREY,
FRANCIS A. STANGER, Jr.
Members of Commission.