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STATE CONSTITUTIONAL LAW: THREE VIEWS

THE WORKING OF THE NEW JERSEY CONSTITUTION

JOHN E. BEBOUT*
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This is essentially a success story. In 1947, the people of New Jersey adopted what is widely held to be one of the best state constitutions in the country. Members of the constitutional convention that drew up the constitution for the new state of Alaska in 1955-56 greatly admired the New Jersey document and used it as their most trusted single model. Now, some twenty years after the constitution went into effect in 1948, New Jersey knows it has problems but very few people are inclined to attribute many of them to defects in the constitution. This, as a casual review of current literature on the American system of government will reveal, is an uncommon state of affairs. Virtually every writer, official commission or civic organization concerned with increasing the effectiveness of the state element in American federalism puts the modernization of state constitutions very high in the list of urgently needed reforms.¹

The New Jersey system of government established under the state's third constitution is in the classic American tradition. The governor is definitely in charge of a state administration responsible to him; moreover, he is the only state-wide elected official. The heads of state departments, limited in number by the constitution to not more than twenty, are in most instances single commissioners appointed by the governor, with the advice and consent of the senate, to serve at his pleasure. The governor has a strong veto power, including the item veto and a suspensive veto.

The legislature is the traditional American two-house body relatively

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1. See, e.g., T. SANFORD, *STORM OVER THE STATES* (1967); COMMITTEE FOR ECONOMIC DEVELOPMENT, *MODERNIZING STATE GOVERNMENT*, (1967); and numerous reports of "The Advisory Commission of Intergovernmental Relations," Washington, D. C.

small in size, members of the senate being elected for four-year overlapping terms, members of the lower house or assembly elected every other year for a two-year term.

The constitutional court system is probably the simplest and certainly the most highly integrated state court system in any of the older forty-eight states.

The constitution is a relatively short document and, unlike most other state constitutions, contains very little material of a legislative nature. It includes a traditional Bill of Rights with two or three "modern" features and, except for certain provisions affecting the property tax and for a requirement that state borrowing of any consequence must be submitted to a vote of the people, there are none of those detailed fiscal limitations that curb both state and local governments in many parts of the country in their ability to adapt their fiscal policies to changing conditions. Except for traditional provisions for the election of three county officers, there is nothing in the state constitution to keep the legislature from restructuring local government in any way it might see fit.

The amending article provides what has in the last twenty years proved to be a fairly useable method for making minor changes in the constitution.

In other words, the New Jersey Constitution is strictly a basic constitutional document, not a code of laws, which establishes a simple governmental system based upon the separation of powers principle in which each of the three major departments has the powers needed for responsible performance of its allotted functions.

No one would deny that there are a few unnecessary provisions in the New Jersey constitution and that minor improvements could be made in the document here and there, but none of them goes to the essence of the capacity of the present government to govern. It would be hard to say this about the constitutions of more than a handful of other members of the Union. For example, an official commission composed largely of distinguished lawyers has described the constitution of the state of New York as being "not a constitution in a proper constitutional sense;" but rather "a mass of legal texts" embodying "a maze of statutory detail" much of it "obsolete or meaningless in present times."² This statement would apply as well to the so-called "basic law" in well over half of our states.

2. N.Y. TEMPORARY COMMISSION ON THE REVISION AND SIMPLIFICATION OF THE CONSTITUTION, FIRST STEPS TOWARD A MODERN CONSTITUTION, at 1 (Dec. 31, 1959).

In very fundamental respects, the present New Jersey system is sharply different from that under the Constitution of 1844. One of the authors of this article, writing in 1945 of the then one hundred year old state constitution, observed that it set up

a nominal separation of powers, only to vitiate it as an organizing principle for responsible government by denying the so-called chief executive the essentials either of executive power or of self defense against the pretensions of the legislature. . . . Consequently, the essential principle of the New Jersey constitution is legislative supremacy, within the limits set by the written constitution.

The writer went on to observe that for a variety of reasons, including the bicameral system, it was not possible as a practical matter to translate the supremacy of the legislature "into effective and responsible leadership in either legislation or administration, as it is in England."³

The governor was the only state-wide elected official, but he was elected for an anomalous three-year term and could not succeed himself. Consequently, an antagonistic legislature could simply wait out a governor's term, knowing that in due and fairly early course he would be succeeded by someone else. Governor Woodrow Wilson pointed out that this weakened the governor as against the invisible government of "the politicians" who could afford to "smile at the coming and going of governors . . . as upon things ephemeral, which passed and were soon enough got rid of if you but sat tight and waited."⁴

Except for three constitutional officers, the attorney general, the secretary of state and the keeper of the state prison, who were subject to appointment by the governor with the advice and consent of the senate but for terms not coterminous with his, and two others, the comptroller and the treasurer, appointed by the two houses of the legislature in joint meeting, the power to appoint heads of administrative departments and agencies was entirely a matter for legislative determination. There were some ninety or more separate departments and agencies, created and subject to change by the legislature. Many of these were headed by boards with overlapping terms appointed by the governor, some by single heads appointed by the governor for fixed terms (usually longer than that of the governor), and some by heads appointed by the two houses of the legislature in joint meeting. But

3. J. BEBOUT, *THE MAKING OF THE NEW JERSEY CONSTITUTION*, at V. (1955).

4. Letter from Woodrow Wilson to A. Mitchell Palmer, Feb. 5, 1913, in 53 CONG. REC. 12620 (1916).

the governor's appointing power in these matters was entirely at the mercy of the legislature. His veto was virtually useless since the legislature could pass a bill over his veto by a simple majority.

On the other hand, while the legislature had extensive powers, constitutional provisions regarding terms and compensation of its members tended to keep it constantly off balance. Senators were elected for three-year overlapping terms, but members of the lower house had to campaign every year for their one-year terms.

The court system was accurately described as "the most antiquated and intricate that exists in any considerable community of English speaking people."⁵ The English political scientist, Denis Brogan advised English students of law that if they wanted to see the medieval English court system in operation, all they needed to do was to take a boat to New Jersey in the United States of America and observe the New Jersey courts in action.

An excessively difficult amending procedure had defeated numerous attempts over the years to correct these and other basic structural defects in the New Jersey constitution.

It was the correction of these structural defects that sparked, and constituted the principal agenda of the constitutional revision of the 1940's.

There was a wide area of agreement among civic organizations and enlightened political leaders of both parties concerning what needed to be done. This area of agreement emerged from specific complaints about the working of the old constitution and was hammered out fairly thoroughly in two sets of documents. One was the 1942 report of an official commission appointed jointly by the governor and the legislative leaders, and chaired by state Senator Robert Hendrickson, the Republican candidate for governor defeated by Charles Edison in 1940. This commission found that New Jersey needed a substantially rewritten constitution and submitted a draft of such a document. The draft set a standard which helped sustain a high level of aspiration for subsequent revision efforts. The other document, or set of documents, comprised the recommendations of the New Jersey Committee for Constitutional Revision. These recommendations were developed through debate and compromise among the representatives of a substantial cross-section of civic organizations who composed the committee. They are reflected in testimony by representatives of the Com-

5. C. HARTSTHORNE, *COURTS AND PROCEDURE IN ENGLAND AND IN NEW JERSEY*, at 5 (19).

mittee at joint legislative hearings conducted on the report of the Hendrickson Commission in the summer of 1942. They are also set forth in detail in the records of the Constitutional Convention of 1947.⁶

There was one very important principle upon which nearly everyone agreed. This was that the one real virtue of the 1844 Constitution, namely its brevity, must be preserved. Proponents of the revision of the New Jersey Constitution looked about them at the detailed, restrictive constitutions of other states and were determined that their state should not go down that road. The constant repetition of this purpose before and during the convention of 1947 was successful in killing off numerous efforts by particular individuals or groups to write pet ideas into the constitution.⁷ A corollary of this principle was the short ballot. The state had never had more than one statewide elected official, namely the governor. Even efforts to add an elected lieutenant governor found very little support. There was virtually no sentiment for departing from the practice of appointing judges.

Before examining in some detail major constitutional changes that emerged from the revision of 1947 and the way in which they have worked, it is necessary to note one other background fact. The convention of 1947 was limited in one very important respect by the terms of the act of the legislature, approved by vote of the people, that established it; the convention was forbidden to change the basis of representation in either house of the legislature. Since 1776, the upper house of the New Jersey legislature had consisted of one member elected from each county. Since 1844, the lower house had been fixed constitutionally at sixty members, apportioned among the counties as nearly as might be according to population. By virtue of a supreme court interpretation of the language of the 1844 Constitution, the members were elected from each county at large.⁸ Stipulation that each county must have at least one assemblyman did mean that the smaller counties were over-represented statistically in the lower as well as in the upper house.

There were many people who felt that the equal representation of the counties was the greatest single defect in the Constitution of 1844. Governor Edison in his message urging the legislature to call a con-

6. COMMISSION ON REVISION OF THE NEW JERSEY CONSTITUTION, REPORT (May, 1942); STATE OF NEW JERSEY, RECORD OF PROCEEDINGS BEFORE THE JOINT COMMITTEE OF THE NEW JERSEY LEGISLATURE CONSTITUTED UNDER SENATE CONCURRENT RESOLUTION No. 19 (1942); STATE OF NEW JERSEY, CONSTITUTIONAL CONVENTION OF 1947, (1949).

7. STATE OF NEW JERSEY, 1 CONSTITUTIONAL CONVENTION OF 1947, 1, 5-9 (1949).

8. MORRIS v. WRIGHTSON, 56 N.J.L. 126, 28 A. 56 (1893).

stitutional convention described the senate as "a lawmaking body in which acres are represented rather than people."⁹ And, thereby, hangs a tale. It was this very fact, the construction of the state senate, that had beaten efforts by governors for nearly three-quarters of a century to obtain a constitutional convention. This was because there was no provision in the Constitution of 1844 for the calling of a convention, which meant that for practical purposes, the only way to have a convention was through a call authorized by the legislature.

In later years a number of people, including Arthur T. Vanderbilt, developed the theory that a valid constitutional convention might be called by some action not necessarily involving both houses of the legislature.¹⁰ The first effort to by-pass the roadblock that the senate continued to maintain after Governor Edison's inaugural was a referendum authorizing the 1944 state legislature to act as a two-house convention and submit a new constitution to the people without any change in legislative representation. The voters rejected the proposed 1944 Constitution, but the 1947 legislature, responding to the leadership of Governor Alfred E. Driscoll, submitted the proposal for the limited convention to the voters, which led to the successful 1947 revision. Some people felt so strongly about the problem of representation that they regarded this appeasement of the senate as a sellout. However, most revisionists felt that the opportunity to achieve general revision of other outmoded parts of the constitution was too important to justify a stand on principle that was almost certain to postpone any revision indefinitely. Of course, no one knew then that the Supreme Court of the United States, in a few years, would force the state to hold another constitutional convention to complete the unfinished business of reapportionment.¹¹ This led to the Constitutional Convention of 1966, which revised the system of representation in both houses on the one man, one vote principle and in the process, to some extent, departed from the strict county basis of representation.

Although there was great dissatisfaction with a governor described by the citizens' Committee for Constitutional Revision as "practically powerless" and with a legislature unable to be "an impartial and effective guardian of the people's interests" because of too frequent elec-

9. Inaugural Address by Charles Edison, Jan. 21, 1941.

10. The theory was developed at length by Behout & Kass, *How Can New Jersey Get a New Constitution?*, 6 U. NEWARK L. REV. 1 (1941).

11. NEW JERSEY TAXPAYERS ASSOCIATION, ONE MAN, ONE VOTE, BACKGROUND FOR CONSTITUTIONAL REAPPORTIONMENT IN NEW JERSEY (Feb. 1966).

tions, inadequate pay, and the dealing and log rolling resulting from its power to appoint administrative officers, the greatest single force for revision was dissatisfaction with New Jersey's court system.¹²

Appropriately, then, the most drastic revision accomplished by New Jersey's Constitutional Convention of 1947 was that of the state's court system. The sweeping changes embodied in Article VI, the Judicial Article, of the 1947 Constitution were achieved only after a century-long struggle.¹³ The leader in the latter sixteen years of that effort was the late Arthur T. Vanderbilt, eminent lawyer, law teacher, political leader, former President of the American Bar Association, and New Jersey's first Chief Justice.

The goals of the judicial reform movement were described by Chief Justice Vanderbilt in an address to the bench and bar of New Jersey in these words:

There has been a remarkable continuity in the objectives which have marked the movement for the improvement in the administration of justice in New Jersey over the past century. These objectives, as I read our judicial history, have been (1) toward judges better equipped in the law, (2) against a system which permits either litigants or lawyers to choose the judge who will try a particular case, (3) toward judges more independent economically and politically, (4) toward judges entitled to more public respect by reason of their devoting all of their time to judicial work, and (5) toward a simplified system of courts and flexible and efficient procedure.

The Committee on the Judiciary of New Jersey's 1947 Constitutional Convention in its report to the convention accompanying the draft of the present Judicial Article stated:

The testimony presented to the Committee was in large measure in agreement as to the essential characteristics of a modern judicial system. Three fundamental requirements were particularly stressed:

First: *Unification of Courts*. By this means, the judicial system

12. N.J. COMMITTEE ON CONSTITUTIONAL CONVENTION, WHAT IS WRONG WITH THE NEW JERSEY CONSTITUTION? (1941); the name of this committee was later changed to "Committee for Constitutional Revision."

13. See Evans, *Constitutional Court Reform in New Jersey*, 7 U. NEWARK L. REV. 1-4 (1941); Vanderbilt, *New Rules of the Supreme Court on Appellate Procedure II*, 2 RUTGERS U. L. REV. 1, 3-14 (1948).

is simplified and the condition for economical and efficient administration established. It is the sole known technique for abolishing jurisdictional controversies which delay justice and waste the time and money of litigants and courts.

Second: *Flexibility of the Court System*. By assignment of judges according to ability, experience and need, and apportionment of judicial business among courts, divisions and parts according to the volume and type of cases, judicial resources can be fully utilized and litigation promptly decided.

Third: *Control Over Administration, Practice and Procedure by Rules of Court*. Exclusive authority over administration, and primary responsibility secures businesslike management of the courts as a whole and promotes simplified and more economical judicial procedures.

These were the basic principles which guided the Committee in framing the Judicial Article submitted to the Convention.

The guidelines followed by the Committee were quite in harmony with principles of court reform long espoused by the eminent authority on the subject, Dean Roscoe Pound of the Harvard Law School.¹⁴

The Judicial Article that established New Jersey's present judicial system became effective September 15, 1948. Prior to that date, New Jersey had a 104-year old court structure as provided in the state's 1844 Constitution. The term "system" could hardly be applied to the conglomeration of courts that administered justice in New Jersey prior to September, 1948. The courts were deeply rooted in the pre-colonial English legal tribunals while England had long ago effected its judicial reforms.¹⁵

To gauge fully the very substantial improvement that New Jersey's revision of the Judicial Article effected in the administration of justice, a brief description of the former courts and their jurisdictions may be helpful. Courts with overlapping jurisdictions and judges with duties in more than one court were among the many shortcomings of the old system. Thus, the court of the last resort was the court of errors and appeals. It consisted of sixteen judges including the chancellor,

14. R. POUND, ORGANIZATION OF COURTS (1940); see also Address by Dean Pound, Organization of Courts, N.J. State Bar Association, in 70 N.J. L.J. 241 (1947).

15. See Sunderland, *The English Struggle for Procedural Reform*, 39 HARV. L. REV. 725 (1926).

the nine justices of the supreme court, and six lay judges. Its jurisdiction encompassed appeals from the supreme court, the Court of Chancery, the Prerogative Court and in some instances from a lower court called the circuit court. The Court of Chancery consisted of the chancellor, ten vice-chancellors and fourteen advisory masters. This court had exclusive jurisdiction in the field of equity jurisprudence including trusts, probate, and matrimonial matters. The trial judges (the vice-chancellors and advisory masters) *advised* final orders and judgments which had to be signed by the chancellor, who usually sat in Trenton, the state capitol. The chancellor, besides signing, usually automatically, the decrees and orders as *advised*, served in a supervisory capacity, rarely presiding at hearings or trials. Then there was a tribunal called the Prerogative Court presided over by the chancellor and vice-chancellors but in this court they were called the Ordinary and Vice-Ordinaries, respectively. This court also had jurisdiction over trusts, probate matters, decedent estate, and fiduciaries. It also determined appeals from the Orphans Court. Much of the original jurisdiction of both of these Courts was the same.

The former supreme court with a chief justice and eight associate justices was successor to the English courts—King's Bench, Common Pleas and Exchequer. This court had state-wide jurisdiction and served as an appellate court and also a trial court. It heard appeals from lower law courts¹⁶ and had exclusive jurisdiction over matters involving the issuance of prerogative writs. Supreme court justices besides sitting as appellate judges in two courts, also sat as *nisi prius* judges in civil cases for damages as well as for the issuance of prerogative writs. They also had numerous other duties and functions such as charging grand juries, presiding over sessions of the Court of Oyer and Terminer in the smaller counties, hearing motions at the state capitol at Trenton or at the county seats, and in emergencies at their homes. They also appointed county park commissioners and jury commissioners.

At the county level there were the circuit courts and Courts of Common Pleas, and Orphans Courts, all with jurisdiction in civil cases that in many instances could be brought in chancery or the supreme court. Jurisdiction in criminal cases was divided among the Courts of Oyer and Terminer, Quarter Sessions, and Special Sessions.¹⁷

16. The Supreme Court heard appeals from the Circuit Court and the Courts of Common Pleas, Quarter Sessions and Special Sessions.

17. The Court of Oyer and Terminer had jurisdiction in all cases of an indictable nature, including murder and treason; The Court of Quarter Sessions heard all cases

A judge of the Court of Common Pleas was the judge of the Orphans, Oyer and Terminer, Quarter Sessions and Special Sessions Courts.

Courts created by legislative acts, with lesser jurisdiction at the local level, were the county district courts, juvenile and domestic relations courts, county traffic courts, small cause courts, municipal police courts, magistrate's courts, and family courts.

This pot pourri of courts with rigid jurisdictions in some instances (as between the chancery court and the law courts), overlapping functions in many of the courts, and multifarious duties of the judges was not conducive to an efficient operation of judicial administration. There was no real controlling head of the courts with adequate rule-making power. There were inordinate delays in various cases, in decisions held "under advisement," and, in many instances, long drawn-out court jurisdictional disputes. Many such cases were cited at hearings of the convention's Judiciary Committee. These included one in which it took a widow seven years to have her claim for proceeds of an insurance policy decided, a case which first went two full routes from trials in the chancery and law courts through appeals to the Court of Errors and Appeals.

An eminently qualified Committee on the Judiciary after many days of hearings, which included testimony by Dean Pound and the late Judge Learned Hand, presented a streamlined system for the modern administration of justice that with few changes was adopted by the convention and ultimately became Article VI of the present New Jersey Constitution.¹⁸

Instead of an appellate court of last resort of sixteen judges, ten of whom also held other important judicial offices (chancellor and nine supreme court judges), with the remaining six on the misnamed "Court of Pardons," there is now a supreme court consisting of a chief justice and six associate justices who serve only in that court. The chief justice is the administrative head of the entire court system from the municipal court through the supreme court. He is aided by an Administrative Director of the Courts in the over-all supervision of the

of an indictable nature, except murder and treason; The Court of Special Sessions had same jurisdiction as Court of Quarter Sessions except that cases were heard here only when jury was waived.

18. The Committee was headed by the late Dean Frank H. Sommer and present Supreme Court Justice Nathan L. Jacobs, who conducted most of the hearings when illness incapacitated Dean Sommer. See Apps. I, II *infra* for summary of New Jersey's current court system.

court system. A broad power to make rules governing the administration of all courts and practice and procedure, including admission to and discipline of the bar, is vested in the supreme court.

Below the supreme court is the superior court which has "original jurisdiction throughout the State in all causes." All jurisdictions—civil, criminal, law and equity—are merged in the superior court.¹⁹ Instead of the four former courts: chancery, supreme court, prerogative court, and circuit court, there is now one court with three divisions—two trial divisions, law and chancery, and the appellate division, which serves as an intermediate appellate court. The divisions may be further sub-divided into such parts as may be deemed necessary to hear such causes as determined by rules of the supreme court. Thus in the chancery division there is a subdivision for matrimonial matters.

A county court for each county was retained at the insistence of certain political leaders who felt it was desirable to have at least one judge based and available in each county. While the present county court supersedes former county courts,²⁰ its jurisdiction for the most part is concurrent with that of the superior court. Inferior courts below the county court level and their jurisdiction, "[m]ay from time to time be established, altered or abolished by law."²¹ It was deemed advisable to have the local courts subject to the less rigid control of legislation, rather than to provide for them in the constitution with its relatively unwieldy amendment provisions.²²

However, the legislature has not implemented this principle by acts that would further tend to unify and modernize the court structure below the county court level. The chief justice and the supreme court in the exercise of their rule-making power and their power to assign judges where needed have achieved a de facto unification of the superior court and the county court as is hereinafter shown. However, the lowest level of the courts, the 520 municipal courts, have not been dealt with by the legislature and cannot readily be consolidated or merged into a streamlined stated court system by the supreme court

19. N.J. CONST. art. XI, § IV, para. 3.

20. *Id.* at para. 4.

21. *Id.* at art. VI, § I, para. 1.

22. See Vanderbilt, *Essentials of a Sound Judicial System*, 48 NW. U. L. REV. 1 (1953). For a more detailed expository account of New Jersey's present court arrangement, the historical background of the drastic court reform in the New Jersey constitution, the reader is referred to 2 RUTGERS U. L. REV. 1 (1948). The whole issue is devoted to a description of new court system, the background of the predecessor courts and an authoritative analysis of the then newly adopted rules of court.

with its rule-making power. There is considerable support for the abolition of the municipal courts as presently constituted, and for merging them into a court with county-wide jurisdiction. The members of the supreme court and the Administrative Director of the Courts strongly support such a merger. Governor Hughes, a former superior court judge, in an address to the American Trial Lawyer's Association last July, expressed himself with respect to the Municipal Courts situation as follows:

The impact of the impressions gained from experiences in these courts upon public confidence in our legal system is profound. Consequently, I believe that the merger of municipal courts into the unified state court system would be a major step forward in meeting criticisms of "assembly-line justice" and related ills. I have asked that New Jersey begin to lay the groundwork so that the complicated procedure of court merger may be accomplished within the next few years.

All that is needed is a constitutional amendment. Doubtless the local political leaders and, perhaps, many others at the local community level feel more comfortable in having the adjudication of local squabbles and issues arising out of the local law enforcement made by local magistrates rather than out-of-town judges. However, these advocates of localism appear to be running against the tide of court modernization and unification.

New Jersey's court system as modernized by the 1947 Constitutional Convention has achieved the hopes and promises of its proponents. It should be stated here that the drastic changes brought about by the 1947 Judicial Article were strenuously opposed by some members of the bench and bar who liked things as they were. There was particular objection to the joinder of the court of chancery with the law courts into the one superior court with a chancery division and a law division with restricted interchangeable power where justice in the complete disposition of a case so required. But today very few of the practitioners would want to return to the old system.

New provisions in the 1947 Constitution for certain qualifications of judges, tenure for judges upon reappointment after a first term of seven years, together with liberal pension provisions for judges of the supreme court and the superior court and generous salary increases for all state and county judges in recent years, have made for better

qualified judges, independent economically and politically. The New Jersey bench at all levels is held in high regard by the bar and the public of the state for its competence and integrity; an attitude most essential to public acceptance of justice as administered in the courts.

A very useful function of the Administrative Director of the Courts has been to gather and collate facts concerning the adequacy of the number and performance of judicial personnel, and statistics concerning the calendars of courts at all levels. These have been of great value to the chief justice and the supreme court in assigning judges, in promulgating rules, and in obtaining additional judges and courtroom facilities. The appendices hereto, generously supplied by the Administrative Director of the Courts, are a graphic summarization of the activities and accomplishments of the New Jersey courts during the past twenty years. It is interesting to note that while an approximate total of 143,175 cases were disposed of by the trial courts above the municipal court level in the 1948-1949 court year, over 408,000 cases were disposed of in the 1967-1968 court year, an increase of 185%.²³ In contrast, the total number of 127 state and county court judges above the municipal court level in 1948 has grown to a total of 234 or an increase of approximately 85%.²⁴

To meet the tremendous case load increase during the past twenty years, the elements of central administrative control of all courts in the state, flexibility in assignment of judges, and the adequate rule-making power have played their expected important roles. Although there has been a substantial increase in the number of judges in the trial courts, this factor alone would not have made possible the expeditious disposition of the large volume of cases.

Flexibility in the court system enabled Chief Justice Vanderbilt and his successor, Chief Justice Joseph Weintraub, to consolidate the trial calendars of the superior court and the county courts and to assign judges from the county courts to the superior court. Judges from counties where the calendars are current may be and frequently are assigned temporarily to sit in counties where the calendars are exceptionally heavy.

The over-all court supervisory authority vested in the chief justice and his administrative right arm, the Administrative Director of the Courts, the Honorable Edward B. McConnell, has made possible the efficient use of judicial personnel and of the judges' time and aided in

23. See App. III *infra*.

24. See App. IV *infra*.

the provision of much-needed courtroom facilities for the greatly expanded business of the courts.

The supreme court's broad rule-making powers have made possible simplified practice and pleading, again with the objective of disposing of cases expeditiously but justly. The value of the rules as promulgated and applied by the courts is evidenced by the relatively few cases, particularly as compared with the pre-1948 era, which have been decided on procedural questions since 1948. Liberal discovery procedure has largely reduced the sporting aspects of litigation. The former trial where the last minute surprise tactics of a game to be won by the cleverest advocate has been replaced by a simple quest for truth aided by the encouragement of thorough preparation through liberalized discovery rules.

Mandatory pretrial procedures were originally prescribed in all cases to narrow issues and save time, money, and effort in preparation of cases and at trials or hearings. When such procedures were found to be ineffective and more time-consuming than useful in personal injury cases, the rules were changed to put pretrial conferences in such cases on a voluntary basis. It is still felt by many, however, that were they given more than lip-service by the bar and some trial judges in personal injury cases, pretrial conferences could be effective instruments in reducing trial time and encouraging settlements. Settlement conferences are encouraged in all cases, with a substantial number usually disposed of in this manner.

Commenting editorially on "Two Decades of the 'New' Court System," the *New Jersey Law Journal*²⁵ expressed the general feeling of the bench and bar of New Jersey when it said:

In retrospect, we have experienced two decades of judicial history of which the bench and bar of New Jersey can be proud. No heavily populated state has found a solution to all the Court problems of 1968 but none are more vigorously seeking solutions than our own State and none have nearly so effective an organization to that end.

In conclusion, New Jersey's court reform produced by the state's Constitutional Convention of 1947 has proved most fortunate for the state and its people. Without the modernization and streamlining of the state's court system, the burgeoning calendars of the past twenty

25. 91 N.J. L.J. 608 (1968).

years would have been subject to inordinate delays and vastly increased cost in the administration of justice in a state that quite properly today prides itself on "Jersey Justice."

Next to their concern for reform of the complex and cumbersome system of courts, the revisionists were concerned with the need to strengthen the governor both as an administrative chief and as a policy leader. The principal constitutional sources of weakness in the office of governor under the old constitution have already been described. An occasional governor, by sheer force of popular and political leadership, had been able to make an important impact on the government and policies of the state. Most notable among these were Governor Leon Abbott, who held two non-consecutive terms in the 80's and early 90's, and Governor Woodrow Wilson, whose effectiveness was enhanced by his evident drive toward the presidency. Other governors succeeded in accomplishing limited objectives, but the constitutional infirmities of the office, especially the prohibition against self-succession, and the durability of strongly entrenched county-based political organizations, tended to keep governors from using the office as a strong base for continuing state-wide leadership comparable to that achieved by governors in the neighboring state of New York.

The revisionists of the 1940's sought to change this situation by the following new or altered provisions in the 1947 Constitution:

(1) Extension of the term from three to four years with provision for self-succession once and the possibility of still further terms after a lapse of four years.

(2) The provision already noted that the state administration shall be organized in not more than twenty principal departments under the supervision of the governor, headed either by a single executive appointed by the governor at his pleasure, with the consent of the senate, or by a board, appointed by the governor with the consent of the senate, which, if authorized by law, might appoint a principal executive officer with the governor's approval. At the present time there are sixteen principal departments, ten of them headed by single commissioners appointed by the governor.²⁶ The legislature can no longer opt to appoint any administrative officer or deprive the governor of the right to appoint heads of departments. A detailed provision for the appointment of militia officers in the old constitution was replaced by a short provision which has enabled the establishment of a department

26. NEW JERSEY LEGISLATIVE MANUAL, at 515 (1968).

of defense headed by a defense chief of staff appointed by the governor.

(3) The governor's constitutional executive power is strengthened by a provision that empowers him "by appropriate action or proceeding in the courts brought in the name of the state, to enforce compliance with any constitutional or legislative mandate, or to restrain violation of any constitutional or legislative power or duty, by any officer, department or agency of the state" other than the legislature²⁷ and by a provision giving the governor a strong power of investigation with respect to the conduct of any officer or employee compensated by the state, except officers and employees in the legislative or judicial branches.

(4) A greatly strengthened veto power which gives the governor a longer period of time to consider bills and requires a two-thirds vote of all the members of each house to override a veto. In addition to the item veto on appropriations which had been given the governor by an 1875 amendment, the new constitution authorizes the governor to return a bill with recommendation for a specific amendment or amendments. Former Governor Alfred E. Driscoll, the first governor to serve under the new constitution, has told the writers of this article that he found the so-called "conditional veto" very helpful in dealing with the legislature. This inside opinion is confirmed in an unpublished study by Messrs. Bennett M. Rich and Ernest C. Reock, Jr. of Rutgers University, The State University of New Jersey, entitled, "The Conditional Veto in New Jersey." The authors, after studying the record over a fourteen-year period, concluded that the device "has served a constructive purpose." They found that desirable legislation might be saved or improved "in an expeditious manner" and that "the conditional veto can serve as a helpful bridge in easing strains incident to the lawmaking process." In one respect, the governor's veto power was reduced by the new constitution. The so-called "pocket veto" following a *sine die* adjournment was eliminated by providing that the governor might have forty-five days following an adjournment occurring within ten days of the passage of the bill, but that the legislature should convene automatically on the forty-fifth day to consider any vetoes submitted by the governor.

(5) A new fiscal provision designed to prevent the legislature from dedicating a particular revenue source to a specific purpose over a

27. N.J. CONST. art. V, § I, para. 11.

period of years, which gives the governor greater flexibility than he previously enjoyed in budgeting and fiscal planning.²⁸

We know no one who, after more than twenty years, would reverse the move toward an effective and responsible governor. Of course, performance depends upon the man and political circumstances, as well as on the constitutional definition of the office. There can be no doubt, however, that the new system has produced a more understandable and manageable state administration, headed by a governor with greater freedom to exert effective political and policy leadership in his own right.

As we have already pointed out, the constitutional convention of 1947 was forbidden to tackle the basic question of legislative apportionment. However, the changes that were made in the legislative article, in our opinion, have had a significant and salutary effect on legislative performance. Terms of senators were extended from two to four years and those of assemblymen from one to two years. The old system of annual selection exacted a high price in time, money, wasted experience, and diversion from the main business of the legislature.

As a result of the elimination of the fixed \$500 compensation for legislators, the salaries of legislators have been increased to \$7,500 a year with provision for paying the senate president and assembly speaker \$10,000 each.

The constitution provides for appointment by the two houses in joint meeting of a state auditor to conduct post-audits and perform other related duties and report to the legislature as may be required.

The convention finally resolved a long-standing debate over the scheduling of state elections. Under the old constitution, with the one- and three-year terms, elections moved around the calendar in a bewildering fashion, sometimes coinciding with national elections, sometimes not. The convention accepted the view of those who had long been arguing that it would be more healthy to separate state elections from national elections. Consequently, elections for the legislature and the governor are held in odd numbered years. Under this schedule, the governor is elected in the year following a presidential election. It is generally believed in the state that this does tend to enable the voters to concentrate on the appropriate issues, whether state or national, at any given election.

In addition to these basic structural changes, the new constitution

28. *Id.* at art. VIII, § II, para. 3.

included a number of provisions designed, in the minds of its authors, to make it a more appropriate instrument for modern government. In strict theory, none of them are necessary, and it does not seem likely that they have had much effect on the public policy in the state. Only one, the tax clause, has caused much litigation or posed serious policy problems. Most of the others would generally be regarded as helpful.

For example, former Governor Driscoll has told the authors that a new antidiscrimination section made it easier to obtain effective legislation, because, the principle having been written into the constitution, he could ask for enabling rather than innovative legislation. The new provision, Article I, paragraph 5 reads:

No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin.

The New Jersey courts have consistently liberally construed this section of the constitution in many cases in which the application of this section was challenged. In *Levitt and Sons v. Division Against Discrimination*, a leading case on the subject, the Supreme Court of New Jersey held:

In approaching the construction of the statute it is necessary to be mindful of the clear and positive policy of our State against discrimination as embodied in N. J. Constitution, Article I, paragraph 5. Effectuation of that mandate calls for liberal interpretation of any legislative enactment designed to implement it.²⁹

A collective bargaining provision was also added to the Bill of Rights, Article I, paragraph 20:

Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize and make known to the State or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choice.

This has been interpreted to confer upon private employees the "right

29. 31 N.J. 514, 524 (1960).

to strike, picket and employ whatever other techniques may exist to further peaceably the desires of employees in private employment.”³⁰ On the other hand, this Article has been interpreted to prohibit strikes by public employees. The New Jersey Supreme Court has held that a grant to public employees of full collective bargaining rights, including the right to strike, must be “deliberately expressed and is not to be implied.”³¹

It may well be that the practical effect of this provision is not to broaden the rights of labor, but rather to curb them in the area of public employment.

New Jersey, without the kind of home rule article found in many state constitutions, has nevertheless had a strong home rule tradition, jealously defended by local governments, and in modern times fairly consistently respected by the legislature. Since the so-called Home Rule Act of 1917, at least, it has made generous grants of substantive power to all classes of municipalities. The “Dillon Rule” of strict construction of delegated powers continued to be troublesome, however, and there was also complaint that the legislature did not provide local communities with sufficient options regarding form of government. To meet these needs, the convention wrote two new provisions. The first, Article IV, Section VII, paragraph 10, permits the legislature by two-thirds vote, on petition of a local governing body, to pass a special or local law, which might be in effect a special charter, which then becomes operative only if adopted by ordinance or vote of the people. The second provision, paragraph 11 of the same section, is an admonition to the courts that laws concerning municipal corporations “shall be liberally construed in their favor.”

The intent of these provisions was carried out in the new Optional Municipal Charter Law of 1950, which seeks to provide all municipalities with the broadest possible substantive powers and a wide set of options as to form of government. This act, which provides what amounted to a new municipal constitution for the state was prepared by a mixed commission, instigated in 1948 by Governor Driscoll, as a continuation of the modernization effort which produced the new con-

30. See *New Jersey Turnpike v. American Fed'n of State Employees Local 1511*, 83 N.J. Super 389, 200 A.2d 134 (1964); *Independent Dairy Workers Union v. Milk Drivers and Dairy Employees Local 680*, 30 N.J. 173, 152 A.2d 331 (1959).

31. *Delaware River & Bay Authority v. International Organization of Masters, Mates & Pilots*, 45 N.J. 138, 148, 211 A.2d 789, 794 (1965).

stitution. The courts have acted consistently with this trend and generally upheld municipal actions.³²

Another "modern" provision, Article VIII, Section III, paragraph 1, is essentially an urban renewal clause which may or may not have been helpful in insuring the constitutionality of such subsequent legislation that has involved the state in urban renewal and lower and middle-income housing programs calling for tax exemptions for limited dividend corporations.

A number of provisions, for one reason or another, have proved somewhat disappointing in their effect. The old New Jersey Constitution had a general prohibition against gambling, adopted by amendment in 1897, to which an exemption later had been made in favor of parimutuel betting on the horses. There was considerable sentiment in the convention for introducing additional exceptions in favor of bingo and lotteries conducted by non-profit organizations for charitable purposes. In order to avoid the gradual expansion of the gambling provision by the elaboration of specific exceptions, the convention provided that no gambling might be authorized except by legislation of very specific nature authorized by a majority of the votes cast on the question by the voters of the state.

The bingo interests introduced a bill in the succeeding legislature which was vetoed by Governor Driscoll, partly because he felt it was not tightly enough drawn. Thereupon bingo and similar games of chance conducted by "bona fide veterans, charitable, educational, religious or fraternal organizations, civic or service clubs, volunteer fire companies and first aid squads" were authorized by a long constitutional amendment that could not be vetoed by the governor.

One provision that almost any student of government would recognize as a "good thing," Article III, Section IV, paragraph 6, stated that no administrative rule or regulation with effect outside the government itself should take effect until filed with the Secretary of State or in some manner provided by law. The concluding sentence of the paragraph reads: "The legislature shall provide for the prompt publication of such rules and regulations." After twenty-one years, it now appears that the legislature and governor are approaching agreement on a bill to implement this provision.

One of the crucial problems of the convention was what to do with

32. *Vickers v. Township Comm. of Gloucester Township*, 37 N.J. 232, 181 A.2d 129, *cert. denied*, 371 U.S. 233 (1962) (leading case).

the old tax clause which required that property must be assessed "according to its true value." The new constitution in Article VIII, Section I, paragraph 1, required that real property taxes for local purposes be assessed according to the same standard of value and levied at the general local tax rate of the district in which the property is situated. This clause was exacted by the then former Mayor Frank Hague of Jersey City as the price of his support for the new constitution. His purpose was to protect or enhance local tax revenue from the railroads by invalidating a law enacted during Governor Edison's term that limited the tax on second class railroad property to \$3 per \$100 assessed valuation. As one of the authors of this article wrote: "Sixteen years after the new constitution went into effect, this short tax clause was still at the center of a bundle of inconclusive controversies over the taxation of real and personal property."³³

Another questionable addition to the tax clause was a constitutional guarantee of tax exemption of property exclusively used for religious, educational, charitable, or cemetery purposes, and owned by non-profit corporations, and a companion clause for limited tax exemptions for honorably discharged veterans and the widows of servicemen killed while on active duty in war. These exemptions written into the 1947 Constitution have proved to be "amendment breeders." They have led to a broadening of exemptions related to military service and the introduction of additional exemptions for aged home owners.

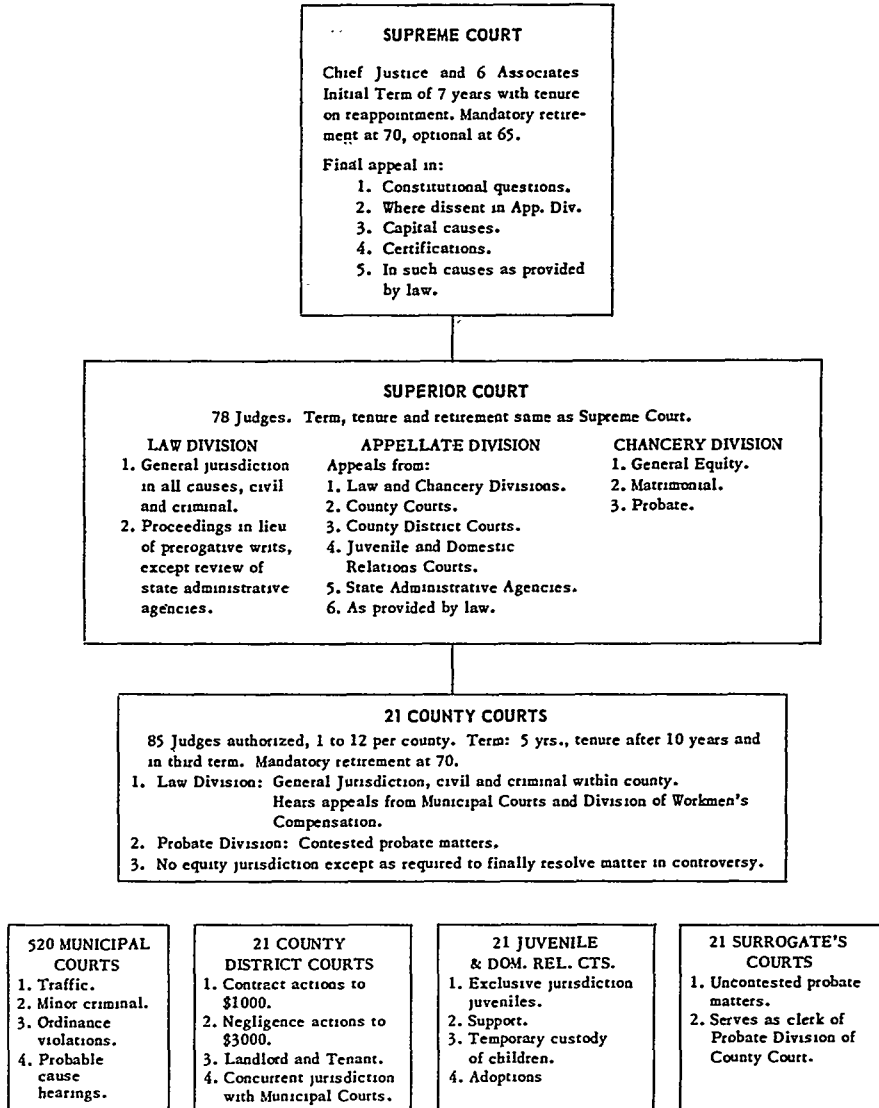
Generally speaking, New Jersey is well pleased with its relatively short basic law. The somewhat eased amending procedure has, as already indicated, made it possible to change the 1947 document in a number of ways, some of them, from the point of view of the present authors, of doubtful wisdom. We venture the guess that until or unless New Jersey's Constitution is seriously blemished by the accumulation of restrictive amendments, there will be no overpowering demand for general revision.

33. J. BEBOUT & R. GRELE, *WHERE CITIES MEET: THE URBANIZATION OF NEW JERSEY*, at 76 (1964).

APPENDIX I

NEW JERSEY COURT SYSTEM

ORGANIZATION FOR JUDICIAL PURPOSES



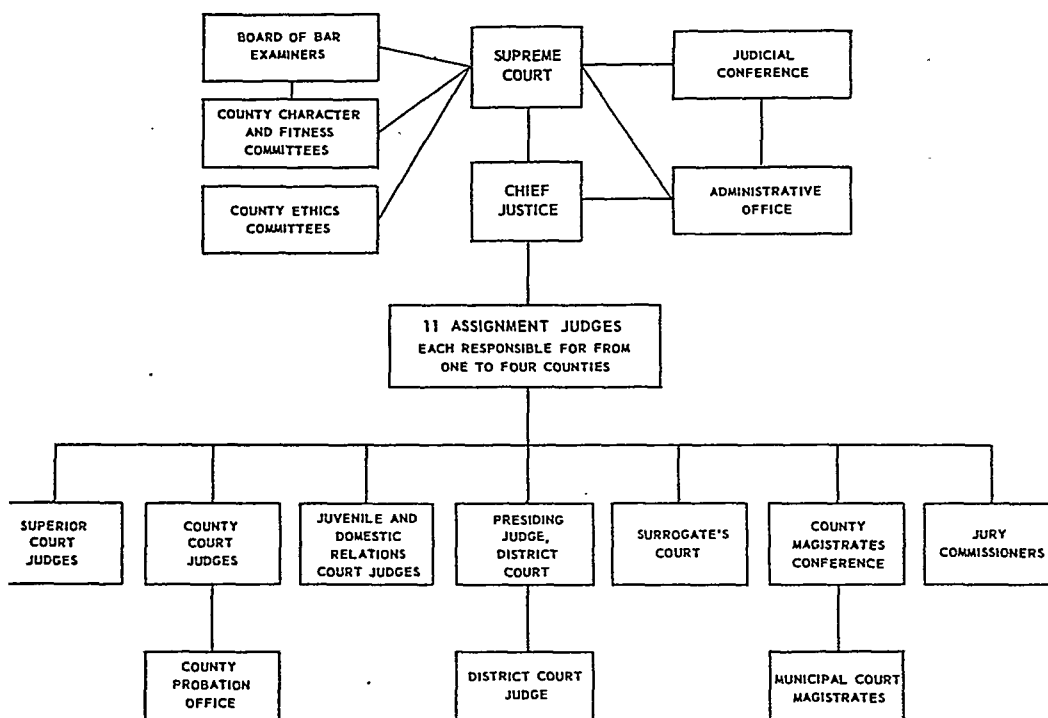
AUG. 31, 1967

Prepared by the Administrative Director of the Courts of New Jersey

APPENDIX II

NEW JERSEY COURT SYSTEM

ORGANIZATION FOR
ADMINISTRATIVE PURPOSES



Prepared by the Administrative Director of the Courts of New Jersey.

APPENDIX III

COMPARATIVE

1948-49 TO

	1948-1949	1949-1950	1950-1951
SUPREME COURT APPEALS			
Appeals filed and certified			
Disposed of	247	178	158
Pending at end			
SUPERIOR COURT, APP. DIV. APPEALS			
Appeals filed (not including appeals certified by Supreme Court before argument)			642
Disposed of	414	537	684
Pending at end		364	322
SUPERIOR COURT, LAW DIV. AND CO. CTS.			
Combined Civil Cases:			
Added	13,157	10,990	11,342
Disposed of	12,107	14,476	11,812
Pending at end	10,495	7,009	6,562
Criminal Cases:			
Added			
Disposed of			
Pending at end			3,989
SUPERIOR COURT, CHANCERY DIVISION			
General Equity Cases:			
Added	1,786	1,487	1,667
Disposed of	1,473	1,527	1,564
Pending at end	506	466	569
Matrimonial Cases:			
Added	5,819	5,869	5,273
Disposed of	6,283	5,479	5,467
Pending at end	614	1,004	810
COUNTY DISTRICT COURTS			
Cases instituted in and transferred to the District Court			107,995
Disposed of			108,185
Pending at end		14,176	13,986
JUVENILE AND DOMESTIC RELATIONS COURTS			
Hearings			
Rehearings			
TOTAL	11,145	15,587	15,901
MUNICIPAL COURTS			
Heard in Court:			
Moving traffic cases		78,962	97,330
Parking cases		48,094	50,760
Non-traffic cases		69,988	69,455
Disposed of in Violations Bureau:			
Moving traffic cases		61,270	64,608
Parking cases		301,183	357,544
Non-traffic cases			
TOTAL		559,497	639,697

*New unit of reporting commencing 1956-57 court year.

Prepared by the Administrative Director of the Courts of New Jersey.

SUMMARY

1956-57

1951-1952	1952-1953	1953-1954	1954-1955	1955-1956	1956-1957
160	174 25	194 199 20	187 197 10	173 165 18	152 157 22
645 557 410	652 749 313	656 677 292	694 600 364	678 653 376	654 618 412
13,426 11,840 8,158	14,015 12,373 9,800	13,802 12,973 10,629	13,870 13,051 11,448	13,194 13,659 11,041	15,256 15,806 10,491
8,906 8,992 3,903	9,873 10,293 3,923	9,985 10,145 3,763	11,561 10,924 4,771	11,226 11,505 4,492	9,620* 10,056 8,268
1,710 1,789 490	1,740 1,619 611	1,814 1,855 570	1,761 1,661 621	1,886 1,904 603	2,014 1,907 710
5,864 5,567 1,107	5,745 5,454 1,398	5,658 5,374 1,682	5,354 5,530 1,506	5,455 5,620 1,341	5,330 5,614 1,057
112,626 111,591 15,021	123,966 119,788 19,229	132,752 134,103 17,878	139,236 138,876 18,238	138,490 137,636 19,832	147,311 149,292 17,851
18,258	21,728	23,801	26,722	15,429 13,789 29,218	18,792 16,716 35,508
103,840 54,968 74,134	120,861 56,907 76,730	136,953 76,526 74,992	156,020 98,182 72,705	152,128 79,469 69,744	155,141 60,346 74,695
69,032 391,393	88,075 413,908	117,246 489,229	154,530 582,169	191,716 720,859	202,809 822,500
693,367	756,481	894,946	1,063,606	1,213,916	1,315,491

COMPARATIVE
1957-58 to

	1957-1958	1958-1959	1959-1960
SUPREME COURT APPEALS			
Appeals filed and certified	221	144	161
Disposed of	205	148	150
Pending at end	42	38	49
SUPERIOR COURT, APP. DIV. APPEALS			
Appeals filed (not including appeals certified by Supreme Court before argument)	568	733	918
Disposed of	595	631	771
Pending at end	385	487	634
SUPERIOR COURT, LAW DIV. AND CO. CTS.			
Combined Civil Cases:			
Added	15,587	18,962	20,131
Disposed of	14,382	15,123	15,063
Pending at end	11,696	15,535	20,603
Criminal Cases:			
Added	9,753	10,425	10,486
Disposed of	9,360	8,960	11,185
Pending at end	8,892	10,357	9,450
SUPERIOR COURT, CHANCERY DIVISION			
General Equity Cases:			
Added	2,139	2,046	2,304
Disposed of	1,929	1,985	2,210
Pending at end	920	981	1,075
Matrimonial Cases:			
Added	5,067	5,271	5,606
Disposed of	5,028	5,032	5,381
Pending at end	1,096	1,335	1,560
COUNTY DISTRICT COURTS			
Cases instituted in and transferred to the District Court	155,114	162,796	168,332
Disposed of	153,710	160,043	167,757
Pending at end	19,255	21,408	21,983
JUVENILE AND DOMESTIC RELATIONS COURTS			
Hearings	20,467	23,394	27,277
Rehearings	18,028	22,462	24,297
TOTAL	38,495	45,856	51,574
MUNICIPAL COURTS			
Heard in Court:			
Moving traffic cases	150,282	160,289	159,879
Parking cases	61,706	72,958	72,994
Non-traffic cases	78,063	76,538	84,759
Disposed of in Violations Bureau:			
Moving traffic cases	226,632	232,971	261,915
Parking cases	830,750	876,199	926,374
Non-traffic cases		1,769	2,538
TOTAL	1,347,433	1,420,724	1,508,459

Prepared by the Administrative Director of the Courts of New Jersey.

SUMMARY
1966-67

1960-1961	1961-1962	1962-1963	1963-1964	1964-1965	1965-1966	1966-1967
136 152 33	189 151 71	133 152 52	140 145 47	133 141 39	209 157 91	160 131 120
880 851 663	1,039 1,054 648	1,061 947 762	1,166 1,000 925	1,121 921 1,139	1,263 1,560 842	1,548 1,399 991
21,689 19,688 22,604	24,145 23,056 23,830	25,230 23,315 25,745	27,825 22,768 30,802	30,035 28,439 32,425	31,576 22,929 41,072	32,126 28,783 44,581
11,407 11,912 8,945	11,566 11,805 8,693	12,728 11,629 9,797	12,930 11,304 11,579	12,602 11,916 12,336	11,506 12,817 11,025	12,123 10,796 11,133
2,256 2,290 1,041	2,470 2,261 1,250	2,352 2,248 1,354	2,725 2,541 1,540	2,555 2,421 1,674	2,709 2,759 1,624	2,971 2,931 1,484
5,691 5,991 1,260	5,885 6,019 1,126	6,183 5,874 1,435	6,485 6,186 1,734	6,893 6,493 2,134	7,727 8,173 1,688	8,100 7,974 1,814
177,929 177,146 22,766	184,905 184,236 23,374	183,264 180,523 26,115	193,046 190,557 28,604	191,726 188,319 32,011	184,627 187,723 28,915	190,967 197,174 22,708
28,804 28,136 56,940	32,167 30,157 62,324	33,442 30,271 63,713	38,368 39,736 78,104	43,659 44,428 88,087	41,902 41,819 83,721	51,017 42,598 93,615
152,421 82,962 93,026	168,465 70,391 91,140	177,974 75,410 94,103	187,304 85,826 105,570	209,659 99,351 104,196	223,393 120,791 112,233	226,776 130,806 114,551
270,529 1,001,201 4,035	268,051 1,009,818 3,223	280,681 1,038,784 2,935	287,275 1,076,468 4,257	331,620 1,097,263 5,880	354,123 1,237,229 6,707	360,436 1,198,321 8,437
1,614,174	1,611,088	1,669,887	1,746,700	1,847,969	2,054,476	2,039,327

APPENDIX IV

NUMBER OF JUDGES
As of September

COURT		9-15-48	1949	1950	1951	1952	1953	1954	1955
SUPREME	Justices Vacancies	7 0	7 0	7 0	7 0	7 0	7 0	7 0	7 0
SUPERIOR	Judges	27	28	27	27	27	32	36	36
	Advisory Masters	5	5	5	4	4	0	0	0
	Vacancies	11	10	11	11	11	6	2	2
	TOTAL	43	43	43	42	42	38	38	38
COUNTY	Full-Time Judges	21	24	24	24	23	24	26	34
	Vacancies	2	2	2	2	3	2	4	2
	Part-Time Judges	14	10	11	11	11	11	9	7
	Vacancies	0	1	0	0	0	0	0	0
	TOTAL	37	37	37	37	37	37	39	43
DISTRICT	Full-Time Judges	4	4	4	4	4	4	4	13
	Vacancies	1	0	0	0	0	0	1	0
	Part-Time Judges	31	32	32	32	33	32	29	17
	Vacancies	0	0	0	0	0	1	0	0
	TOTAL	36	36	36	36	37	37	34	30
JUVENILE AND DOMESTIC RELATIONS	Full-Time Judges	1	1	1	1	1	1	2	2
	Vacancies	0	0	0	0	0	0	0	0
	Part-Time Judges	3	3	3	3	4	4	4	4
	Vacancies	0	0	0	0	0	0	0	0
	TOTAL	4	4	4	4	5	5	6	6
STATE TOTALS	Full-Time Judges	53	64	63	63	62	68	75	92
	Advisory Masters	5	5	5	4	4	0	0	0
	Vacancies	13	12	13	13	14	8	6	4
	Part-Time Judges	55	45	46	46	48	47	42	28
	Vacancies	1	1	0	0	0	1	1	0
	TOTAL	127	127	127	126	128	124	124	124

Prepared by the Administrative Director of the Courts of New Jersey.

AND VACANCIES

1, Each Year

1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968
7 0	7 0	7 0	7 0	7 0	7 0	7 0	7 0	7 0	7 0	7 0	7 0	7 0
36 0 2	38 0 0	38 0 0	37 0 1	36 0 2	44 0 0	42 0 2	43 0 1	46 0 6	50 0 2	54 0 24	72 0 6	76 0 2
38	38	38	38	38	44	44	44	52	52	78	78	78
38 0	38 0	39 3	46 0	47 10	57 11	61 8	62 7	63 8	61 10	73 6	81 4	85 3
7 0	7 0	7 0	3 0	2 0	1 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
45	45	49	49	59	69	69	69	71	71	79	85	88
13 0	13 0	11 2	16 0	14 1	20 4	22 3	22 3	21 4	24 1	29 4	30 3	29 5
15 0	15 0	13 2	9 0	9 0	7 0	6 0	3 2	4 1	2 3	2 0	2 0	1 0
28	28	28	25	24	31	31	30	30	30	35	35	35
2 0	3 1	4 0	4 0	4 0	5 0	5 0	8 0	11 2	13 0	13 1	21 3	23 1
4 0	3 0	4 1	5 0	5 0	6 3	6 3	6 2	7 0	7 0	6 0	2 0	2 0
6	7	9	9	9	14	14	16	20	20	20	26	26
96 0 2	99 0 1	99 0 5	110 0 1	108 0 13	133 0 15	137 0 13	142 0 11	148 0 20	155 0 13	176 0 35	211 0 16	220 0 11
26 0	25 0	24 3	17 0	16 0	14 3	12 3	9 4	11 1	9 3	8 0	4 0	3 0
124	125	131	128	137	165	165	166	180	180	219	231	234