

VETO MESSAGES  
OF  
HON. ALFRED E. DRISCOLL  
*Governor of New Jersey*



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

1950



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## II

### VETOES

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 160

*To the General Assembly:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 160.

This bill would amend in two respects the statute governing the State Employees' Retirement System. One of the amendments would provide that as used in Section 43:14-34 of the Revised Statutes (retirement for accident disability) the term "final compensation" shall mean the actual annual compensation rate being earned by the employee at the time of the occurrence of the accidental disability. This appears to be an eminently fair and desirable change in the law.

The second amendment proposed by this bill would authorize an applicant for retirement, at his option, to select, prior to the date of retirement, any five consecutive years of his membership for the purpose of determining the average annual compensation upon which his pension would be based. At the present time, in lieu of a pension based on the average annual compensation "earnable" by him for the five years immediately preceding his retirement, a member may at his option have his pension based upon any five consecutive years *within which period of five consecutive years he was entitled to retirement for service*. It would appear that the proposed amendment, permitting selection of any five years, should be held in abeyance until such time as its effect upon the provisions of Chapter 28 of the Laws of 1949 can be determined. If study indicates that R. S. 43:14-1 (e) should be further amended along the lines now proposed by Assembly Bill No. 160, consideration should be given to having the amendment operative when the member, at his option, chooses to have his contributions established on the basis of the compensation earned in the five years selected.

Accordingly, I am returning herewith Assembly Bill No. 160 with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 2, section 1, lines 27 and 28, after the word "membership," insert the words "within which period of five consecutive years he was entitled to retirement for service,".

On page 3, immediately following section 1, insert the following new section: "2. This act shall take effect immediately."

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL NO. 237

*To the General Assembly:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 237.

This amendment to R. S. 5:2-12, which now imposes a 10% tax on the total gross receipts from the sale of tickets to any boxing, wrestling or sparring exhibition or performance would, in addition, impose a 5% tax on any moneys received from the sale or lease of television, moving picture or radio rights in connection with such exhibition or performance.

Revenue from the sale of television, radio and motion picture rights is as much a part of the receipts of such exhibitions or performances as are moneys derived from the sale of tickets. Television has in many cases drastically reduced gate receipts. In fact, many athletic clubs have been forced to discontinue the staging of exhibitions and performances. At the present time the State is being asked to bear the expense of supervising "shows" put on largely for the television audience with little or no income from its tax on the sale of tickets. The 5% levy will only partially compensate the State for the loss on revenues from gate receipts. New York has a similar tax applicable to radio, motion pictures and television.

As originally introduced and passed by the Assembly, this bill fixed the new tax at 10%. In reducing this tax to 5% by amendment introduced and adopted on the closing day of the session, the Senate inadvertently also reduced

the existing 10% tax on gate receipts to 5%. This is evident from the fact that the 10% figure is retained in the proviso of the present act permitting the Athletic Commissioner to reduce the tax on gate receipts from 10% to 5% in the case of championship bouts.

Accordingly, I am returning herewith Assembly Bill No. 237 for reconsideration and with the recommendation that amendment be made to the bill (Second Official Copy Reprint) as follows:

On page 1, section 1, line 10, after the words "tax of" delete "five per centum (5%)" and in lieu thereof insert "ten per centum (10%)".

Respectfully,

ALFRED E. DRISCOLL,

*Governor.*

[SEAL]  
Attest:

LEON S. MILMED,

*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 244

*To the General Assembly:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 244.

The Local Bond Law, since its enactment in 1916, has provided that in any limit for the issuance of bonds, both the bonds issued and outstanding and any bonds authorized but not issued, must be taken into consideration.

One of the amendments proposed in Section 10 of Assembly Bill No. 244, concerning certain county park commissions, would place a limit on county park "bonds or other obligations, outstanding at any one time" rather than on "such bonds both authorized and outstanding". The provision of Section 10 in this respect is a departure from a long established and sound principle of limitations on the incurring of debt.



ASSEMBLY BILL No. 317

*To the General Assembly:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 317.

This bill once again amends Section 40:46-26 of the Revised Statutes, concerning the fixing of the salaries of municipal officials under the so-called Home Rule Act. The section appeared in Article 13 of that act and assumed substantially its present form by virtue of Chapter 134 of the Laws of 1928. The section was amended in 1942, in 1944, twice in 1947, in 1948, and in 1949. At the current session of the Legislature the section was amended twice; once by Senate Bill No. 219, and once by this bill, but in different respects. It is my hope that we shall soon be able to achieve a complete revision of the many municipal salary laws that now confuse the statute books with classifications, exceptions and sub-exceptions. There is an urgent need for an orderly and systematic plan of compensation.

The virtue of this bill, at least, is that it retains the principle of general legislation in dealing with municipal salaries. It would classify those municipalities of over 20,000 population to which the section is applicable, for the purpose of fixing the salaries of the members of the governing body.

The first section of the bill broadly permits the governing body to override, by ordinance, any salary ordinance previously adopted by referendum, regardless of the officers or employees affected by the referendum ordinance. This is a procedure that I find objectionable and hence this provision of the bill should be deleted. Unless proper provision is made for a review by referendum, the provisions of the bill extend its effect far beyond its apparent purpose, and in my opinion, beyond the requirements of sound local government.

The second section, on the other hand, is limited to members of governing bodies—which is to invite another piecemeal amendment next year to cover mayors.

The second section also conflicts with the other bill amending the same section—Senate Bill No. 219—so that I

cannot approve them both. In order to carry out the apparent legislative intention, however, I am suggesting further amendments to Assembly Bill No. 317. Pending a more systematic and uniform plan, this would carry out the policy of reasonable adjustments of compensation in the light of current conditions, to the end of attracting able men to serve municipal government who might not otherwise be able to afford to do so.

Accordingly, I am returning herewith Assembly Bill No. 317 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend the title by striking out the words "sections 40:46-23 and" and inserting in lieu thereof the word "section".

Amend pages 1 and 2 by striking out all of section 1 of the bill.

Amend page 2, section 2, line 12, by inserting after the word "thousand" the words ", notwithstanding the provisions of any other law,".

Amend page 2, section 2, line 14, by inserting after "governing body" and before the comma the words "and the mayor or other chief executive".

Amend page 2 by renumbering section "2" to read section "1".

Amend page 3, section 2, line 32, by inserting after the word "per annum" the words "for each member of the governing body, and three thousand five hundred dollars (\$3,500.00) per annum for the mayor,".

Amend page 4 by renumbering section "3" to read section "2".

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

ASSEMBLY BILL No. 400

*To the General Assembly:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 400.

I approve the object of this bill, which is to secure the expansion and development of recreational programs on a State-wide and local basis. The additional governmental functions proposed by the measure should, however, be administered through the existing Division of Planning and Development in the Department of Conservation and Economic Development, by which many related functions are currently being administered. This would avoid the overlapping and duplication of effort which might very well be the case if a separate division were to be established.

Accordingly, I am returning herewith Assembly Bill No. 400 for reconsideration with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, title, line 1, delete the word "Division" and insert in lieu thereof the word "Bureau".

On page 1, title, line 2, delete the word "amending".

On pages 1 and 2, delete sections 1 to 5, inclusive, in their entirety.

On page 3, section 6, delete lines 1 to 3, inclusive, and insert in lieu thereof the following:

"1. There shall be within the Division of Planning and Development of the Department of Conservation and Economic Development, a Bureau of Recreation. The Planning and Development Council of the Division of Planning and Development shall, subject to the approval of the Commissioner of Conservation and Economic Development, formulate comprehensive policies for the development of a broad recreational program through governmental and other agencies. The Bureau of Recreation shall, under the supervision of the Director of the Division of Planning and Development and subject to the approval of the Commissioner of Conservation and Economic Development:"

On page 3, section 6, line 4, change the subsection letter "b" to subsection letter "a".

On page 3, section 6, line 6, change the subsection letter "c" to subsection letter "b".

On page 3, section 7, line 1, change the section number "7" to section number "2".

On page 3, section 8, line 1, change the section number "8" to section number "3".

On page 3, section 9, line 1, change the section number "9" to section number "4".

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 418

*To the General Assembly:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objection, Assembly Bill No. 418.

This bill represents an effort to strengthen the pension system set up for school district employees in first-class counties by R. S. 18:5-68 to 82. R. S. 18:5-79, as extensively amended by Assembly Bill No. 418, reveals a serious deficiency, in that no provision is made for a waiting period in connection with the options set up for the first time by new subsection (d). The State Employees' Retirement System provides for options similar to those set up by this bill, but in doing so provides for a waiting period (R. S. 43:14-38). The need for such a restriction was brought out in the last report on the examination of the Teachers' Pension and Annuity Fund made by the Department of Banking and Insurance.

Accordingly, I am returning herewith Assembly Bill No. 418 for reconsideration and with the recommendation

that amendment be made to the bill (Official Copy Reprint) as follows:

On page 6, section 4, insert a new paragraph immediately after line 96 and before line 97, to read as follows: "No optional selection shall be effective in case a member dies within thirty days after the retirement and such a member shall be considered an active member at the time of death until the first payment on account of any benefit becomes normally due."

Respectfully,

[SEAL]  
Attest: ALFRED E. DRISCOLL,  
Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 424

*To the General Assembly:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration, and with my objections, Assembly Bill No. 424.

Prior to 1940, a plenary winery license entitled the holder for a \$500.00 annual fee to manufacture fermented wines, to blend, fortify and treat wines, and to sell and distribute such products to wholesale and retail licensees, as well as to churches for religious purposes (R. S. 33:1-10 (2a)). In 1939, legislation was introduced, but not adopted, which would have given to the plenary winery licensees certain retail privileges. In 1940, an act was adopted (P. L. 1940, ch. 83), giving these licensees certain retail privileges.

The granting of retail privileges to manufacturers and wholesalers is, in my judgment, neither desirable nor in conformity with a proper licensing pattern. The granting of such privileges to manufacturers and wholesalers appears also to be inconsistent with the much sought-for and wholly desirable State Limitation Law adopted in 1947.

Upon reflection, it is apparent that the legislation adopted in 1949 (P. L. 1949, ch. 276) may be improved. There are a very limited number of licensees in the class

under consideration who, over a period of years, have owned or operated wineries who, perhaps, are entitled, because of the practice and procedures that have been adopted in this State since 1940, to some consideration. This may be accomplished if the following recommended amendments are adopted.

The present bill is entirely too broad. It reopens the whole question and would, in effect, permit the opening of a "wine store" immediately next to a package store class of license that is permitted by statute.

Accordingly, I am returning Assembly Bill No. 424 for reconsideration, with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

Amend page 2, line 45, by inserting after the word "State" the following sentences: "The combined total number of plenary winery licenses having retail privileges, shall not exceed three per each million of population in the State as shown by the last preceding Federal census. In the granting of such plenary winery licenses, the Director of the Division of Alcoholic Beverage Control may, in the exercise of his discretion and pursuant to such rules and regulations as he may adopt, give prior consideration to applicants engaged in growing and cultivating grapes upon land owned by the applicant, having an area not less than three acres."

Respectfully,

ALFRED E. DRISCOLL,

*Governor.*

[SEAL]  
Attest:

LEON S. MILMED,

*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 439

*To the General Assembly:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 439.

Tax delinquent lands acquired by a municipality, by reason of a sale to enforce municipal taxes or other municipal liens, are demonstrably an economic liability to it. County, school and municipal taxes continue to be assessable even though the property itself is not producing any tax revenue. The use of such property for county park purposes may in fact be the best ultimate use. But this bill, in my opinion, would not adequately protect either the public interest or the interest of the owner of the equity of redemption.

Section 2 of the bill would exempt the property from taxation immediately upon transfer of title to the county, despite the fact that the property could be redeemed from the tax sale within two years from the date of the sale, or at any time thereafter until foreclosure of the equity of redemption. This is a form of tax benefit, which may be at the expense of taxpayers generally, to which the owner of the equity of redemption is not properly entitled. Exemption of lands from taxation should not apply until the public title becomes absolute.

Section 3 of the bill would continue the right to redeem the lands from the tax sale upon payment to the municipal tax collector of the sums required by law, and reimbursement of "the county for all such expenses incurred or expenditures made by it on account of the acquisition of such lands." This provision is broad enough to require the owner of the equity of redemption to pay the cost of capital improvements made by the county in possession, and hence imposes an additional burden, depriving the owner of a valuable property right without compensation, in violation of the Constitution.

It should be noted that there is no longer any need to delay foreclosure of the equity of redemption in the case of vacant land suitable for park purposes since the enactment of the In Rem Tax Foreclosure Act (1948) (P. L. 1948, c. 96).

Accordingly, I am returning herewith Assembly Bill No. 439 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 2, strike out all of said section.

On page 2, section 3, renumber the section to read section "2".

On page 2, section 3, lines 7, 8 and 9, strike out the words "such expenses incurred or expenditures made by it on account of the acquisition of such lands" and insert in lieu thereof the words "expenses incurred or paid by it for filing, recording and search fees, court costs and foreclosure fees".

On page 2, renumber sections 4 and 5 to read sections 3 and 4, respectively.

Respectfully,

ALFRED E. DRISCOLL,

Governor.

[SEAL]  
Attest:

LEON S. MILMED,

Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 463

*To the General Assembly:*

A bill numbered Assembly Bill No. 463, has been delivered to me. It looks like an enactment, and under the rule of *Pangborn vs. Young*, 32 N. J. L. 29, were I to sign the bill it would be assumed that it was a valid enactment.

Upon examination of the Minutes of the General Assembly, however, I find, on page 404, that amendments were made to the bill prior to final enactment in that House. These amendments were not fully incorporated in the bill when it was before the Senate for third reading and final passage. The result is that the bill before me, while it purports to be an enactment does not in fact carry out the intention of the Legislature as set forth in its Minutes.

The bill has merit. It would further recognize that veterans employed under the various on-the-job training programs receive their compensation partly in wages and partly in veterans' subsistence payments made by the Federal Government, and that when they suffer occupational injury their loss should be measured by both sources of income.

This was the general purpose of Chapter 364 of the Laws of 1947, with respect to permanent disability. The intention of the present bill is to apply the same principle to tem-

porary disability, where both temporary and permanent disability has been incurred, with the One Per Cent Fund to be charged for compensation based upon subsistence payments as in Chapter 364 of the Laws of 1947.

To carry out the purpose of the bill I am returning herewith Assembly Bill No. 463 for reconsideration and with the recommendation that amendment to the bill (Second Official Copy Reprint) be made as follows:

On page 1, section 1, strike out lines 1 to 13, inclusive, and on page 2, in the same section, strike out lines 14 to 21, inclusive.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 491

*To the General Assembly:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with by objections, Assembly Bill No. 491.

Real property owned by railroads used for railroad purposes is assessable by the State. Such property, when not used for railroad purposes, is locally assessable. This bill would provide for administrative settlement of differences in rulings between the Division of Taxation in the State Department of the Treasury and local municipal assessors, on the question of whether certain railroad property is or is not used for railroad purposes.

The use of the Division of Tax Appeals to determine this issue in the administration of railroad taxes is entirely proper. An appeal from the Division of Tax Appeals may, under the new court system, be taken to the Appellate Division. The new procedure which would be enacted by this bill would make the old procedure of judicial review in the first instance obsolete.

In addition, the Title to the bill is defective. It purports to supplement the "Railroad Tax Law of one thousand nine hundred and forty-one". By the Laws of 1948, Chapter 40, Section 1, this short title was amended to read "railroad tax law of 1948".

Accordingly, I am returning herewith Assembly Bill No. 491 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, delete the Title and insert in lieu thereof the following: "An Act concerning the taxation of railroads, supplementing the 'railroad tax law of 1948' (P. L. 1941, c. 291, as amended and supplemented) and repealing sections 41, 42 and 43 thereof."

On page 1, section 1, line 3, after the words "Division of Taxation of the" insert the words "State Department of the".

On page 2, strike out section 6 in its entirety and insert in lieu thereof the following:

"6. Sections 41, 42 and 43 of the 'railroad Tax law of 1948' (P. L. 1941, c. 291, as amended and supplemented) are hereby repealed."

Respectfully,

ALFRED E. DRISCOLL,  
*Governor.*

[SEAL]  
Attest:

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
May 10, 1950. }

SENATE BILL NO. 35

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 35.

This bill was intended to broaden the scope of Chapter 224 of the Laws of 1944 by authorizing the board of chosen freeholders of any county, where there is in use a *permanently located* dental clinic, to make annual appropriations as it deems advisable in the furtherance of or for the main-



of the respective counties affected were given an opportunity to pass upon the increase.

Accordingly, I am returning herewith Senate Bill No. 39 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 5, after the words "the sum of" insert the words "five dollars (\$5.00) or such greater sum not exceeding the sum of".

On page 1, section 1, line 6, after "(\$7.00)," insert the words "as the boards of chosen freeholders of such respective counties may, by resolution, determine;".

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL No. 66

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration, and with my objections, Senate Bill No. 66.

Section 33 of Chapter 439 of the Laws of 1948, the Department of Law and Public Safety Act of 1948, requires, among other things, that the appointment of any officer or employee of the professional boards within the Division of Professional Boards of the Department of Law and Public Safety, shall be subject to the approval of the Attorney General.

One of the proposed amendments contained in section 2 of Senate Bill No. 66 will authorize the New Jersey State Board of Architects to elect a secretary who need not be a member of the board. No reference is made to the requirement for approval of such appointment by the Attorney General.

Accordingly, I am returning herewith Senate Bill No. 66, for reconsideration and with the recommendation that

amendments to the bill (Official Copy Reprint) be made as follows:

On page 2, section 2, line 7, after the word "and" insert the words ", subject to the provisions of Chapter 439 of the Laws of 1948,".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL No. 97

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 97.

A general purpose of this bill is to enable certain boroughs to derive revenue from the ownership and operation of Atlantic Ocean beaches and facilities appurtenant thereto. It should be recognized that property tax revenues in the various municipalities bordering on the Atlantic Ocean, and being seaside or Summer resorts, may be insufficient to meet the seasonal obligation of municipalities to render services and police the community.

Section 1 would authorize such boroughs to have "exclusive control, government and care" of lands bordering on the ocean or easements therein, which the borough may acquire for a place of resort for public health and recreation or other public purposes. It would also confer such exclusive control and government of any boardwalk, bathing and recreational facilities. This language is so broad in scope that it conceivably could exclude the authority of the State itself even as to the enforcement of criminal laws.

The State is called upon annually to make substantial expenditures from funds collected from the people of the State at large toward the protection of the beaches from erosion and encroachment by the sea or otherwise, toward

the construction, maintenance and operation of special highways for use of residents and visitors to the seashore municipalities, and toward the policing, conservation and general government of these areas. These expenditures are well worth what they buy in the form of superlative health and recreational facilities for the people of New Jersey, as well as for visitors who come for trade and pleasure. In order that they may be continued, the State should retain reasonable freedom for the operation of its laws.

Accordingly, I am returning herewith Senate Bill No. 97 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

Amend page 1, section 1, line 9, following the word "equipment;" by striking out the words "and may" and inserting in lieu thereof the words "provided that such power of control, government, care and policing shall not be construed in any manner to exclude or interfere with the operation of any State law or authority with respect to such lands, property and facilities. Any such borough may,".

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
May 10, 1950. }

SENATE BILL No. 133

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 133.

This bill contains a typographical error. The proposed amendment to the Title of P. L. 1941, c. 352 is obviously

intended to contain the phrase "and supplementing chapter two of Title 12 of the Revised Statutes". Instead, the reference is to "chapter two of Title 2 of the Revised Statutes".

Accordingly, I am returning herewith Senate Bill No. 133 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, Title, line 7, delete the number "2" and insert in lieu thereof the number "12".

On page 1, section 1, line 6, after the word "Title" delete the number "2" and insert in lieu thereof the number "12".

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

RANSFORD J. ABBOTT,  
*Secretary to the Governor.*

---

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 160

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 160.

The purpose of this bill is to amend the State-wide Police and Firemen's Retirement System Law, by removing an existing requirement of that law that retirement for disability may be certified by the Medical Board only where it finds that the cause of disability was an accident "within two years preceding the date" of the member's application for retirement. Senate No. 160 would delete this requirement and substitute a requirement that "such disability

was discovered within two years from the happening thereof”.

It is perfectly clear that the present requirement that the application for retirement must be made within two years after the occurrence of the accident is unreasonable. Our experience with occupational injuries in industry generally shows that disability resulting from an accident may become progressively worse and that there are many cases in which the total effect is not apparent within two years after the accident. The welfare of the policemen and firemen and their dependents, for whose benefit the disability retirement is intended, requires that this unduly restrictive provision be modified.

The new language would require “that such disability was discovered within two years from the happening thereof.” If this means that total disability must be “discovered” within two years from the happening thereof, the limitation would be meaningless. If the language means that the disability must have been discovered within two years from the happening of the accident—a construction more likely to be adopted by the courts—this again adds little to the present benefit rights of policemen and firemen. The language would moreover, substitute a patent source of dispute and litigation on the question of when total disability was discovered.

There is precedent in our Workmen’s Compensation Law for a suitable and reasonable period of limitation following an accident or exposure to an occupational disease, within which a claim should be made. Ideally, I would prefer that there be no limitation of time whatsoever, so long as it could be shown that the disability was directly traceable to an accident met in the performance of duty, but this would place the Medical Board in the position of having to determine whether an accident as long as twenty or more years ago was the natural and proximate cause of a currently claimed disability. While such determination could conceivably be made, the probable lack of substantial evidence could often result in questionable determinations of disability. As a fair middle ground between no time limit and the present unreasonably restrictive time limit, we may well conform the time limit on claims in these cases to what experience has shown to be a reasonable time limit in occupational disease cases. In such cases the disease may appear long after exposure to the hazard. Under the Work-

men's Compensation Law the time for such claims was extended, upon suggestion of the Administration, to five years following the last exposure.

Accordingly, I am returning herewith Senate Bill No. 160 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

Amend page 1, section 1, lines 9 and 10:

by inserting after the word "duty" the words "within five years preceding the date of such application,".

and

Strike out the words "was discovered within two years from the happening thereof,"

Amend page 2, section 2, lines 6 and 7:

by inserting after the word "duty" the words "within five years preceding the date of such death,"

and

Strike out the words "and was the result of an accident or disability discovered within two years from such time,".

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
May 10, 1950. }

SENATE BILL NO. 172

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 172.

This bill would amend those provisions of the reorganization act of 1948 establishing a State Department of Defense (P. L. 1948, c. 82) which prescribe qualifications for the office of Chief of Staff of that Department. The amendments would require that the Chief of Staff be a qualified active officer in the military service (1) *of the State*, and a person who has served as a (2) *Federally recognized* commissioned officer in the armed forces of the State, (3) *for at least ten years*.

My objection concerns the last amendment. There does not appear to be any fundamental reason for the proposed ten-year prior State military service requirement. It is conceivable that this limitation, if it were permitted to become law, might deprive New Jersey of the services of a citizen of the State with a wealth of service in the armed forces of the United States uniquely qualified to become the Chief of Staff, Department of Defense.

Accordingly, I am returning herewith Senate Bill No. 172 for reconsideration with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 10, after the words "of the State" delete the words "for at least ten years".

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

RANSFORD J. ABBOTT,  
*Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 227

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 227.

This bill requires two technical and clarifying amendments if it is to accomplish its objectives without recourse to judicial interpretation. Accordingly, I am returning the same herewith for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 4, section 1, line 84, after the words "executive officer of the" delete the words "State Housing Authority" and insert in lieu thereof the words "Public Housing and Development Authority in the State Department of Conservation and Economic Development".

On page 4, section 2, line 17, after the word "upon" delete the word "a" and insert in lieu thereof the words "the affirmative".

On page 4, section 2, line 17, after the word "majority" insert the words ", but not less than three,".

On page 8, section 4, line 31, after the words "person or persons who" insert the word "would".

Respectfully,

[SEAL]  
Attest: ALFRED E. DRISCOLL,  
Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 230

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 230.

My comments on the bill concern two features: qualification provisions which would exclude persons of admitted ability, and mandatory salary increases.

All the salary schedules are stated as fixed minimum amounts which would result in mandatory increases in a substantial number of cases. The minimum salaries provided for certain county detectives in counties of the first class by the provisions of section 3 of the bill, moreover, are not in line with those provided for similar positions in counties of the second, third and fifth classes. I have consistently declined to approve measures which would impose mandatory salary increases on local governments, without the consent of the governing bodies responsible for raising the taxes necessary to meet the cost.

As to my second objection, there appears to be no fundamental reason for the limitation on appointments to the higher positions, as contained in sections 10 and 11 of the bill. In fact the limitations prescribed may very well deprive the respective prosecutors' offices of the services of citizens of the State with a wealth of training and experience, obtained outside the prosecutor's office, in detection and investigation work.

Accordingly, I am returning Senate Bill No. 230 herewith for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 3, delete sections 10 and 11 in their entirety.

On pages 3, 4, 5, 6 and 7, renumber sections 12 to 27, inclusive, as sections 10 to 25, inclusive, respectively.

On page 6, section 23, line 1, before the word "Nothing" insert the following sentence: "Notwithstanding any other provision of this act, nothing herein shall be construed to require an increase in any salaries heretofore paid or to be paid in any county, unless and until the salary schedules herein provided shall be adopted by resolution of the county board of chosen freeholders."

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
May 10, 1950. }

SENATE BILL No. 234

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 234.

Several of the provisions of the second section of this bill are in need of clarification in order to avoid a broader construction of the language employed therein than that, which I am advised, was intended.

Accordingly, I am returning herewith Senate Bill No. 234 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 1, section 2, line 1, delete the word "Any" at the beginning of the line and insert in lieu thereof the words "In any county of the sixth class, any".

On page 1, section 2, line 3, after the word "who" delete the words "did not voluntarily relinquish" and insert in lieu thereof the word "permitted".

On page 1, section 2, line 3, after the word "license" delete the words "shall upon application be entitled to a renewal of" and insert in lieu thereof the words "to lapse, may apply for".

On page 2, section 2, line 5, after the word "same" insert the words "and such municipality may, if the applicant is otherwise eligible for such license, issue the same".

On page 2, section 2, line 7, after the words "application for" delete the words "renewal of".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
RANSFORD J. ABBOTT,  
Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
May 10, 1950. }

SENATE BILL No. 256

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 256.

I approve the object of this bill which proposed to incorporate into the law of this State the provisions of the Model Liquefied Petroleum Gas Law. I am advised that thirty-two states have adopted similar legislation. Through an apparent inadvertence, however, one of the clauses of the model bill was omitted from Senate Bill No. 256. In addition, since the penalty provisions of the bill are, by the terms of Section 9, deferred until September 1, 1950, it appears appropriate to defer the effective date of the provisions of Section 7 of the bill which prohibit the adoption or enforcement, by any municipality or other political subdivision, of any ordinance or regulation in conflict with Senate Bill No. 256 or with regulations which may be promulgated by the Division of State Police pursuant to Section 2 thereof. If this recommendation is adopted it will avoid any gap in the enforcement of the ordinances between the effective date of the act and September 1, 1950.

Accordingly, I am returning herewith Senate Bill No. 256 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 3, section 6, line 16, after the words "abatement, and" insert the words "the court upon notice and proper hearing shall make such determination".

On page 3, section 6, line 22, delete the word "statement" and insert in lieu thereof the word "abatement".

On page 3, section 9, line 1, after the word "but" delete the word "section" and insert in lieu thereof the word "sections".

On page 3, section 9, line 1, after the word "five" insert the words "and seven".

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,  
*Secretary to the Governor.*

ALFRED E. DRISCOLL,

*Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 268

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 268.

After careful study I have reached the conclusion that the objects sought to be accomplished by Senate Bill No. 268 are desirable. To accomplish these objectives, however, certain amendments, including some of a technical and clarifying nature are required. Accordingly, I am returning the same herewith for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 2, section 2, line 16, change the “.” after the word “intestate” to “,” and then add the words “or against the interest of any surviving spouse in any real property held in tenancy by the entirety.”.

On page 3, section 4, line 10, change the “;” after the word “be” to “,” and then add the words “subject nonetheless to the provisions of section three of this act;”.

On page 3, section 4, line 15, after the word “charged” insert the words “by the fiduciary and by any trustee of any inter vivos trust and any other transferee”.

On page 4, section 6, line 14, delete the sentence “A life insurance company issuing a policy of life or endowment insurance or annuity contract on the life of or insuring the decedent shall not be deemed a transferee or person in possession of property, under the provisions of this act.”.

On page 4, section 7, line 12, after the word “fiduciary” insert “,” and then add the words “who within a reasonable time after the expiration of three months following the final determination of the tax shall proceed to carry out the duty imposed on such fiduciary by this section,”.

On page 4, section 7, line 14, after the word “transferee” insert the words “or person in possession of property”.

On page 4, section 7, line 16, delete the entire line and insert in lieu thereof the word "uncollectible".

On page 5, section 9, line 1, delete the words "July first, one thousand nine hundred and fifty," and insert in lieu thereof the words "January first, one thousand nine hundred and fifty-one,".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL No. 273

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 273.

This bill prescribes a limit upon the time within which an action may be brought to assert private rights in park lands hereafter vacated by any municipality, where such lands have heretofore been dedicated but not accepted by such municipality. It also provides a procedure for the establishment of such rights.

The bill provides that the action is to be brought in the Superior Court, Chancery Division. The bill should provide merely for bringing an action in the Superior Court. That Court is one of original State-wide jurisdiction in all causes; the essential nature of the proceeding must determine in what division of the Superior Court the action should be instituted.

Accordingly, I am returning herewith Senate Bill No. 273 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 13, after the words "of this State," delete the words "Chancery Division".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL No. 314

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 314.

The general purpose of this bill is to permit fiduciaries acting under deeds of trust to retain in trust, in the exercise of good faith and reasonable discretion, non-legal investments placed in a trust by the creator, with certain exceptions. This would conform the law to existing statutes relating to executors, administrators with the will annexed, and testamentary trustees. The act would not apply to a deed of trust which specifically prohibits continuance of such investment or otherwise defines the authority of a fiduciary with respect to continuing such investments.

These are acceptable standards for the future conduct of trustees. To extend them to past conduct, however, would be to give trustees an assurance which they did not have at the time they assumed the trust, and to deprive the beneficiaries of existing rights which they may have under the law as heretofore developed in judicial decisions. To give the bill retroactive effect would thus raise serious constitutional questions.

Accordingly, I am returning herewith Senate Bill No. 314 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 2, strike out the words "continued or".

Respectfully submitted,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 326

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 326.

The Director of Purchase and Property in the Department of the Treasury now has the power to enter into a contract of the type provided for by this bill, for the editing, printing, binding and publication of the New Jersey Law Reports and the New Jersey Superior Court Reports. In fact, such a contract was executed in 1948 and is in force at the present moment. Funds to cover the cost of volumes of the reports needed for the courts, the Legislature, State officials and other important governmental offices, have heretofore been appropriated.

The provisions of the bill relating to the distribution of the reports in question should be preserved, inasmuch as no statute presently exists which takes the place of R. S. 2:19-5 which deals with the distribution of the former New Jersey Law and Equity Reports.

Accordingly, I am returning herewith Senate Bill No. 326 for reconsideration, with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

In the first line of the Title, delete the words "editing, printing, binding, publication and".

Delete sections 1, 2, 3, 4 and 7 in their entirety.

On page 3, section 5, delete lines 1, 2, 3 and 4 and insert in lieu thereof the words "The Administrative Director of the Courts is hereby authorized to distribute or cause to be distributed any permanent bound volumes of the New Jersey Reports and the New Jersey Superior Court Reports heretofore published and delivered to him, or hereafter to be published and as they are from time to time delivered to him by the publisher, in the manner provided in this act. He".

On page 5, section 6, delete lines 60 to 63, inclusive.

Renumber sections 5, 6, 8 and 9 so that they will read sections 1, 2, 3 and 4, respectively.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }  
SENATE BILL NO. 329

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration, and with my objections, Senate Bill No. 329.

This measure contains a technical error. There is no section 54:5-114.2 in the Revised Statutes as stated in section one, line two of the bill. The reference obviously intended was Chapter 149 of the Laws of 1943.

Accordingly, I return herewith Senate Bill No. 329 for reconsideration, with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, section 1, lines 2 and 3 delete the words "section 54:5-114.2 of the Revised Statutes" and insert in lieu thereof the words "Chapter 149 of the Laws of 1943".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 333

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 333.

Since mechanics' liens are a creature of statute, there appears to be no objection in principle to the amendatory language fixing a definite expiration date for stop notices. However, there is objection to the added provision giving the county clerk with whom a stop notice has been filed the power to remove it from his files and destroy it after the materialman, journeyman, laborer or subcontractor has, under the section as amended by this bill, forfeited his right to money due or to become due from the owner to the contractor.

This provision would permit the county clerk to destroy the stop notice if he were convinced, by reason of some representation which might be made, that a notice of dispute of claim had been served on the materialman, journeyman, laborer or subcontractor and 60 days had expired, when, in fact, such does not eventually prove to be the fact.

Accordingly, I am returning herewith Senate Bill No. 333 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 10, after the word "contractor" delete the comma and the balance of the sentence and in lieu thereof insert a period.

This amendment will permit the bill to accomplish its purpose while preserving the record and such rights as the parties may have.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 346

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Senate Bill No. 346.

Aside from the propriety of changing the rules in the middle of the racing season mature consideration leads me to the conclusion that the subject of this bill requires further study by our Racing Commission.

The Commission is in a better position than either the Legislature or the Governor to judge the capacities of permit holders to absorb an occasional minus pool. It is one of the tasks of the Commission to be thoroughly familiar with the financial status and condition of each of the tracks, as well as the requirements of good clean racing. Our primary responsibility is to the general public. Despite some popular misconception racing is not an end unto itself.

Senate Bill No. 346, I am told, was introduced to encourage superior races between outstanding horses in which the number of entries is frequently limited with the result that there may be an occasional minus pool. These races undoubtedly add a filip to a race meet bringing additional notoriety to the track, satisfaction to the sportsmen (of whom there appear to be too few) and an accelerated, but nonetheless (for those concerned with the commercial aspects of racing) pleasant jingle to the cash register. In other words these races, I am told, are good business as well as good racing.

If this be a proper conclusion how then may the Commission promote them? The bill adopts direct methods in an age-old basic appeal to certain well known emotions shared by many private enterprisers including those operating pursuant to a State permit.

Assuming that some legislation may be desirable for a trial period pending further study and the authorization and the promulgation of additional rules and regulations by the Commission, the language of the present bill appears to produce a result not intended by the Legislature nor, for that matter, necessary under the circumstances as they have been represented.

For the first time each holder of a winning ticket is guaranteed "as a minimum, a sum not exceeding ten cents (\$0.10), calculated on the basis of each dollar (\$1.00) deposited in any pool \* \* \*". In this respect, I am told, New Jersey will be more generous than some States.

It has been generally conceded that the "breakage", the "odd pennies" that in total represent a very large sum, belong to the "fans" or, to put it more directly, the patrons. No appropriate or reasonably easy and equitable method of getting this breakage back to the bettors having been devised, the State in 1947 assumed responsibility for these pennies for the benefit of all the people.

The language of Senate Bill No. 346 would permit this breakage in not only one unusual race, but in all races held on a particular day, to be applied to offset any minus pool and, of course, a similar course of action under the legislation could be followed on each successive day.

If we are to stimulate the holding of stake, or quality, races, and if the method adopted by the bill is necessary, it should be limited to a particular race. In other words, each race should stand apart; and the breakage contributed by bettors in one race should not be used to offset a minus pool in an entirely different race.

The Racing Commission, following a careful study of Senate Bill No. 346, as adopted, has expressed its opposition to it in its present form. Pending further consideration of this subject by the Racing Commission, and as a trial, I am prepared to recommend the following amendments to Senate Bill No. 346 (Official Copy Reprint):

Amend page 2, section 1, line 11, by deleting the word "any" and inserting in lieu thereof the word "the".

Amend page 2, section 1, line 12, by deleting the word "said" before the word "minimum". On the same page and line, delete the words "from any or all" and in lieu thereof insert the words "in that".

Amend page 2, section 1, line 13, by deleting the words "races held that day" and in lieu thereof insert the word "race".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL NO. 348

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 348.

This is Chapter 4 in a very sad story. Senate Bill No. 348 represents the fourth effort of the Legislature of the State of New Jersey to create an aggressive, comprehensive and constructive Delaware River Authority with the authority and capacity to promote the superlative natural advantages of a great metropolitan area. In support of this objective, the Legislature of the State of New Jersey, in 1947, adopted comprehensive laws (see Chapters 281, 282 and 283, P. L. 1947). The continued interest and support of the project by the State of New Jersey, was evidenced by the action taken by our Legislature in 1948, when Chapter 443, P. L. 1948, authorizing the creation of a Delaware River Port Authority, was adopted. Again, in 1949, the Legislature adopted Assembly Bill No. 521. This bill would have been approved by me but for the fact that companion legislation in the Commonwealth of Pennsylvania had been mutilated by selfish interests forcing the distinguished Governor of Pennsylvania to veto the legislation that was adopted.

Our own legislation has been somewhat scorched by the searing influence of selfish interest groups. As I pointed out in my veto message of May 31, 1949, the adoption of Assembly Bill No. 521 of 1949 would have served no useful purpose in the absence of effective concurrent legislation in the Commonwealth of Pennsylvania. Because an amendment to Assembly Bill No. 521 of 1949 created, in my judgment, an unfortunate precedent, and because of the previous veto by Governor James H. Duff of Pennsylvania of the legislation adopted in the same year by the Legislature of that State, I reluctantly withheld my approval of Assembly Bill No. 521.

The need for a Delaware River Authority is more apparent today and has greater support than when it was first proposed by me in 1946 and 1947. High-speed transportation, the promotion of the Port area, additional

interstate crossings, may no longer be deferred. They represent minimum requirements if an important area in the southern part of our State is to keep pace with industrial development in other areas of New Jersey. It is significant that through the medium of interstate co-operation with the States of Delaware and New York great new projects of mutual advantage to both States are nearing completion.

Senate Bill No. 348, as adopted, provides an effective framework for an interstate agency to do the job that must be done. We must keep in mind, however, that we are considering an interstate compact and that companion legislation by the Legislature of the Commonwealth of Pennsylvania will be required. It is of paramount importance, therefore, that in making a fresh attack upon the problems of the South Jersey metropolitan area we adopt legislation that will be fully effective in all of its aspects. To this end I must return Senate Bill No. 348 herewith with recommendations that amendments be made to the bill (Second Official Copy Reprint) as follows:

Amend page 4, Article I, subdivision b, by striking out lines 50, 51 and 52 and inserting in lieu thereof the words "across the said bridge, including extensions of such railroads or other facilities within the Port District and within a thirty-five mile radius of Camden, New Jersey, and points within the City of Philadelphia."

Amend page 4, Article I, subdivision i, lines 80 through 83, by striking out all of the said lines and inserting in lieu thereof: "i. Institution through its counsel, or such other counsel as it shall designate, or intervention in, any litigation involving rates, preferences, rebates, or other matters vital to the interest of the Port District, *provided*, that notice of any such intervention or litigation shall be given promptly to the Attorney General of the Commonwealth of Pennsylvania and to the Attorney General of the State of New Jersey. Provision for such notices shall be made in a resolution authorizing any such intervention or litigation and shall be incorporated in the minutes of the commission."

Amend page 5, Article I, subdivision j, lines 91-92<sup>M</sup>, by striking out all of lines 92 through 92<sup>M</sup>, and inserting a period in lieu of the semicolon at the end of line 91.

Amend page 7, Article IV, subdivision k, lines 179 through 179<sup>D</sup>, by striking out all of said lines and inserting in lieu thereof the word "District."

Amend page 8, Article IV, subdivision n, line 201 through line 201<sup>P</sup> by striking out all of said lines after the word "thereof" in line 201, and inserting in lieu of the semicolon on line 201 a period.

Amend page 11, Article XIII, section 1, line 283, by striking out the comma after the word "aircraft" and substituting therefore a period, and by striking out all of the language beginning with the word "but" through the end of line 284<sup>A</sup>.

Amend page 12, line 293<sup>B</sup>, by striking out ", but" and inserting a period in lieu thereof.

Amend page 12, line 293<sup>C</sup>-293<sup>F</sup>, by striking out all of said lines.

Amend page 12, Article XIII, subdivision 1, line 293<sup>I</sup>, by substituting for the comma after the word "facilities" a period, and striking out all of the language thereafter through the end of line 293<sup>L</sup>.

Amend page 12, Article XIII, subdivision 1, line 293<sup>N</sup>, by the insertion of a period after the word "act" at the end of the line and striking out all of lines 293<sup>O</sup> through 293<sup>R</sup>.

Amend page 13, Article XIII, section 1, line 308, by the insertion of a period after the word "defined" and striking out all of the language beginning with the word "but" in said line through the end of line 308<sup>C</sup>.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL NO. 358

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 358.

This bill would authorize the State Auditor to direct the cancellation of debts due the State upon his determination that they are uncollectible. These cancellations may involve many legal questions, some of real complexity. Authorization to cancel should therefore have the prior approval of the Attorney-General.

Accordingly, I am returning herewith Senate Bill No. 358 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 1, after the words "authorized and empowered" insert the words ", subject to the approval of the Attorney General,".

On page 1, section 1, line 6, after the word "shall" insert the words ", when such order is countersigned by the Attorney General,".

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL NO. 360

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 360.

This bill contains a technical error. The date appearing on page 2, section 1, line 14, of the bill should conform to

the date appearing on line 3, of the preamble to the bill, i.e., March 3, 1930.

Accordingly, I am returning herewith Senate Bill No. 360 for reconsideration, with the recommendation that an amendment to the bill (Official Copy Reprint) be made as follows:

On page 2, section 1, line 14, after "March 3," delete "1950" and insert in lieu thereof "1930".

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL NO. 378

*To the Senate:*

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 378.

This bill provides for co-operation by the State of New Jersey with the United States in the construction, improvement, operation and maintenance of the New Jersey Intra-coastal Waterway. Action to be taken by the United States in this project was authorized by Chapter 19—Public Law 14, Seventy-ninth Congress—First Session, but only on conditions for local co-operation laid down in House Document 133 of the Seventy-sixth Congress. The purpose of this bill is to provide for such co-operation by authorizing the Commissioner of Conservation and Economic Development to take appropriate action in the name of the State, consisting principally of the following measures:

a. Conveyance of the Manasquan-Bay Head Canal to the United States;

b. Furnishing free of cost to the United States all necessary land, easements, rights-of-way and spoil-disposal areas;

c. Maintenance and operation of all existing highway and railroad bridges over the waterway, and reconstruction of such bridges if necessary;

d. Donation of all navigation aids, maintained by the State in the waterway, to the United States;

e. Indemnification of the United States against damage claims which may arise from the use of spoil or disposal areas.

The bill should be amended in the following three respects for the reasons hereinafter given.

1. The present bill provides that the amount to be paid the Trustees of the Fund for the Support of the Free Public Schools as compensation for the riparian lands and rights to be conveyed to the United States shall be determined by the Superior Court in an action to be brought therein by the Attorney General. Inasmuch as existing legislation (c. 448, P. L. 1948) provides for approval of riparian leases and grants generally by the Planning and Development Council, with the approval of the Governor and the Commissioner of Conservation and Economic Development, it seems desirable that this established agency which has experience in similar matters be vested with authority in the present case.

2. The bill (section 1 (c)) authorizes the Commissioner to agree, on behalf of the State, to maintain and operate all existing highway and railroad bridges over the Cape May Canal. Recent conferences with the Federal authorities have led to the conclusion that the State need not make such agreement with respect to railroad bridges but need only "provide for" their maintenance and operation; in other words, the State should only see to it that the necessary bridges are maintained by the appropriate party or agency.

3. I am advised that the United States Army Engineers are agreeable to an exception to the indemnity agreement provided for in section 1 (e) excluding claims arising from the tortious acts of agents or employees of the United States.

Accordingly, I am returning herewith Senate Bill No. 378 for reconsideration and with the recommendation that

amendments be made to the bill (Official Copy Reprint) as follows:

On page 2, section 1 (a), lines 16 and 17, strike out the words "The Superior Court of New Jersey, in an action to be brought therein by the Attorney General", and insert in lieu thereof the words "a majority of the Planning and Development Council, with the approval of the Governor and the Commissioner of Conservation and Economic Development,".

On page 2, section 1 (c), line 23, after the words "to agree to" delete the words "maintain and operate" and insert in lieu thereof the words "provide for the maintenance and operation of".

On page 2, section 1 (c), lines 25 to 27, delete the words "(pursuant to the provisions of the act of June twenty-first, one thousand nine hundred and forty, 33 U. S. C. A. section 511 et seq.)".

On page 2, section 1 (e), line 34, replace the period with a comma and add the words "other than claims arising from the tortious acts of agents or employees of the United States.".

Respectfully,

ALFRED E. DRISCOLL,

*Governor.*

[SEAL]  
Attest:

LEON S. MILMED,

*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 57

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 57, for the following reason:

This bill would except from the provisions of law requiring the filing of a *lis pendens* in certain actions or proceedings, any proceeding to enforce a lien under the In Rem Tax Foreclosure Act (1948), P. L. 1948, c. 96.

In such proceedings, in rem and summary in nature, it would appear eminently sound to require the filing of a *lis pendens*. There should be no distinction, in this respect, between tax and mortgage foreclosure proceedings.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest: ALFRED E. DRISCOLL,  
Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 84

*To the General Assembly:*

I am returning herewith Assembly Bill No. 84 for the following reason:

The amendment to R. S. 34:15-12 proposed by this bill has been fully incorporated in Assembly Bill No. 99, which I approved on June 2, 1950, and which is now Chapter 175 of the Laws of 1950.

Respectfully,

[SEAL]  
Attest: ALFRED E. DRISCOLL,  
Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 87

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 87, for the following reasons:

The provisions of this bill give a party aggrieved by a judgment rendered in a local court of limited criminal jurisdiction in a municipal ordinance violation case the option to appeal directly to the Appellate Division of the Superior Court if a certified transcript of the proceedings exists. This proposal runs counter to the Supreme Court Rules and the policy underlying them. Involved is the orderly internal administration of court business.

In a recent case, the Supreme Court held that "review of judgments of conviction in the local criminal courts may be had only by way of appeal to the County Court, except in extraordinary cases 'where it is manifest that the interests of justice require otherwise,' when—and only when—review may be had directly by the Appellate Division of the Superior Court at its discretion."

Assembly Bill No. 87 is contrary to the proper purpose of Rule 2:11 of the Rules of the Supreme Court which seems to me to provide an appropriate procedure. If there is need for a change in the procedure, it should be provided by the Judicial Branch of our government in the form of an amended rule.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 98

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 98, for the following reason:

This bill would validate any sale, conveyance, lease or modification of lease of lands and premises made by any municipality or county, whether at public or private sale or by agreement, as well as all proceedings held in connection therewith.

The only conditions attached to such validation are that the sale, conveyance or lease shall have been made at least one year prior to the passage of the act, and the municipal governing body or county board of chosen freeholders shall have authorized or confirmed, or shall confirm, the transaction.

Although sound reasons may exist in particular instances for the validation of conveyances made despite certain technical defects, I cannot affix my approval to a bill which excuses the failure to comply with any and all safeguards imposed by law.

Accordingly, I am constrained to return this bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 104

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 104, for the following reasons:

Assembly Bill No. 104 amends P. L. 1927, c. 190 (R. S. 43:13-2 to 22), which sets up a pension fund covering

permanent employees of cities of the first class, except for members of the police and fire departments and certain employees eligible for membership in the pension funds established under R. S. 43:18-1 *et seq.* and 43:19-1 *et seq.*, respectively.

The legislation would weaken, rather than strengthen, the actuarial soundness of the pension fund. Accordingly, we may be hurting the very people we are trying to help. Although the employee contribution rate to such fund is being raised from 3% to 4%, the maximum pension to dependents is increased from \$1,000.00 to \$2,000.00.

I am advised that on the basis of contribution rates which have been found necessary under other plans with similar benefits, neither the present 3% nor the proposed 4% contribution rate can support the benefits now payable out of the pension fund. Further, the cost of the additional benefits provided by this amendment exceeds the increase in the contributions payable by members. The result will be that the pension fund will be even less solvent than it is now, so that the municipality which, under the provisions of R. S. 43:13-9, must make up any deficit by including in the tax rate a sum sufficient to meet the requirements of the fund, will be faced with a continuing and increasing annual fiscal burden. In some sections of the country this precise situation has led the municipality to terminate its pension program.

My action on this bill, as on similar bills which I have returned without my approval, is designed to protect present and prospective members of these pension systems. Only if these systems are made and kept actuarially sound will they be in a position to accomplish the objectives for which they were established.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

ALFRED E. DRISCOLL,  
*Governor.*

[SEAL]  
Attest:

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 106

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 106, for the following reasons:

Subject to the provisions of Chapter 357 of the Laws of 1941, every person of full age who has or shall have legal settlement in this State shall have municipal settlement for the purposes of that act in that municipality in which he has last resided for one continuous year. Assembly Bill No. 106 would qualify this provision by providing that "any time during which a person was, or shall have been, employed and domiciled in any public institution situated in any municipality, shall not be counted as residence within the municipality in determining his municipal settlement therein".

This bill would, among other things, confuse the status of many individuals whose residence has been established on the basis of existing laws.

Accordingly, I am returning the measure herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 132

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 132, for the following reasons:

Section 18:14-8 of the Revised Statutes presently authorizes school districts to provide transportation for children "living remote from any schoolhouse". Assembly Bill No. 132 would broaden the authorization to include transportation supported by State aid for all such children

who "encounter extraordinary traffic hazards in reaching the schoolhouse".

Heretofore State aided transportation has been based on distance. The protection of children against traffic hazards has been considered a local responsibility. Some municipalities have met this responsibility by furnishing police protection, building sidewalks, or installing traffic lights; and some school districts have met the problem by providing transportation at local expense.

The present State Administration, including our State Department of Education, yields to none in its constant concern for the safety and well-being of our school children. Our record to date on this subject is clear. Greater strides have been made in the field of State aid for education in the past four years than ever before in the history of our State. It is our earnest desire that this progressive spirit shall not be diminished in the years ahead.

Under P. L. 1946, c. 63, sec. 6, school districts are entitled to State aid in the amount of 75% of the cost of transportation when the necessity, cost and method thereof have been approved by the county superintendent of schools. Were Assembly Bill No. 132 to become law, the State would undoubtedly be asked to assume 75% of the cost of additional transportation provided. I am advised by representatives of the Department of Education that transportation costs and State aid therefor would soar under the proposed extended transportation program. No provision has been made by the Legislature for the payment of these additional costs.

If it is determined that the time has arrived to relieve municipalities of the responsibility to provide means to protect school children against traffic hazards and to require instead that school districts furnish transportation, and if it is further determined that the State should pay a share of this cost, legislation so providing should be written only after a careful study of all aspects of the problem, including provision for payment by the State of the additional financial obligation.

It should be noted that the bill fails to establish a standard or guide for the determination as to what constitutes an "extraordinary traffic hazard", and so invites as many interpretations as there are school districts.

Again, the twenty-one county school superintendents who presently approve applications for State aid under P. L. 1946, c. 63, may vary widely in determining what applications for the additional transportation service permitted by this bill, should be approved.

Before the State requires transportation at public expense in order to avoid traffic hazards and provides State aid therefor, it is prudent that the question of the extent of State aid to be provided be carefully considered and standards established to define the extent of the protection to be afforded.

I intend, therefore, to refer this important subject to the State School Aid Commission, established pursuant to Senate Joint Resolution No. 2, now Joint Resolution No. 9 of 1950, with a request for a detailed study and report as to: (a) recommended standards for determining extraordinary traffic hazards requiring extended transportation; and (b) the extent to which the State should share in the additional cost involved.

Accordingly, I am returning Assembly Bill No. 132 herewith with the recommendation that the legislation on this important subject be deferred until after the report of the State School Aid Commission has been filed.

In the meantime, all levels of government under the leadership of the State Board of Education should seek and put into effective operation the best possible protective measures for the safety of our school children.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 148

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 148, for the following reasons:

Combining the offices of municipal assessor and collector of taxes is a practice of doubtful merits which should not be encouraged. The person charged with the duty of collecting taxes should not also be the one who makes the assessments which determine the amount of taxes to be paid by individual taxpayers.

I am advised by the Division of Local Government, Walter Darby, Director, in the Department of the Treasury, that the division holds "the two offices are incompatible and should not be combined". I agree with this conclusion. Our experience in New Jersey has demonstrated that the beneficial "controls" that exist when the two offices are held by different persons should be maintained.

The fact that Assembly Bill No. 148 applies only to boroughs of less than 2,000 population, and provides for a referendum on the question of abolishing the office of assessor and combining his duties with that of the tax collector, does not make the proposed legislation any the less a questionable precedent.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest: ALFRED E. DRISCOLL,  
Governor.  
LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 153

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 153, for the following reasons:

Under R. S. 39:3-31, the Commissioner of Motor Vehicles (now the Director of the Division of Motor Vehicles, Department of Law and Public Safety), upon presentation of a sworn statement that the original registration certificate has been destroyed, lost or stolen, can, if he is satisfied that the facts set forth are substantially true, issue a duplicate certificate to the original holder thereof upon payment of a fee of one dollar.

Assembly Bill No. 153 makes it mandatory upon the Director of Motor Vehicles to issue such a duplicate upon payment of the fee. He no longer has the right to pass judgment upon the truth of the representations made. In fact, the applicant for the duplicate need no longer certify that the original has been destroyed, lost or stolen; all that the sworn statement must set forth is that the holder of the original registration certificate requires a duplicate.

This departure from the existing requirements is not desirable. If there is to be any change, the Director should at least be given the power to promulgate regulations setting forth how an application for a duplicate is to be made, and under what circumstances it will issue.

Under Assembly Bill No. 153 a motor vehicle owner could obtain any number of duplicate registration certificates, thereby complicating the administration of the Motor Vehicle Act.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 161

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 161.

This measure would, among other things, require the filing of notices of reimbursement agreements relating to grants of old age assistance with the county court clerk rather than, as at present, with either such clerk or the register of deeds and mortgages, in counties which have such offices. Upon the filing of any such notice the real property in which the recipient of the grant has an interest becomes charged with a lien for the grant.

Accordingly, there appears to be no sound reason for deleting the authorization to file notices of these agreements in the office of the county register of deeds and mortgages. I am, therefore, returning the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 171

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 171, for the following reasons:

Under present law Saturdays during July and August are considered "as public holidays", with respect to the transaction of business in public offices. The purpose of this bill, as introduced, was to establish Saturdays throughout the year as such public holidays. As amended before adoption, the bill would extend the period during which Saturdays are such public holidays from June 15th to September 15th, and would continue to apply in all public offices of the State, the counties and municipalities.

The public business is a business of service for the convenience, welfare and safety of the people. To this end it is our obligation to keep public offices open at all reasonable hours. In this respect government cannot and should not hope to emulate some private businesses which have seen fit to close on Saturdays. Many State and local services, including hospitals and police, must operate around the clock without interruption. Many offices, accordingly, may neither conveniently nor properly be closed, so-called public holidays to the contrary notwithstanding. Any increase in public holidays is bound to increase the cost of government.

As employers, we can well appreciate the advantages of a five-day week for employee morale. But a five-day week for employees does not necessarily require a five-day week for the public business or an increase in the number of public holidays. Through careful administration, the management of public offices may in many instances arrange for a five-day week where this arrangement is proper and in the public interest. There is presently sufficient authority for the operation of public offices on Saturdays, other than those during July and August, with a skeleton force.

While I sincerely hope that public employees can enjoy the greatest possible leisure consistent with their public trust, the conditions of work and paramount requirements of service to the public differ so widely in different departments and agencies, let alone in the different counties and municipalities, that the subject of Saturday closing cannot properly be regulated with any more uniformity than is already provided by law.

Accordingly, I am constrained to return Assembly Bill No. 171 without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 174

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 174, for the following reason:

This bill is a special mandatory tenure measure contrary to the letter and spirit of the Constitution.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 189

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 189, for the following reasons:

The amendment to R. S. 54:5-87 proposed by this bill would bar any attack upon a decree or judgment heretofore entered, in a tax foreclosure proceeding (other than an in rem proceeding), because of insufficient inquiry as to the name and address of any defendant, his heirs, assigns or personal representatives, where such attack is made after five years from the effective date of the bill. Similarly, it would bar any attack, on like grounds, upon a judgment hereafter entered in such proceedings, made after five years from the date of its entry. This amendment is of doubtful constitutional validity.

Inquiry is basic to proper proceedings under the Tax Foreclosure Act. A bona fide, complete and thorough-going

inquiry for all parties in interest is an essential and jurisdictional element, whether required by law or rule of court. If the inquiry is defective there is a fatal weakness in the proceedings. There being no notice, either actual or constructive, to parties in interest, there is lack of due process. The result is a judgment void as to such parties. They should not be barred from attacking it.

Accordingly, I am constrained to return this bill without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
May 10, 1950. }

ASSEMBLY BILL No. 228

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 228, for the following reasons:

This bill was originally suggested by the State Department of Health. It proposes to amend certain provisions of law relating to the reporting of stillbirths. They are, however, serious questions in my mind with respect to the conformance of these provisions with other statutes, and with those relating to the requirements for filing of certificates and for burial or removal permits in such cases. A further review of the subject before the completion of legislative action is apparently desirable.

For these reasons I am constrained to return this bill without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

RANSFORD J. ABBOTT,  
*Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 256

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 256, for the following reasons:

The bill would permit a County Court, without a jury, to appoint a guardian where an incompetent, committed to a State or county institution, has been confined in such institution for six consecutive months and is possessed of personal property not exceeding five thousand dollars in value although no complaint to determine mental incompetency has been filed with the Superior Court.

Assembly Bill No. 256 clearly has to do with practice and procedure within the judicial branch of the government. It is contrary to the principles underlying Rule 3:91 of the Rules of the Supreme Court.

The purpose of Rule 3:91 was to bring all jurisdiction relating to incompetency into the Superior Court, both as regards determination of the question of competency and the appointment of guardians. Its purpose was the "modernization of incompetency actions, serving substantially to reduce the very considerable expense formerly entailed therein." (Tentative Draft of Rules, p. 311, Comment on Rule 3:91-1.)

I am informed that the Court is aware of the problems involved and is continuing its efforts to develop a simple, expeditious and inexpensive practice. Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.

LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 273

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 273.

The proposed legislation would restrict the liability of a decedent's real estate for the payment of legacies to ten years after such legacies are payable, unless action to recover a legacy has been commenced within that period or the decedent shall have provided otherwise in his will.

Situations may arise where an executor cannot, or in view of compelling circumstances does not deem it wise to sell real estate. The executor and the legatees—in fact all parties in interest—might recognize the realities of the situation, and yet under Assembly Bill No. 273 the decedent's real estate would, after ten years, not be liable for the payment of any legacies except under the circumstances noted. The legislation would thus override the will, and frustrate the intention of the testator.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 300

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 300 for the following reasons:

Although loosely drawn, section 1 would appear to make it unlawful for any person to solicit by telephone, advertising or funds, whether in payment of advertising or otherwise, for publications and year books, without first obtaining a license from the Division of State Police. Section 2 sets out the information which the solicitor must furnish the Division before a license may issue. Section 5 exempts solicitors for publications and year books "any issue of which was published at least one year prior to the solicitation," or for established and recognized charitable, religious, fraternal or veteran organizations and agencies. The exception is so broad that it probably precludes the bill from accomplishing its alleged objective.

The announced purpose of the bill is to curb and, if possible, eliminate high-pressure telephone solicitations for publications and year books of transient and questionable value. Such solicitations are often annoying; they are sometimes illegal because the publication never comes off the press. But in seeking to effect a reform, the bill oversteps the bounds of reason and constitutionality.

Only one example need be cited. A newspaper or monthly magazine is launched by an organization or individuals of highest integrity and financial rating. The publication venture is bona fide and conducted according to the best standards. It has appeared regularly for six months and seems launched on a promising career. Obligations have been entered into—a lease, contract for printing, syndicated features agreements. Advertising accounts are outstanding and should be collected. Since the legislation is immediately effective, employees soliciting new advertising or trying to collect advertising accounts by phone could not do so without first applying to the Division of State Police for a license. The applicant would, under section 2, have to prove his own, rather than his employer's financial responsibility. He, and not the employer, would have to post a \$2,000.00 bond.

The bill in its present form might be held to discriminate between competitors in the publication field. The constitutional guarantee of freedom of the press is involved, as is the question whether the police power has not been exceeded.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 306

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 306, for the following reasons:

The pension system established under P. L. 1915, c. 324 (R. S. 43:19-1 to 18), which Assembly Bill No. 306 would amend, covers employees of boards of street and water commissioners in cities of the first class.

Like Assembly Bill No. 104, which I have also returned, this bill would weaken rather than strengthen the actuarial soundness of the affected pension system. Although the contribution rate of members to the pension fund is proposed to be increased from 4% to 5%, the maximum pension benefits to dependents at the same time are increased from \$1,000.00 to \$2,000.00 annually.

I am advised that on the basis of contribution rates which have been found necessary under other plans with similar benefits, neither the present 4% nor the proposed 5% contribution rate can support the benefits now payable out of the pension fund. I am also advised that the additional benefits provided by the proposed amendment exceed the increase in contributions payable by members of the fund. The result will be that the pension fund will be even less solvent than it is under the present act.

While my action in returning this bill will probably prove disappointing to some, it is designed to protect both pres-



STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 341

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 341, for the following reason:

The amendment proposed by this bill is fully incorporated in Senate Bill No. 138 which I approved on June 7, 1950, and which is now Chapter 190 of the Laws of 1950.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 379

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 379, for the following reason:

This bill would amend the act adopted last year, establishing the annual salaries of county district court judges (P. L. 1949, c. 302). It would increase from \$4,000.00 to \$6,000.00 the annual salaries of such judges in counties of the fifth class having more than 150,000 population and having two judges.

This is special mandatory legislation similar to that previously disapproved by me. It comes within one year after the Legislature carefully considered the entire range of county district court judges' salaries, and would provide precedent for a piecemeal adjustment of such salaries.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 381

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 381, for the following reasons:

This bill would except municipalities of 5,000 population or less from a fiscal requirement of the commission form of government law. That law requires the board of commissioners to publish monthly a detailed statement of receipts and expenses and a summary of its proceedings. The publication may be in the form of newspaper notice or in printed pamphlet form. The bill implies that there is either less need for this information or less interest in it in municipalities of less than 5,000 population than in larger municipalities.

In view of the requirements of the local budget law and of the local financial acts which were adopted long after the Walsh Act, it may be questioned whether this type of publication serves a completely useful purpose. Under the later legislation, every municipality must file a sworn annual statement of financial condition with the Division of Local Government in connection with the adoption of its annual budget, and every municipality must have regular audits by licensed, registered municipal accountants. Neither document presents a fully detailed statement of the transactions of the municipality. An interested citizen or taxpayer would undoubtedly still have to go to the journals and other books of account of a municipality to obtain fully detailed information.

If the present provision of the Walsh Act requiring publication of detailed information is unnecessary or ineffective in small municipalities, it must be equally so in large municipalities. If it is useful and of continuing importance in large municipalities, it must be equally important and even more informative in small municipalities.

It has been the unfortunate experience of our State for many years that far too many problems of local government have been moved out of a municipal building and into the State House by one form or another of special legislation. There is a real place for special treatment of municipal problems, and the law and the Constitution now provide opportunity for such treatment where there is

genuine need. The best opportunity is in effective home rule. The least opportunity is in a mass of special legislation which either requires or permits local action on the basis of special privilege or exemption.

This bill would be another law to distinguish between the indistinguishable—a municipality of 5,000 or more and one of less population. Either both classes require the publication of financial information or they do not. If they do not, we should have legislation to abolish the requirement entirely; if they do, we should retain the benefits of it for municipalities of all sizes.

I am, accordingly, constrained to return Assembly Bill No. 381 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 448

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 448, for the following reason:

This bill would place the unclassified employees of the Office of Milk Industry in the competitive class of the civil service, without examination. It is a special mandatory measure contrary to the letter and spirit of the Constitution.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 449

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 449, for the following reasons:

Assembly Bill No. 449 authorizes counties of the sixth class to provide, by resolution, for the regulation, registration and licensing of persons engaged in the installation or repair of electric wiring, conductors and appliances, for the purpose of utilizing electrical energy for heat, light or power when introduced or placed in any building, in any municipality which has no local ordinance on the subject.

The apparent purpose of the bill is to regulate the so-called itinerant mechanic, particularly in communities enjoying seasonal periods of economic activity. The bill is limited to counties of the sixth class. Communities with seasonal peaks of activity and population, particularly seashore communities and resorts, are located not only in counties of the sixth class, but also in counties of the fifth class. And if the legislative purpose is, additionally, to insure that electrical workers be qualified and experienced mechanics, the provisions of the bill might well be framed to include all counties.

The language of section 1 is broad enough to permit the possible construction that among those subject to its provisions are regular employees of electric public utilities, such as linemen and line crews. The technical standards of construction and maintenance work engaged in by electric public utilities of this State, are prescribed by rules and regulations adopted by the State Board of Public Utility Commissioners. These requirements, in turn, are based on the National Electric Code. In so far as this specific type of work is concerned, the public interest would appear to be adequately protected by the standards prescribed by the Board of Public Utility Commissioners. Local requirements, differing in each municipality, would not serve better to insure the public safety.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 452

*To the General Assembly:*

I am returning, without my approval, Assembly Bill No. 452, for the following reasons:

This legislation goes far beyond the purpose for which it apparently was designed. It is equitable and desirable to protect the seniority rights of civil service employees in the event the bureau or division in which they are employed is transferred from one municipal department to another. In its present form, however, the bill would apply to all civil service employees of the municipality, regardless of whether or not such a transfer had occurred.

Assembly Bill No. 452 does not lend itself to an effective administration of the merit system. For example, an employee with 15 years of efficient and valuable service in one department of the municipality could be displaced by another employee holding an identical title in some other department, who has a slightly longer record of service—as little as one day, in fact—and who was laid off for economy reasons. Time and expense would be involved in training the latter employee to do the work of the displaced one. This would be an unfair infringement of the tenure rights of the employee displaced and would not be conducive to the efficient conduct of municipal affairs.

Furthermore, this bill would establish a distinctive civil service rule for one class of municipal government. If the proposal has merit, it should apply generally to all municipalities wherein civil service is applicable.

Accordingly, I am herewith returning the bill without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 462

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 462, for the following reasons:

It should be observed that Assembly Bill No. 462 is, in effect, an attempt to set up a further sub-classification under R. S. 40:46-26, although it does not refer to that section either by way of amendment or supplement. If the Legislature adopts the amendments I have recommended for Assembly Bill No. 317, a reasonably general plan of dealing with the salary problems of municipalities of 20,000 population or more will be available to municipalities not excepted from the operation of R. S. 40:46-26.

It is well to add that the bill passed both Houses as an emergency measure. It is my hope that the emergency legislation provision of the State Constitution (Art. IV, Sec. IV, Par. 6) will be reserved for unquestionable legislative emergencies.

Accordingly, I am returning Assembly Bill No. 462 without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 479

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 479, for the following reasons:

This bill would permit the board of freeholders of any county by resolution to provide for the retirement of any stenographic reporter on a noncontributing annual pension of \$2,500.00, who "has served in the county and State court systems" for at least 20 years, reached age 60, and is physically incapacitated.

It is desirable that any legislation providing for the retirement of court stenographers on pension should be prepared on a comprehensive basis, after careful study.

Assembly Bill No. 479 is loosely drawn. Its ambiguities present difficult problems of construction and would undoubtedly result in arbitrary and conflicting interpretations, and perhaps costly litigation. One of the qualifications for retirement is service in the "county and State court systems". Every court in the State, at whatever level, is a component of the "State court system". Although court stenographers are used only occasionally in municipal and district courts, yet service in such courts might, under the language of the bill, be included in rounding out the required 20 years' service.

As to the service requirement, the question arises whether this means continuous service for 20 years, as is required under R. S. 43:6-9 *et seq.*, or would it permit the tacking of non-consecutive years. Also, the bill is not clear as to whether it applies only to full-time stenographers, or would also apply to part-time stenographers or those compensated on a per diem basis.

Another consideration is the unusual provision found in section 2, that after the board of freeholders has voted the resolution for retirement, the applicant then makes written application to the county treasurer for pension payment, "setting forth the facts necessary to qualify him for retirement under this act, and accompanied by the certificates of two reputable physicians" certifying his physical incapacity. Since the board of freeholders is the deciding body, why should the applicant be required to file this information with anyone other than it? Further, as a matter of sound policy, the examining physicians should be selected by the board, and not by the applicant himself.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL NO. 275, ASSEMBLY BILL NO. 367, ASSEMBLY  
BILL NO. 369 AND ASSEMBLY BILL NO. 480

*To the Senate and to the General Assembly:*

I am returning herewith, without my approval, four bills proposing to give life tenure of office to a wide variety of municipal officers and employees, *i.e.*, Senate Bill No. 275, Assembly Bill No. 367, Assembly Bill No. 369 and Assembly Bill No. 480.

Senate Bill No. 275 would provide mandatory tenure during good behavior for any municipal treasurer, including those now in office, who has held his office continuously for twenty-five years. The title is defective in that it refers to "tenure in office" whereas the body would cover tenure during good behavior. "Tenure" as such, has little meaning unless coupled with a description of its character, that is, for a term of years, for life, during good behavior, etc.

Assembly Bill No. 369 is a bill of one sentence containing some three hundred words, which purports to provide for tenure during good behavior to certain building inspectors, etc., who have held office for ten years. The title to this bill is likewise defective.

Assembly Bill No. 367 would authorize tenure during good behavior to anyone in full-time employment of any municipality for twenty years, "and who does not enjoy tenure of office under any other act." Almost every municipal officer or employee has some tenure of office, either for a term of years, indefinite or at will, if not during good behavior, and it is therefore difficult to anticipate what this bill would accomplish. The title of the bill is also defective.

Assembly Bill No. 480 would authorize tenure during good behavior for county road supervisors in certain counties of the second class.

These bills undoubtedly have the laudable, even humanitarian, purpose of protecting some faithful and competent municipal official after long service. But this is only one side of their sweeping effect. The protection of the public interest is the other side.

To my mind, there are four questions which should be answered before any tenure of office during good behavior, mandatory or otherwise, should be conferred:

(1) Is it in accord with the character of the form of government? If the form of government calls for periodic, popular election of a variety of officials, life tenure to one or more of these officials would appear to be inconsistent.

(2) Did the individual enter the service on the basis of merit? Security of tenure and proved competence should go hand in hand.

(3) Does the law provide a reasonable retirement date for the services of a person with life tenure? If persons who have passed an age of productive work are to be held in office, would the bill look so desirable? Yet few voluntarily retire.

(4) Does the proposal conform to the home rule principle? In other words, do the officials elected by the citizens of the community have an opportunity to determine the issue of tenure.

Long service is laudable. But the public interest in efficient service must be paramount. The job must be suitable for protected tenure of office, the incumbent must be competent, the time of retirement must be controlled. It is admittedly difficult to square these requirements with the occasional hard realities of political affairs, but the solution does not lie in excesses on the side of personal security.

I sincerely regret, for the sake of the worthy individuals who may be affected, that I must return these bills without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 481

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 481.

This bill would amend and supplement Chapter 310 of the Laws of 1948, relating to the county employees' pension funds in counties with a population of from 300,000 to 325,000. While several of the amendments proposed by this bill appear desirable, the additional benefits which are proposed to be extended are not supported by sufficient additional payments into the fund. It would be a cruel jest to promise increased benefits from a fund that has never been secure because it was established on an inadequate basis, and then have these increases "break" the fund depriving present and future participants of their expectant security.

It is extremely important that our pension systems and funds be made and kept actuarially sound. These pension programs will fail to accomplish their objectives if we increase benefits beyond the capacity of the funds to meet their obligations. While my action may and probably will prove disappointing to some, it is designed to protect present and prospective members of the system.

Accordingly, I am returning this bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 482

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 482, for the following reasons:

This bill proposes to amend the Attachment Act of 1948 (c. 358) by, among other things, adding new language to

section three which would permit a writ of attachment to issue where the affidavit states that the defendant owes a debt and is either an absconder or a nonresident of the State, and where the affidavit uses simply the language of subsection (b) or of subsections (c), (d) or (e) of section 3, without further amplification. Supreme Court Rule 3:72 requires that the fact that the defendant absconds or is a nonresident be established to the satisfaction of the Court. This is a salutary provision.

Assembly Bill No. 482 would revert to the old practice; the writ would issue and the defendant would then be faced with the burden of attacking it by presenting proof, on motion, of the untruthfulness of the statements made in the supporting affidavit. There appears to be no sound reason for authorizing the use of the short affidavit contemplated by the proposed legislation.

Accordingly, I am returning Assembly Bill No. 482, herewith, without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

ASSEMBLY BILL No. 486

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 486.

The easiest course would be to approve this bill. To do so would appear on its face to be granting a favor to those who man our police and fire departments. Over the years, however, the approval of this bill would do a disservice to the very people whom the legislation purports to help.

As I said in my Veto Message of a similar bill a year ago: "Even more important than the extent of a pension program is the knowledge that it is secure. It is a known fact that prior to 1944 our municipal police and fire pension sys-

tems were insecure, actuarially unsound and confronted with bankruptcy. At least half of them were actually insolvent. It was evident that the municipalities would soon reach a point where they could or would no longer meet the mounting deficits which even today are substantial, as, for example, almost a half million dollars [in 1949] in Newark and nearly \$200,000 in Atlantic City, to cite but two cities.

“In 1944 we began the hard task of restoring these programs to solvency for the purpose of guaranteeing that those who expected to be dependent upon them would in fact receive pensions. In 1947, after a careful study, I supported a fair liberalization of the pension program. We now have one of the most liberal policemen’s and firemen’s pension systems of any State. At the same time the State, out of its limited resources, is paying \$1,000,000 a year to establish the security of these funds.

“I cannot at this time, as a matter of good faith and mindful of my responsibility to our policemen and firemen, support further benefits without adequate provision for their cost. In the absence of proof that the extension requested will not destroy the very objectives for which we have all been working, namely, security, to the pension program, I am compelled to withhold approval at this time.”

We have recognized the importance of the men and women engaged in law enforcement and fire protection. At this session of the Legislature bills of considerable importance to those in real need of assistance, namely, those injured or taken sick in line of duty, have been approved.

As I have pointed out in other messages considering pension programs, it would be a cruel jest for us to promise more than the fund can pay. To do so places in real jeopardy the promised security.

The facts presently available clearly disclose that any liberalization of the present pension program without substantial increases in payments into the fund, substantially increases the likelihood that the program may fail to meet its objective.

At the present time the State is engaged in a study and appraisal of a number of pension programs, including the one considered by this bill. No changes are justified in the absence of clear proof that the changes will not further decrease the actuarial soundness of the fund.

In the absence of such proof, as well as for the reasons stated in my Veto Message a year ago, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

ASSEMBLY BILL No. 492

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 492, for the following reasons:

This bill should be considered together with Assembly Bill No. 491, which I am returning with recommended amendments.

Assembly Bill No. 491 would establish an administrative procedure covering the same class of case as is covered in the sections amended by this bill. Under the new court system, where there is a difference in rulings between State and local assessors in a given case, it is preferable to have the difference resolved in the first instance by the Division of Tax Appeals. The decision of the division would then be subject to judicial review in the Appellate Division of the Superior Court. This makes obsolete the old provision for a determination of the administrative question by the old Supreme Court or any three justices thereof assigned by the Chief Justice.

I have, accordingly, recommended in my message concerning Assembly Bill No. 491, that the three sections which the present bill was to amend be repealed.

I am, therefore, returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL No. 7

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 7, for the following reasons:

The provisions of this bill would, if approved, take effect immediately. Entirely apart from the merits of the legislation and a serious question which has been raised with respect to its constitutionality in its present form, it does not appear to be desirable to change the rules of the game in the middle of the racing season. I have been advised that the Racing Commission will co-operate in the promotion of local employment and I believe that it may be possible for the Commission to achieve the proper objectives of the legislation by administrative action.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMEN,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL No. 32

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 32, for the following reasons:

This bill provides for retirement on half-pay of any officially appointed supervising stenographic court reporter who has reached the age of 64 and served for 20 years in a county or counties of 300,000 or less population, upon written application made to the Assignment Judge of the Superior Court. It is patently a private pension bill.

The proposed legislation does not conform to the provisions of R. S. 43:6-9 to 13 which sets the pattern for court

reporter pensions. The language of the bill is unfortunately ambiguous. It is not clear whether the 20 years' continuous service includes part-time or per diem service, or is to be confined to full-time service. The bill is further indefinite as to the courts in which the applicant must have served.

The Supreme Court is now the appointing authority for reporters (P. L. 1948, c. 376), and passes on pension applications. In providing for application to be made to the Assignment Judge of the Superior Court, Senate Bill No. 32 is contrary to the uniformity of policy and practice that should control in pension matters.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 100

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 100.

This bill is identical with Senate Bill No. 380 which I approved on June 26th, and which is now Chapter 253 of the Laws of 1950.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 148

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 148.

On June 7, I approved Committee Substitute for Senate Bill No. 105, now P. L. 1950, c. 188, the "Public Health and Sanitation Codes Adoption by Reference Act."

Accordingly, and since the subject matter of Senate Bill No. 148 appears to be fully included within the scope of Committee Substitute for Senate Bill No. 105, I am returning the bill herewith.

Respectfully,

[SEAL]  
Attest: ALFRED E. DRISCOLL,  
Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 156

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 156, for the following reasons:

The purpose of this bill is to provide an additional county district court judge in Camden and Mercer Counties. The Statement attached to the bill indicates that in these counties "an additional judge is required to expedite the trial of cases" in the district courts in the two counties.

The Administrative Director of the Courts, at my request, has submitted a report covering the activities of the county district courts in these two counties for the period from September 15, 1948, to March 31, 1950. A careful analysis of his report has failed to demonstrate an immediate need for an additional judge in both counties.

In the development of our new judicial system, we have sought to place primary emphasis upon quality and, wher-

ever possible, full-time service. We have carefully refrained from expanding judicial personnel beyond the immediate requirements, since it is very difficult to achieve a corresponding reduction in personnel when the court calendar is substantially reduced.

In my judgment, provision should not be made for the appointment of an additional judge in the courts to which I have referred until our studies clearly indicate that there is a need to be met and a genuine public service to be rendered.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 157

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 157, for the following reasons:

The Statement accompanying this bill gives its purpose as being "to validate the organization of certain charitable foundations which were incorporated not for pecuniary profit by less than the required number of incorporators". The language of the bill is of far broader application. The measure would validate the incorporation of "Any corporation formed for any lawful purpose, other than for pecuniary profit," prior to 1945, by less than five (the required number under existing law), but not less than three persons.

The words "charitable" and "not for pecuniary profit" are not synonymous. The fact that a corporation is organized "not for pecuniary profit" does not mean that it is a charitable organization. Many of such corporations are not charitable enterprises in the legal sense.

The language of the bill appears to be too broad in scope. Accordingly, I am returning the measure herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

---

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL No. 162

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 162, for the following reasons:

There are no qualifying provisions attached to the bill. It is impossible to assess, from the general language of the bill, the possible legal effects that may flow from the reinstatement of rural cemetery associations incorporated under the Act of April 9, 1875, and its numerous amendments and supplements, after the corporate existence of such cemeteries has once terminated by lapse of time.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

---

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL No. 165

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 165, for the following reasons:

Under R. S. 23:3-4 (c), which this bill would amend, a person, to be eligible for a residents' fishing license, must be an actual and bona fide resident of this State at the time of his application for a license and must have been such for at least one year immediately prior thereto. The fee for a residents' fishing license is \$3.15. The fee for a nonresidents' fishing license is \$5.50. The amendment proposed by this bill to subsection (c) provides that if a nonresident owns "residential real property" in New Jersey and so certifies to the issuing agent on a form to be provided for that purpose, he may obtain a nonresidents' fishing license for the same price charged a resident. The difference in these fees is slight. In general, I look with sympathy upon the objective the sponsor of this bill has sought to obtain. The difficulty with the bill is that it raises a technical distinction between nonresidents owning "residential real property," whatever that may mean, and nonresidents owning substantial real although non "residential" property within this State.

The Fish and Game Council, as well as the New Jersey State Federation of Sportsmen's Clubs, opposes the law in its present form. The Fish and Game Council and its agents would be called upon to make a series of fine judgments on the question of whether an applicant's property is or is not "residential." I am confident that with a little more study the Fish and Game Council will find it possible to recommend appropriate legislation treating all taxpayers alike, designed to accomplish the purpose that the sponsor of this bill has expressed to me, without the objectionable features of the present bill.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL NO. 176

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 176, for the following reasons:

This bill provides that a county park commission established under R. S. 40:37-195 to 247, relating to counties of 175,000 to 200,000 population, may, by resolution, establish a police court. This is special legislation. The jurisdiction of this court would extend to the territory constituting the county park or parks under the control of the commission. Section 4 gives the police court all the powers and jurisdiction of municipal courts, except their small claims civil jurisdiction, as well as their jurisdiction with respect to violations of rules and regulations promulgated by the commission. The jurisdiction so conferred upon this new court is expressly made concurrent with that of any municipal court whose territorial jurisdiction includes all or part of the county park lands. The bill further provides that the commission shall provide necessary accommodations and supplies for the police court, as well as clerical personnel.

There appears to be no serious need for such a special police court, with its additional costs; the municipal courts already have jurisdiction over the territory embraced by the park lands. It is to be noted that R. S. 40:37-201 gives the county park commission power to make, amend and repeal rules and regulations for the protection, regulation and control of parks and parkways. R. S. 40:37-202 authorizes the commission to appoint park police, and R. S. 40:37-203 authorizes park police to arrest on view and without warrant, and to conduct the offender before the nearest police magistrate of the municipality in which the arrest is made, or before the magistrate of a neighboring municipality, for violations of the rules and regulations.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL NO. 204

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 204, for the following reasons:

This bill amends section 28 of the basic act relating to municipal courts (P. L. 1948, c. 264, as amended by P. L. 1948, c. 394, sec. 7), by eliminating the provision that courts in municipalities of less than 15,000 population located in other than first- or second-class counties shall not have jurisdiction to try and determine indictable offenses, even though the defendant waive in writing indictment and trial by jury. (In such cases, the court is given the power to hold the defendant to bail, to appear before such court as shall have jurisdiction.)

P. L. 1948, c. 264, sec. 28, originally read like Senate Bill No. 204, but was changed to its present form after most careful consideration and study by all concerned with drafting the basic act. The consensus was that it was best not to give the Courts in question the power to try indictable offenses. That consensus was expressed in section 7 of P. L. 1948, c. 394, amending section 28.

The present limitation insures a proper trial to those charged with indictable offenses. It has worked well in practice.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest: ALFRED E. DRISCOLL,  
*Governor.*  
LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL No. 219

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 219, for the following reasons:

The section of the Revised Statutes amended by this bill is also amended by Assembly Bill No. 317. While this bill was, prior to its passage, amended to conform to the provisions of Assembly Bill No. 317, the latter was not conformed to the provisions of this bill. If the Legislature adopts the amendments I have recommended to the latter bill, this bill is unnecessary.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

SENATE BILL No. 225

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 225, for the following reasons:

This bill would accomplish the following: (1) validate all proceedings, acts and things relating to the creation, establishment and organization of housing authorities under the provisions of the Local Housing Authorities Law (P. L. 1938, c. 19, as amended), and declare that all housing authorities set up under that act are bodies corporate and politic; (2) validate all undertakings and agreements of such authorities heretofore entered into relating to financing or aiding in the development or operation of any housing projects; and (3) validate all proceedings, acts and things relating to the authorization, issuance, execution and delivery of housing authority obligations, as well as all

payments heretofore made by such authorities to public bodies in the State, and all bonds and notes heretofore issued by such authorities.

Although sound reasons may exist in particular instances for the validation of such proceedings, acts or things undertaken despite certain technical defects, I cannot affix my approval to a bill which in effect would excuse the failure to comply with any and all safeguards imposed by the law. The language employed in the bill appears to be far more inclusive than is necessary. I have consistently opposed this type of validating act.

Accordingly, I am constrained to return this bill without my approval.

Respectfully,

[SEAL]

Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,

*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,                    }  
EXECUTIVE DEPARTMENT,                }  
  July 8, 1950.        }

SENATE BILL No. 237

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 237, for the following reasons:

The purpose of this bill is to give to the Superior Court the power to allow counsel fees in causes and matters which, prior to September 15, 1948, were within the jurisdiction of the former Court of Chancery. Senate Bill No. 237 reinstates P. L. 1910, c. 261 (R. S. 2:29-131), and in doing so would revive an unhappy practice that has been generally repudiated.

Approval of this bill would constitute a major trespass upon the new and enlightened practice established under the reorganized judicial system for which the electorate voted in approving the Constitution of 1947.

There was no New Jersey statute permitting the allowance of counsel fees until 1902. The statutes adopted in

that year and in 1910 and 1915 related to the granting of such allowances in Chancery only. No similar law was enacted for the law courts.

The English experience with counsel fees should have been warning enough. The practice there of allowing counsel compensation in such substantial amounts as to sometimes prove ruinous to the litigants was and remains a source of deepest discontent and continuing criticism. Our experience with counsel fees in the former Court of Chancery was an unhappy one. Lawyers demanded, and occasionally received, more for their services than the case warranted. The system aroused suspicion and resulted in a loss of essential public confidence in our judicial system. The fee device was occasionally used as a method of smothering proper and desirable appeals.

It was to meet the criticisms and inequities of the former Chancery practice that the Supreme Court adopted Rule 3:54-7 limiting the allowance of counsel fees to (1) matrimonial actions, (2) actions where there was a fund in court, (3) uncontested mortgage foreclosure actions, or (4) as provided by rules or by law with respect to any action, whether there was a fund in court or not. The former power of Chancery to grant counsel fees in causes generally was expressly superseded. Rule 3:54-7 re-established essentially the sound practice evolved by the courts before the laws of 1902, 1910 and 1915. That the Supreme Court is fully aware of the scope and importance of the rule is shown by its action in amending and strengthening subsection (d) in January 1949, and by its recent decision in *Katz vs. Farber*, 4 N. J. 333.

Senate No. 237 represents a definite step backward to a discredited practice. It could, as was the case in the past, make certain types of litigation unreasonably expensive, contrary to the promise held out to the public that the new court system would reduce the cost of litigation. It would tend, further, to raise needless complications.

Finally, Senate Bill No. 237 raises an important constitutional question. The bill would appear to be in direct conflict with Article VI, Section II, Paragraph 3 of the Constitution of 1947, relating to the rule-making power of the Supreme Court. (See veto message of October 30, 1948, relating to Senate Bill No. 58 of that year.) Justice will be

best served by confining the control of fees allowed by our courts to the Rules of the Supreme Court.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 244

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 244, for the following reasons:

The apparent purpose of this bill is to prohibit "nuisance" suits by riparian owners against public agencies engaged in the business of supplying water for public and potable use.

However, the bill would eliminate the inherent right of any riparian owner to protection under the law unless loss of present beneficial use can be established at the time of commencement of the action or proceeding. It is a common law right of a property owner, subject only to reasonable user by other riparian owners, to have unimpaired future as well as present beneficial use of streams upon his land.

A serious constitutional question would be raised by this attempt to deprive an owner of his property right without compensation. Moreover existing law is sufficient to settle any issues affecting public water supply projects.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]  
Attest:

ALFRED E. DRISCOLL,  
*Governor.*

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 291

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 291 for the following reasons:

However laudable in their purpose, appropriation bills of this kind are, I am advised, in direct conflict with the provisions of Paragraph 3, Section III, Article VIII of the State Constitution.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.  
LEON S. MILMED,  
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 292

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 292, for the following reasons:

This bill would amend Chapter 105 of the Laws of 1939, legislating Route No. 101.

It also designates the Route "as a freeway of one hundred feet in width" as defined in P. L. 1945, c. 83. This proposed width does not meet the specifications for a modern freeway.

It is noted that section one of the bill contains a paragraph (continued from the 1939 law) requiring the Route to be constructed from moneys, derived from the motor fuels tax, forwarded by the Commissioner of Motor Vehicles to the State Treasurer to be used by the State Highway Commissioner for the construction of roads and bridges. This provision conflicts with the letter and spirit of Article VIII, Section II, Paragraph 2, stating: "No money shall be drawn from the State treasury but for appropriations made by law."

In addition, neither the 1939 law nor the proposed amendment to it prescribes any limit upon the amount of money to be used for the construction of the Route.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

LEON S. MILMED,

*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY, }  
EXECUTIVE DEPARTMENT, }  
July 8, 1950. }

COMMITTEE SUBSTITUTE B FOR SENATE BILL No. 294

*To the Senate:*

I am returning herewith, without my approval, Committee Substitute B for Senate Bill No. 294, for the following reasons:

This bill authorizes the preparation of a compilation of the statute law of a general and permanent nature enacted since the enactment of the Revised Statutes of 1937 and before October 1, 1951, and creates a commission to enter into a contract for the preparation, printing and publication thereof. Provision is made for the purchase of 1,000 copies of the compilation by the State of New Jersey, at a price not to exceed \$30,000. The bill details the pattern of distribution of these volumes.

Committee Substitute B for Senate Bill No. 294 would involve not only the expenditure of as much as \$30,000 but also the cost of the services of the Law Revision and Bill Drafting Commission in directing and supervising the complex task of preparing the text of 14 years' accumulation of statute law. This entails problems of arrangement and classification, and the preparation of head notes, source notes, cross-references, explanatory notes, schedules of statutes and an index. This expensive and time-consuming job will place a considerable burden upon the Commission which, in addition to the services it renders successive Legislatures and the work it does in arranging and classifying the product of each legislative session after adjournment,



STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 299

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 299, for the following reason:

This is a special mandatory pension measure.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL No. 347

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 347, for the following reasons:

Senate Bill No. 347 would permit any public utility engaged in the business of supplying, distributing and selling gas or electricity, and which heretofore has granted any of its employees discounts on gas or electric rates, the right to continue this preferential practice.

The bill makes no pretense of doing anything other than granting employees an outright rate preference. It would condone and legalize a practice always considered legally questionable because discriminatory. The cost of the discounts granted utility employees would, of course, have to be borne by the general public.

There are other, and proper, ways of recognizing employee services. Senate Bill No. 347 is contrary to law and public policy. It should not be permitted to go into our statute books.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,  
Attest: Governor.

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
July 8, 1950. }

SENATE BILL NO. 365

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 365, for the following reasons:

Section 40:41-32 of the Revised Statutes presently fixes the salary range for the chief inspector attached to the sheriff's office in counties of the first class at \$3,500 to \$4,000 per year. The amendment proposed by Senate Bill No. 365 would authorize salary increases after the maximum has been reached, to be made at such times and in such amounts as the sheriff, with the approval of the board of freeholders, may determine.

The bill establishes no top limit beyond which such increases may not go. The elimination of salary ranges is not desirable. The elimination of salary ranges for one class of employees while salary ranges are retained for other classes of employees seems to me to be doubly objectionable.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

ALFRED E. DRISCOLL,  
*Governor.*

[SEAL]  
Attest:

LEON S. MILMED,  
*Counsel and Acting Secretary to the Governor.*





