VETO MESSAGES

OF

GEORGE S. SILZER, *Governor*

TO THE

One Hundred and Forty-ninth Session of the New Jersey Legislature

1925

VETO MESSAGES

SENATE JOINT RESOLUTION NO. 2.

To the Senate:

There has been much talk in New Jersey lately about economy in public expenditures. If we really mean to economize, we must do more than talk about it; we must act economically. We cannot preach economy and then waste $20,000 on a useless commission.

Senate Joint Resolution No. 2 has for its purpose the creating of a commission of six persons, two to be appointed by the President of the Senate, two by the Speaker of the House, and two by the Governor.

This commission is to revise and codify the election laws, is given power to employ legal and clerical assistance, and to hold hearings. It is given an appropriation of $20,000.

I believe this commission to be unnecessary, and the expenditure of $20,000 a waste.

The law now upon the statute books is a revision made not longer than four years ago, and known as Chapter 349 of the Laws of 1920. This revision was made at the instigation of the State Chamber of Commerce, who drew to them all parties interested in the election laws, with the result that we have the Law of 1920. Why this disinterested effort on the part of the State Chamber of Commerce should now be overthrown and destroyed I cannot understand. Many of those who have voted for Senate Joint Resolution No. 2 also voted to put upon the statute books the Revision of 1920.

This revision by the State Chamber of Commerce did not cost the taxpayers of New Jersey a cent.

In 1898, the Election Law was thoroughly revised during the term of Governor Voorhees. This Revision cost this State practically nothing. During the term of Governor Murphy, in 1903, the Direct Primary Law was passed at a cost to the State of $600.00. During the term of Governor Wilson, in 1911, the Geran Election Law was passed. This change was made without expense to the State, the act being prepared by citizens interested in good government. Then, during the term of Governor Edge, the act to prevent corrupt practices in our elections was prepared and passed without cost to the State.

For some unexplained reason, the Election Law is being constantly changed and interfered with.

If any changes are necessary, it will be quite simple to go back to the fundamental principles outlined in the Geran Act, and then leave the law alone. This any good lawyer could do in a short time.

If circumstances arise which show us that there should be an amendment to the law, it can easily be made, and no one ought to be more familiar with the election laws than those who sit in the legislative halls and participate actively in election affairs.

These constant changes are confusing not only to the election boards, but also to the voters. There is no public demand for any radical change. The present system, with a few minor changes, will work very well. The voters are not deprived of a reasonable opportunity to vote, and there is ample machinery to conduct honest elections and to punish those who may be guilty of fraud and corrupt practices.

Since this resolution is useless and wasteful of the taxpayers' money, it is, therefore, disapproved.

SENATE JOINT RESOLUTION NO. 6.

To the Senate:

Senate Joint Resolution No. 6 creates a commission consisting of the President of the Senate, the Speaker of the House, and four other members "for the purpose of making a study of questions of public interest, to present violations of law, and the conduct of any State official, State department, board, commission or other agency of the State government."

It further provides for the employment of necessary legal and other assistants, and appropriates the sum of $10,000.

This commission seems to be wholly useless and unnecessary, and the expenditure of $10,000 a public waste. If there had been a condition known to the public calling for any investigation, there might have been some excuse for this commission. At the present time, however, not a single suggestion has been made of anything wrong anywhere in any department of the State, or elsewhere, justifying the organization of this commission.

Let us examine the expressed purpose for which this commission was organized. First, it is to make a "study of questions of public interest." Every legislator is elected by the people in the belief that he has already made a study of questions of public interest, and has qualified himself to deal with them. The taxpayers, I am sure, are not impressed with the idea that they are to

spend $10,000 of the State's money for the purpose of educating a selected legislative group in questions of public interest.

The Constitution provides that "the Executive shall communicate, by message, to the Legislature, at the opening of each session, and at such other times as he may deem necessary, the condition of the State, and recommend such measures as he may deem expedient."

Under this provision, communications have been sent to the Legislature on the following subjects of public interest—each of great importance:

Reduction of taxation.

A self-sustaining Tenement House Commission, with power to supervise theatres and public places in all municipalities.

A survey of the public school system.

Payment of all funds collected by State agencies into the State treasury.

Regulation of the distribution, quality and price of coal.

Protecting the depositors in private banks.

Providing for the care and cure of narcotic users convicted of crime.

Empowering the Governor to remove statutory officers for cause, and power of temporary appointment in cases of emergency caused by death, etc.

Repealing the useless bureau of elections in counties of the first class.

Repealing the Blackwell divorce law.

Adequate laws to prevent pollution of our waterways.

Amendment to statutes relating to crime, to aid in suppressing the crime wave.

Improving conditions at grade crossings, and the elimination of sign boards.

Definite action establishing a State policy for supplying the people with potable water.

Amendment to the laws relating to the zoning system, and a constitutional amendment, if necessary, granting the power.

Confirming the Tri-State treaty relating to the Delaware river.

Repealing the law which now permits fire insurance monopoly and unjust rates.

Appointing a commission to make a treaty with adjoining States, and regulating the distribution of electric power between the States.

Power in the Highway Commission to select routes for the highway system, and to regulate and protect, by additional powers, the highways.

Curing the defect in the No-Night-Work Bill for women in factories, by providing a penalty for violation of the law.

Upon none of these recommendations in the public interest has any action been taken. If, instead of having the commission spend $10,000 in studying "these questions of public interest," the Legislature would act upon those already recommended, not only would the $10,000 be saved, but much would be accomplished for the people of the State.

The next thing which the commission is to do is to "present violations of Law." That is now the province of twenty-one prosecutors, as well as of every police officer of the State, and of every citizen who knows of any violation of the law. It has never been the function, so far as I know, of the Legislative branch of the government to present violations of law. Under the Constitution, it is their duty to enact laws and submit them to the Executive for approval.

The third avowed purpose is to look into the conduct of State officials and State departments.

If the real purpose is to see whether State departments can be made more efficient, or whether they are functioning properly, this cannot be done by a legislative commission. In order to reorganize a State department it is necessary that a thorough examination be made of it—an examination that will take much time and close attention. The Budget Commission has been established for this very purpose, and after having passed through its formative period, is gradually undertaking this work. Much has already been done in this direction, and with a sufficient appropriation more could be done during the coming year. The request for an appropriation large enough to cover this work for the coming year, to be done by the bi-partisan Budget Commission, was denied by the Legislature.

Another objection to this resolution is that it is so strongly partisan. I do not believe that the people of New Jersey are altogether pleased with the expenditure of $10,000 of the taxpayers' money for the gratification of partisan desires and political commissions. There does not seem to be, from any point of view, any justification for the creation or existence of the commission, except upon the ground that it may serve some political advantage.

The press has been informed that one of the purposes is to examine the Department of Institutions and Agencies. There is no indication in this resolution that such is the case. There is no evidence whatever before anyone that that department is not conducted as it ought to be. The Board of Control of that department is non-partisan, and composed of members of the highest type, who are doing a fine work in the care of our dependents.

If there had been disclosed, in any department, a single act of wrong-doing, there might be some excuse for the creation of this commission, but such has not been the case.

For the reasons stated, this resolution is disapproved.

SENATE JOINT RESOLUTION NO. 11.

To the Senate:

The members of the Legislative and Executive departments are, theoretically at least, chosen upon the understanding that they are familiar with State problems, capable of dealing with them and willing to do so. If this be not true, then we are guilty of deceiving the people, and should surrender the task to someone who is capable and willing.

The water problem has been one of many years standing, having been called to public attention so long ago as 1910 by Governor Fort. It has become more and more acute.

Public attention has been focused upon it by the pressing needs of twenty-nine municipalities in Union county, as well as by those of other counties. Bills have been presented to Legislatures for several years past dealing with one or another phase of the question.

A year ago, I called attention to the whole subject in a public address before the State Chamber of Commerce.

That body has during the year made a study of the question. The press of the State for several years has discussed the problem.

As time has gone on, the needs have become more and more pressing and each day's delay adds to the inconvenience, the cost and the difficulties.

In January, I called the attention of the Legislature to this question and recommended that action be taken thereon. Three months have passed with no effort even to study the question, much less to take action.

Now, it is proposed that a commission be appointed to study the question and report in another year.

It is our duty to study the question, not to ask someone else to look into it, it is our duty to solve it, not postpone it.

We cannot substitute someone else's study for our duty to dispose of it.

There is no reason for the Legislature to adjourn without solving this question, unless we are to admit that we are unwilling or incapable of doing so. If we make that admission we should resign and let someone else undertake the job—someone who is capable and willing.

With a question of such magnitude and such pressing importance, it is our duty not to adjourn the Legislative Session, but to remain here upon the job until we have done our full duty by the people of the State who selected us for that purpose.

Studies and Reports. I can see no necessity for another commission to study this question. It has been studied for years.

The following reports and studies are available to anyone who is not already familiar with the question:

Report on Water Supply, C. C. Vermeule, 1894, Vol. III—Final Reports State Geologist;

Report of the Commissioners to Investigate the Practicability and probable cost of the Acquisition by the State of the Title to the Potable Waters of the State—1906;

Report on the Water Resources of the State and their Development. Hazen, Whipple and Fuller—1922;

Water Commission offers a Program for Development—Chimney Rock Project outlined by Mr. Sherrerd—Newark Evening News—January 31, 1925;

Report on the floods of February 28 to March 5, 1902—C. C. Vermeule, Annual Report of the State Geologist, 1902;

Floods of October, 1903—Passaic Floods and their Control, C. C. Vermuele Annual Report—State Geologist—1903;

Lake Passaic considered as a Storage Reservoir—C. C. Vermeule Annual Report—State Geologist—1905.

Report on the Development of the Passaic Watershed by Small Storage Reservoirs—C. C. Vermeule—Annual Report State Geologist, 1909;

Report of Committee to Investigate the Water Situation, City of Elizabeth—December 27, 1923;

Report of Water Survey Commission Westfield, N. J., including Report of Thomas F. Bowe, Consulting Engineer on Water Supply for the Town of Westfield—1924;

Report on Water Supply City of Bayonne—Western & Sampson; also Report of Citizens' Committee of Twenty and Report of its Consulting Engineer, Weston E. Fuller, 1924;

Compact as to the Water Resources of the Delaware River Tri-State Treaty—1925.

A mere casual look at this list will demonstrate that eminent men have given of their time, and that much money has already been spent on the subject.

So the same may be made a matter of record, and be available for those who may in the future desire to investigate this question, the following additional reports have been made on this subject:

Report made to the City of Plainfield by Messrs. George A. Frost, E. Erickson and S. A. Ginna—1894.

Report made to the City of Plainfield by Messrs. Joseph O. Osgood, W. L. Saunders and B. S. Church—1904.

Report made to the City of Plainfield and the Borough of North Plainfield by a committee of 15—1909.

Report made to the City of Plainfield by Special Water Committee, consisting of five members of the Common Council—1910.

Report on the Water Supply of Plainfield, by James H. Fuertes —1910. (This report deals with alternative suggestions for supply: 1, from the Lamington River; 2, from North Branch of the Raritan; 3, from the Raritan River at North Branch Depot; and, 4, from the Passaic River at Berkeley Heights.)

Report of George W. Fuller for the year 1921 to the Conference of Municipalities of Union, Middlesex and Somerset Counties.

Report of James H. Fuertes to the City of Plainfield—1923.

For instance, Mr. Alan Hazen, perhaps the most eminent engineer on this subject, has given us the benefit of his study and expert knowledge.

I have serious doubts that any study made by the men named in this resolution would be of special value. And I am sure none of them would set his opinion upon against that of this and other eminent engineers.

If the Legislature would study these various reports, it would have all the information available. This new commission has no other sources available. We are just asking this commission to do what it is our duty to do ourselves.

The only result of this action is that we will delay the solution at least a year, and perhaps more; we continue the inconvenience of those municipalities now suffering; we continue the profits of private companies serving water; and we add heavily to the cost to the State, because property is becoming increasingly valuable; and prevention from pollution is becoming more difficult.

If there is any virtue in the study of these questions by commissions I beg to call your attention to the fact that a committee of the State Chamber of Commerce has been studying this question for a year. Why not take the benefit of their study? It, certainly, should be as valuable as that of a new commission. No one can say that it is not a non-partisan, disinterested body.

Personnel.—A number of men have been chosen as members of this commission by this resolution. I note that two of them, Messrs. Hamilton and Parker, were members of the Chamber of Commerce Committee. Why ask them to study it again since they have already done so once? Why not listen to them and the rest of their committee on what they already know?

In a matter of such importance to all the people of New Jersey there should not enter the spectre of partisan politics. Yet, in this resolution there is not named a single Democrat, or, at best, only one, it being the evident purpose that this shall be purely and distinctly a partisan commission, to serve party advantage, instead of public advantage. Democrats and independent voters, all of whom share in the payment of the tax burden, and who will be affected by whatever action is taken, have no right to be ignored. At least, they do not feel that this matter should be projected into partisan politics.

Tri-State Treaty.—Included in the work of the proposed commission is a study of the Tri-State Treaty with New York and Pennsylvania, concerning the waters of the Delaware river.

Why another commission? One commission appointed under legislative sanction has already studied and reported after a year's work, and the other two States have accepted the treaty.

The men composing that commission were of the highest type, above suspicion, and, by my appointment, both Republicans. They did a fine piece of work in a large and patriotic way.

I can see no reason for a duplication of their work, and no one has yet pointed out a reason why this treaty should not be ratified.

There have been some who, through ignorance, timidity or design, have found fault, but not one has given a substantial reason for not accepting this treaty.

There is nothing so timid as ignorance or anything so designing as self-interest.

I am unwilling to be a party to this unnecessary delay. If the other States withdraw their consent, we are left high and dry, and may be seriously embarrassed. We will then have before us the difficult task of getting our share of the Delaware river water. If New York and Pennsylvania develop the watersheds within these States, we will have a long and difficult journey through the courts to recover our rights—if we ever recover them at all. No one can guarantee that we will.

Besides this, the delay will put a heavy burden upon us; and, besides that, the development of a comprehensive water plan must wait until we have been able to recover our rights and establish them.

Those who have selfish interests are, no doubt, happy in the thought that we are playing into their hands by this delay, and so continuing them in an advantageous position.

Those who are simply timid because ignorant, unconsciously do what leads to the same result.

Cost.—The Commission is to spend $20,000. This will go to engineers and lawyers to tell us what we already know or ought to know.

They will read the reports we already have and tell us what is in them. They will write a report. And, for all this, we are to pay $20,000.

Because I believe that we are wasting valuable time and much money; because I believe that this delay is unwarranted, and because I believe it is our duty to stay right here on the job and do this work for which the people of New Jersey selected us, and which it is our clear duty to do, I disapprove this resolution.

COMMITTEE SUBSTITUTE FOR SENATE NO. 7.

To the Senate:

This bill attempts to give to municipalities lying adjacent to the Palisades Interstate Park the right to cross, occupy and use park lands for the purpose of constructing, operating and maintaining pipe lines and outlets for public sewage to empty into the Hudson river.

Under this bill the Palisades Interstate Park Commission is given no right to any such location, nor to impose terms. All the concessions to the Commission are that it is to be given notice of a hearing before the State Board of Health on the question of the location of said pipe lines.

The Palisades Interstate Park Commission is made up of representatives from the State of New Jersey and the State of New York. It is given the title in fee to the lands which it controls. I do not believe that in these circumstances, especially with another State involved, the Legislature has the right to enter upon these lands without the consent of the Commission. If the Legislature can give the right to lay a pipe line across these lands, it could, if it so decided, strip the Commission of the title to the entire park. It is obvious that after an agreement with the other State, and the appointment of joint commissioners from the two States, no such thing can be done.

Since this park is also maintained by bequests and contributions made to a maintenance fund, the Legislature has no power to impair the obligations created thereby.

Even in the absence of the objections just stated I can see no reason for trespassing upon this property without first securing the consent of the Commission which the State of New Jersey has set up to take care of it.

Furthermore, the location of the pipe line or sewer outlet is left to the State Department of Health. That department, being interested only in the sanitary side of the matter, would only consider that feature, and since there are many other things to be taken into consideration, certainly those in charge of the park for the public welfare should be consulted and their consent required.

In addition to this, there is provision that the land crossed by the sewer "shall be replaced in a condition satisfactory to the Commissioners of the Palisades Interstate Park, and maintained in a condition satisfactory to the Commissioners."

I see no provision, however, for enforcing the rights of the Commissioners of the Interstate Park. If the sewers were replaced in an unsatisfactory condition, or maintained in the same way, there would be no way of enforcing the remedy.

It would seem to be quite as easy to bring all these instrumentalities, so interested in the welfare of the State, together, to accomplish what may be necessary, without attempting to deprive the Commissioners of the Interstate Park of all control over their own land when municipalities lying adjacent desire to use them for sewage purposes.

For the reasons stated, I disapprove this bill.

SENATE NO. 28.

To the Senate:

This bill provides that all mutual insurance companies organized by special act of the Legislature prior to 1875 shall have power, among other things, to accept cash payments for premiums; in other words, to change themselves from mutual companies taking notes to ordinary companies doing a general business.

This act applies, by its terms, only to companies organized by special acts prior to 1875. It fails to include those organized

under such special acts during the year 1875, of which there were at least two.

Since this does not include all insurance companies organized under special acts, it is unconstitutional. The Constitution prohibits the granting of corporate powers, in the following language: "The Legislature shall not pass any special act conferring corporate powers, but shall pass general laws under which corporations may be organized, and corporate powers of every nature obtained."

I am advised by the Attorney-General's office that this act is in contravention to the Constitution, and that the case of *Perrine* v. *The Traction Company, 70 Law, p.* 168, and other decisions, have decided the matter.

The bill is, therefore, disapproved.

SENATE, NO. 29.

To the Senate:

This bill has for its purpose the giving to savings banks the right to conduct the business of renting safe deposit boxes for the deposit and safe-keeping of securities, valuables, evidences of ownership, and other personal property.

Our savings institutions make a very strong appeal to a class of our citizens who could probably not be reached in any other way to make deposits of their savings. One reason for this is that they are known to be institutions for savings, and nothing else.

Whenever these institutions embark on other enterprises, they will lose their character as savings banks, and with it lose their appeal to that great class who now have confidence in them as institutions of savings.

For this reason I am led to believe that it would be bad policy on the part of the State to encourage these institutions to change their character.

They are distinctly savings institutions, and are mutual organizations not designed for profit on the part of anyone. There seems to be a growing tendency on the part of these institutions to break away from their traditions because of the competition which is offered by other banking institutions. There may be real peril in the effort to meet this competition, especially in its effect on the confidence of those who are now its depositors.

The tendency to change is evidenced by Chapter 6 of the Laws of 1924, wherein savings banks are authorized to loan money on collateral security.

This bill would permit them to go into the safe deposit business, and Senate Bill No. 144, now pending before the Legislature, would permit savings banks to open branches. All of this seems to me to be evidence of a tendency that should be discouraged, in the interest of the savings banks themselves.

There are other objections to Senate Bill No. 29. At the present time the surplus is pledged as a security to those who deposit their money in savings banks. This money is set aside to protect them when they need protection. If a savings bank goes into the safe deposit business it assumes additional obligations. If it does not exercise that care which it should, and the safe deposit boxes are robbed, the bank assumes the responsibility of reimbursing those who have lost their money thereby, and such reimbursement can come only from the surplus fund now set aside for the protection of the depositors.

In such a case, if a depositor left fifty thousand dollars worth of securities in a safe deposit box, and it was lost through negligence of the bank, that fifty thousand dollars would have to be paid, and would decrease the protection of the depositors to that extent. That surplus is at this very moment pledged to every person who has a deposit in the bank, and we have no right to take it away from them to insure those who may hereafter deposit and secure safe deposit boxes.

No bank can tell, at any time, how much responsibility it is assuming in safe deposits, because it does not know what amount is being kept in them.

Practically every financial institution in the State has invested in safe deposit facilities, upon the belief that there would be free and fair competition.

If the privilege is granted to savings banks there can be no such competition.

Savings banks do not operate for profit; they put their earnings into surplus, and when that surplus is adequate they are not called upon to earn more. In that case, they can well afford to underbid all competitors, especially competitors who pay National, State, county and local taxes.

Since there is not equality of opportunity and fair competition, this privilege should not be granted.

I have interviewed officers of savings banks, and found many of them who agree with the views stated herein.

For the reasons stated, I am compelled to return this bill without my approval.

SENATE NO. 38.

To the Senate:

I have before me a number of bills adding to the routes of the Highway System, and some giving the State Highway Commission the right to lay out certain routes when they believe it to be practical. If the Legislature would give the State Highway Commission the power to designate such routes as they think advisable, the State Highway System could be developed by the adding of such routes as would best serve the people of the State, and, at the same time, keep down the expense.

Instead of doing this, I have had presented to me Senate No. 92, Senate No. 38, Assembly No. 107, Assembly No. 464, Senate No. 262 and Senate No. 186.

Each one of these bills attempts to add a particular route to the State Highway System. These particular routes are designated because their sponsors are able to get the votes for them. These routes have not been designated because of any State-wide policy for the betterment of the roads or the saving of cost. They do not fit into any plan of the State Highway Commission.

So long as designation of routes depends upon the ability to get a particular bill through the Legislature just so long will it be necessary to reject them.

If the Legislature passed a bill, declaring all roads of the State eligible for inclusion in the State Highway System, these special bills would not be necessary. Then such roads could be improved as would do the greatest good for the greatest number.

I cannot understand why the Legislature is unwilling to have the body which is constituted for this purpose, and which has the confidence of the entire people of the State, undertake this work.

There are no funds available at this time for the numerous highways mentioned in the bills before me, and since no funds are available, the designation of these routes will have no practical value now, nor for some time to come. When the funds are available, and the State Highway Commission believes that they should, in the interest of convenience and economy, be built, the State Highway Commission may designate them for such purpose.

I have signed some bills adding to the Highway System, but only those which the State Highway Commission has requested that I should sign, in order that they may fit them into their plans.

For the reasons stated, this bill is disapproved.

SENATE NO. 46.

To the Senate:

This bill authorizes the Board of Commerce and Navigation to construct a bridge or bridges over the inland waterway canal at Pine Bluff, in the borough of Point Pleasant, Ocean county. An appropriation of $100,000 is made for the purpose.

I appreciate thoroughly the desire of those living in this section to have this additional bridge, but there is already a State highway bridge of substantial construction about four hundred yards from the place where this new bridge is to be erected. That bridge is near enough and convenient enough to provide for all present demands.

The thought in the minds of the proposers of the new bridge is that the State highway bridge may, at some time, be out of order, in which event the residents of the neighborhood would be put to some inconvenience, and the new bridge is for the purpose of preventing this.

In such an event, the residents of that section could use the bridge over the Manasquan river into Brielle, which is about a mile and a quarter away. It must also be remembered that if this new bridge, which has just been constructed by the Highway Commission, is out of order, that that condition would merely be temporary; that it cannot be for a very long period and that the people of the neighborhood will, necessarily, be inconvenienced for a very short time.

The demands of the State upon the State funds are so insistent that the State cannot go into these new matters thoughtlessly.

If Ocean county or the borough of Point Pleasant desire this additional convenience and feel that it will increase the local ratables, there is no reason why they should not build the bridge, but, in the circumstances, I do not see why we should further burden the State treasury.

The bill is, therefore, disapproved.

SENATE No. 68.

To the Senate:

I regret that I am forced to veto this measure, but I cannot see the withering hand of politics laid upon this worthy enterprise without recording my protest.

In my annual message I strongly advocated the development of the Port of Camden and of the Delaware river from Camden to Cape May, because I believe this section has a great future.

The Chamber of Commerce of Camden had a bill drawn to carry out that purpose. Realizing that the success of the movement depended upon the personnel of the commission, and its freedom from politics, they provided that the commissioners be appointed by the Governor, subject to confirmation by the Senate.

When the bill was introduced in the Senate, however, all this was changed, and it provided for appointment of the commissioners by the Legislature. This was the result of a political caucus.

Thus this worthy cause was at the very start thrown into the field of partisan politics, with all its blighting influence.

It is most unfortunate that politics has fastened itself upon this great enterprise, even before it is born, and so threatens to destroy it at the very start. The history of this legislation compels this conclusion to be drawn.

The appropriation of $25,000 made in this bill, and all subsequent appropriations, must come from the taxpayers of the entire State, most of them remote from and not benefited by this port development. They are not going to be very enthusiastic about it, nor anxious to go down into their pockets to help it, when they realize that instead of being a great public enterprise it is a mere adjunct to a political party and machine. The people of North Jersey and other remote parts are going to resent the making of appropriations under such conditions, and rightly so.

Why start with such a handicap? Nothing could kill an enterprise more quickly.

I return this bill without my approval, but with the hope that it may be corrected so that the development of the Delaware river and of the Port of Camden may get off to a favorable start and be sure of success. Let us have a non-partisan commission, composed of the four best qualified men in South Jersey.

SENATE BILL NO. 86.

To the Senate:

This bill seeks to amend the act providing for the taxation of the franchises of public utility corporations. Those corporations, under the present law and practice, pay a franchise tax on the basis of the gross receipts of the utility. This is not a property tax, but is a tax upon the right of the utility to do business. At the present time all such companies must pay a tax for the right to do business.

The statement attached to the bill as introduced says that its purpose is to avoid double taxation. I do not believe that this is what it does. On the contrary, I think it relieves such corporations of just taxation.

The amendment to the bill provides that "There shall be deducted from such proportion of gross receipts, however, before the computation of any such tax, the sum or sums received from any person, co-partnership, association or corporation being a public utility and paying a franchise tax based upon its gross receipts, for sales for use by it or for distribution over, in and on the lines, wires or mains of such person, co-partnership, association or corporation in the business thereof."

This would relieve one of two public utilities of the payment of a part of the franchise tax which it should pay upon its gross receipts.

Perhaps the best way would be to illustrate what would happen.

Company A operates in a section not touched by the Public Service Corporation. A does not manufacture its own current, it buys its current from the Public Service and sells it at a profit to the people of its district. A is taxed upon its gross receipts for its franchise. At the present time the Public Service must report, as part of its gross receipts, the sum received from A and must pay a tax on it.

Under this bill, the Public Service would be allowed to deduct from its gross receipts the amount received from A.

It will be observed that both companies make a profit upon the current furnished; the Public Service in furnishing it to A and A in furnishing it to the public.

This is not a property tax, but a tax for the right to do business, and since it is a franchase tax, both the Public Service Corporation, selling the current to A at a profit under its right to do business, and A, selling the current to the people under its right to do business, should pay a franchise tax.

I can see no reason for relieving either company of the payment of this tax. The present law is in no way whatever double taxation, since both companies, under their right to do business, make a profit on the current so sold. It seems to me that this is another effort to relieve utility companies and throw an additional burden upon the taxpayers.

The bill is therefore disapproved.

SENATE NO. 92.

To the Senate:

This bill adds to the State Highway System a road from Far Hills to the New York State line, through Chester, Flanders, Netcong, Andover, Newton, Rosses Corner, Branchville and Hainesville, a distance of about forty-five miles.

The bill also provides that it shall be a part of the highway system, but not laid out until the Highway Commission may deem it advisable.

This road would cost several million dollars, and I am advised by the State Highway Commission that there are no funds for it. I do not believe there is any possibility of the building of the road for many years to come, but if this bill is signed it takes its place in the State Highway System, and will eventually have to be built.

My insistment has always been that routes should be designated by the State Highway Commission, and I had hoped that the Legislature would give that commission such power. I do not believe that routes should be added to the State Highway System by Legislative enactment, but only after recommendation from the State Highway Commission, so that there may be continuity of routes and the greatest convenience to the State.

I have signed some bills designating highway routes, but only in order to carry out the plans of the Highway Commission, either already under way or soon to be carried out. If the Legislature does not grant the right to the Highway Commission to designate routes, then the route set out in Senate 92 may be designated later, and at a time when there is a probability of its being built. It would do the people of this section no good merely to designate this as a part of the Highway System unless there is also a probability that the road will be constructed.

The bill is therefore disapproved.

SENATE NO. 119.

To the Senate:

This bill gives to electric light, heat and power companies the right of eminent domain, a right which they do not now possess.

There is no general act for the incorporation of these companies, and they are now compelled to incorporate under the General Corporation Act.

If this bill becomes a law and these companies are given the right of eminent domain, then no new companies for the furnishing of electric light, heat and power can be organized, because (a) there is no special act under which to incorporate them; (b) because the General Corporation Act, in section 6, forbids the organization of companies which shall need to possess the right of taking and condemning lands in this State.

It follows, therefore, that, if this bill becomes a law, only those companies which are now in the business could function in the future, as no new companies could be organized. This would be an unfortunate condition, in that it would prevent new companies and new competition.

Under section 28 of the Corporation Act, none of these companies may increase or decrease their capital stock, because they possess the right of taking and condemning lands.

An effort is made by Senate No. 119 to eliminate this difficulty by amending section 6 of the Corporation Act, by making it lawful to form a company "for the purpose of constructing, maintaining and operating works for the supply and distribution of electricity for electric light, heat or power in or outside of this State."

I do not believe that we should authorize our electric companies to do business outside of the State or to carry electric power from this State to another State or from another State to New Jersey until we have made some provision for the regulation thereof. The moment this current flows over the State lines, it may become subject to Federal regulation, and we will have lost our entire control over it.

To lose control of the regulation of these companies would be an unfortunate thing for the State. It might well be said that the moment the State had consented to their crossing State lines, that not only these lines, but the companies, themselves, and everything connected with them immediately fall under Federal jurisdiction. If this be true, then we would lose entirely our power to control these corporations dealing in electric light, heat and power.

The bill should at least have had a provision that any company exercising privileges under this bill should waive any claim or right to fall under Federal jurisdiction, and should consent to regulation by the State commission.

This, of course, presents difficulties of conflict between State and Federal regulation.

I have called the attention of the Legislature to the necessity of providing for this regulation through a compact between this State and the adjoining States to which and from which this power will be carried.

Until that is accomplished and a treaty is in force, power should not be given to these companies to go beyond State lines for the distribution of electricity, or for other companies from without the State to connect with them for a like purpose.

Since Senate No. 119 and No. 120 are so closely related, and since each would have its effect upon the other, both must fall if one is vetoed.

I, therefore, disapprove of both bills.

SENATE NO. 120.

To the Senate:

This bill gives to electric light, heat and power companies the right of Eminent Domain, a right which they do not now possess.

There is no general act for the incorporation of these companies, and they are now compelled to incorporate under the General Corporation Act.

If this bill becomes a law and these companies are given the right of Eminent Domain, then no new companies for the furnishing of electric light, heat and power can be organized, because (a) there is no special act under which to incorporate them; (b) because the General Corporation Act, in section 6, forbids the organization of companies which shall need to possess the right of taking and condemning lands in this State.

It follows, therefore, that, if this bill becomes a law, only those companies which now are in the business could function in the future, as no new companies could be organized. This would be an unfortunate condition, in that it would prevent new companies and new competition.

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I do not believe that we should authorize our electric companies to do business outside of the State or to carry electric power from this State to another State or from another State to New Jersey

until we have made some provision for the regulation thereof. The moment this current flows over the State lines, it may become subject to Federal regulation, and we will have lost our entire control over it.

To lose control of the regulation of these companies would be an unfortunate thing for the State. It might well be said that the moment the State had consented to their crossing State lines, that not only these lines, but the companies, themselves, and everything connected with them immediately fall under Federal jurisdiction. If this be true, then we would lose entirely our power to control these corporations dealing in electric light, heat and power.

The bill should at least have had a provision that any company exercising privileges under this bill should waive any claim or right to fall under Federal jurisdiction, and should consent to regulation by the State commission.

This, of course, presents difficulties of conflict between State and Federal regulation.

I have called the attention of the Legislature to the necessity of providing for this regulation through a compact between this State and the adjoining States to which and from which this power will be carried.

Until that is accomplished and a treaty in force, power should not be given to these companies to go beyond State lines for the distribution of electricity, or for other companies from without the State to connect with them for a like purpose.

Since Senate No. 119 and No. 120 are so closely related, and since each would have its effect upon the other, both, must fall if one is vetoed.

I, therefore, disapprove of both bills.

SENATE BILL NO. 130.

To the Senate:

"This bill extends the present law for the granting of permits for carrying concealed weapons to officers of industrial, commercial and utility concerns, who, after application to the chief of police, may issue such permits in blank, to be used by the members, clerks, paymasters and other employees of such concerns.

The very purpose of the concealed weapons act is to limit the number of those who may carry concealed weapons and to require

all those who desire that privilege to apply to the court (except financial institutions).

I do not believe that we should issue permits to carry concealed weapons in blank, to be given in unlimited numbers to all industrial, commercial and utility concerns in the State. The very effect of granting this privilege is to destroy, in large part, the effectiveness of the concealed weapons act. The chief of police in issuing permits, is given no choice or discretion. This bill provides only that application shall be made to the chief, and for furnishing to him a list, in detail, of the persons to whom issued —nothing more. He could not legally refuse any request, because this bill does not give him such power.

There is also great danger that if this bill becomes a law this provision might be used in labor disputes and so lead to bloodshed, instead of having the enforcement of the law left to the constituted authorities, in which case there would be less chance of bloodshed.

I therefore disapprove the bill.

SENATE NO. 144.

To the Senate:

This bill provides that any savings bank, with the approval of the Commissioner of Banking and Insurance, may maintain branch offices or agencies for the transaction of business under certain restrictions. The bill is objectionable for a number of reasons.

These savings banks are not required to pay an income tax or a local tax, and, if permitted to establish branches, unfair competition will be created between them and National banks and trust companies. Savings banks were created and authorized when there was a necessity for them and when no other similar facilities were provided, but experience has shown that with other and different banking facilities, savings banks are no longer so much in demand. There are, at present, twenty-eight savings banks doing business in this State, and only one new charter has been granted in the past fifteen years. If there is no necessity for establishing new savings banks, there is, certainly, no necessity for extending the powers of those already in existence. These banks, under recent legislation, are already changing their original character. Over the Executive veto, they are now allowed to maintain safe deposit boxes, and, last year, power was granted

to them to loan money on collateral. Now, they ask for power to establish branch banks and agencies.

They are mutual concerns not operating for profit, and, if they continue in existence, should continue only for the purpose for which they were originally intended with no further extension of power.

The State has always been opposed to the policy of branch banks. We have, however, been forced into the position of granting this power to trust companies, because of Federal legislation, but no such necessity exists so far as savings banks are concerned.

For these reasons, the bill is disapproved.

SENATE BILL NO. 159.

To the Senate:

Under the law as it stands at the present time, if cities bordering on the Atlantic ocean desire to grant concessions like those for bathing houses, they must do so in public manner, advertise the same, and award the privilege to the highest bidder. This is all provided for in the Home Rule Act of 1917.

This bill has for its purpose the granting of these privileges to favored persons, without advertising.

It has too long been a settled policy of the State to require public advertising and competition in all matters of a public nature to change it now and make a special procedure so that favored persons may be given this privilege.

Another objection to this bill is that it may have for its purpose the affecting of litigation now pending in the courts.

In the city of Asbury Park a bathing concession for a five-year period was awarded for $85,000 a year, without advertising. Another man offered $100,000 for the same concession. This award for the lower sum and without advertising is now before our courts for review.

If Senate Bill No. 159 becomes a law, if the court gives an adverse decision, the municipal body could nullify that decision by immediately reawarding the privilege to the favored bidder.

I do not think that our cases pending before the court should be interfered with in this way, neither do I believe that municipal officials should be given the privilege of selecting favored persons to whom to award concessions, and so waste the public money, instead of giving them to the highest bidder.

The suggestion has been made that in a case of this kind care must be exercised in selecting the person to whom the privilege is granted.

All of that can be provided for, also, in calling for bids. Those successful can be forced to conduct the business in a manner satisfactory to the municipality.

The bill is therefore disapproved.

SENATE NO. 163.

To the Senate:

Senate Bills Nos. 163 and 164 are companion bills. Senate No. 164 repeals numerous sections of the Election Law in order that Senate No. 163 may provide for Spring primaries.

I can see no reason whatever for the enactment of these bills into law. I have not had a single request from an independent source for their approval, and have seen little or no editorial comment favoring them.

Legislation should be in the interest of the people of New Jersey and not in the interest of particular individuals. I do not see, and have not been able to learn, of any good that this will accomplish for the people at large.

The only effect that I can see from the enactment of this bill is to disgust the people of the State generally with elections. After every Presidential campaign, running, as it does, from June until November, the people give a sigh of relief when they know that election is over and politics is to be forgotten, and that business is no longer to be interfered with.

Under these bills the State will be kept in a constant state of turmoil and unrest from political agitation. To illustrate:

In the city af Newark petitions for mayor and members of the city government must be filed on April 4th. About the first of March the agitation will start. On April 14th will be Primary Day in Newark. On May 12th will be Election Day. The people of Newark will just about settle down to peace of mind when, on June 2d, will come the first registration day for State elections; on June 16th will come the Primary Day, and then the agitation will continue until Election Day, on November 3d.

I do not believe it to be the desire of the people of New Jersey to keep up this political agitation during all of this time. I can readily understand that with a law of this kind upon the books, and an active campaign taking place, running from June

until November, the people of the State may well be in a frame of mind of wishing that they might get rid of both candidates who have been agitating for five months, and might have the opportunity of voting for some man who has not been electioneering during that time.

From my own personal experience I am sure that after the first test the successful candidate and the unsuccessful one will both join in the heartfelt request that the law be repealed.

I do not believe it to be to the best interest of the State to have the primary election in June, when the actual election is not to take place until November. Many things may happen from June until November. Conditions may change; the desires of the people may change; the necessities of the State may change, and many other things may happen which would make it advisable, not only for the parties, but for the people, to select candidates who might not be those selected in June. It might, by reason of illness, absence, or for other reasons, bar certain men from the possibility of becoming candidates. It is much safer for the State to bring the time for the selection of candidates within a reasonable period of the election than to take it back several months.

Another serious objection to the bill lies in the provision permitting an independent candidate to file a petition. At the present time such a petition could be filed as late as September 19th of this year. Under Senate Bill No. 163 the independent petition must be filed on June 11th.

It is quite evident that one of the purposes of this legislation is to discourage independent voters and independent candidates, and to keep the choice of candidates within the control of the political parties. I do not believe that this is a healthy condition, and do not believe that it leads to the best government. Independent voters should have an opportunity to have a candidate if they want one, and independence of thought and action should be encouraged, if for no other reason, at least for the purpose of keeping the parties in check and in fear. Senate Bill No. 163 is the strongest kind of encouragement to machine politics and machine methods.

Since I am unwilling to inflict upon the people of New Jersey the inconvenience and annoyances provided for in these bills, and since I do not see that they accomplish anything of value to the people generally, and because they have the objectionable features above set forth, I must return this bill without my approval.

SENATE NO. 164.

To the Senate:

I return this bill without my approval, for the reasons stated in disapproving Senate Bill No. 163.

SENATE NO. 172.

To the Senate:

Senate No. 172 has for its purpose the extending of the incorporation of the Shrewsbury Mutual Fire Insurance Company until March, 1980.

Under the Constitution, Art. 4, section 7, paragraph 11, it is provided that

"The Legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the Legislature."

This bill, if it became a law, would confer corporate powers upon this company for the extended period of time, namely, until 1980, and it is, therefore, in contravention of the Constitution.

In addition to this, it is quite clear that if this company desires to continue its operations, it can readily do so under present existing laws.

The usual reason why this is not done is because there are some privileges in the old grants, which cannot now be obtained under the general laws.

The bill is, therefore, disapproved.

SENATE NO. 175.

To the Senate:

The law which this bill seeks to amend provides that "any member of such board of assessors may be removed by a majority vote of the improvement commission, after a hearing upon written charges."

This seems to be a provision which is fair, not only to the assessors, but necessary in the interest of good government.

Under this bill this helpful clause is entirely omitted, so that there would be no provision for removing an assessor, even after a hearing and upon written charges, no matter how necessary it might be to remove such assessor. In place thereof this bill substitutes a provision that after an assessor has served for two years or more he shall not be removed except upon hearing and charges. This, of course, leaves no provision in the bill for the removal of those who have served less than two years, and it only applies to those who have served over two years.

If, as this bill provides, it is proper to remove an assessor upon charges after he has served two years, and that is in the interest of good government, then it is equally true that the same power should exist for the removal of those who have been in the service less than two years.

Because this bill weakens government and the power of governing authorities to remove incompetent or corrupt assessors, this bill is disapproved.

SENATE NO. 181.

To the Senate:

This bill provides that whenever a director of the department of revenue and finance in a municipality governed by a commission declines or does not desire to serve as a member *ex officio* of the sinking fund commission, such municipality is authorized to appoint the treasurer in his place.

This bill should not become a law, because no man who is selected to perform public service has a right to decline or to express a desire not to serve upon those bodies of which he is *ex officio* a member. It is his duty to do that which the law casts upon him, if he accepts the position, and he has no right to decline to perform a public duty. This bill would encourage just that sort of thing.

If the purpose of this bill is to substitute the treasurer for the director, it should be so drawn. I am unwilling, however, to let it be written upon the statute books that any man may decline to perform his duty.

The bill is therefore disapproved.

SENATE NO. 186.

To the Senate:

I have before me a number of bills adding to the routes of the Highway System, and some giving the State Highway Commission the right to lay out certain routes when they believe it to be practical. If the Legislature would give the State Highway Commission the power to designate such routes as they think advisable, the State Highway System could be developed by the adding of such routes as would best serve the people of the State, and, at the same time, keep down the expense.

Instead of doing this, I have had presented to me Senate No. 92, Senate No. 38, Assembly No. 107, Assembly No. 464, Senate No. 262 and Senate No. 186.

Each one of these bills attempts to add a particular route to the State Highway System. These particular routes are designated because their sponsors are able to get the votes for them. These routes have not been designated because of any state-wide policy for the betterment of the roads or the saving of cost. They do not fit into any plan of the State Highway Commission.

So long as designation of routes depends upon the ability to get a particular bill through the Legislature just so long will it be necessary to reject them.

If the Legislature passed a bill, declaring all roads of the State eligible for inclusion in the State Highway System, these special bills would not be necessary. Then such roads could be improved as would do the greatest good for the greatest number.

I cannot understand why the Legislature is unwilling to have the body which is constituted for this purpose, and which has the confidence of the entire people of the State undertake this work.

There are no funds available at this time for the numerous highways mentioned in the bills before me, and since no funds are available, the designation of these routes will have no practical value now, nor for some time to come. When the funds are available, and the State Highway Commission believes that they should, in the interest of convenience and economy, be built, the State Highway Commission may designate them for such purpose.

I have signed some bills adding to the Highway System, but only those which the State Highway Commission has requested that I should sign, in order that they may fit them into their plans.

For the reasons stated, this bill is disapproved.

SENATE NO. 191.

To the Senate:

This bill amends section 60 of the Tenement House law.

Section 60 now provides that:

"Every tenement house hereafter erected, six stories or more in height, shall be made fireproof throughout."

This is a definite and fixed provision in the present law, and is very plain.

It is the evident purpose that these buildings, under Senate No. 191, shall not be fireproof. If they were to remain fireproof, there would be no necessity of changing the statute. The very idea of changing the statute carries with it the implication that some leeways shall be given, so that these buildings will not be fireproof. The fact that so plain a statute is to be changed is evidence that it is to be weakened.

I am unwilling to be a party to changing the present law, requiring tenement houses of six stories and over to be fireproof. If the Legislature wishes to have upon its head the blood and lives of those who may be sacrificed by fires in tenement houses that are not fireproof, they may assume that responsibility by passing this bill over my veto.

Some selfish interests seem also to be served by this bill.

The bill, evidently, is also drawn in the interest of some private concerns, because it is in the nature of a closed specification bill.

In line 7, it requires that "solid" approved fireproof material shall be used. This would eliminate hollow tile, terra cotta, cement block and, perhaps, other similar materials all recognized as fireproof. This, evidently, is in the interest of those who manufacture a solid fireproof material, and would be an injury to one of the largest industries in our State.

Another objection, which seems to indicate that private interests are at work, is the provision requiring that lathing material shall conform to certain fire tests. These fire tests seem to apply to a particular patented material, and although some other material might be devised to meet this fire test, there are none such upon the market at this time. The purpose, evidently, being by this bill to give this one particular company, manufacturing the material that comes within these specifications, a monopoly of this work.

In view of the fact that section 158 of the present Tenement House Act gives ample authority for testing new fireproofing material, there is no necessity for the provision, unless its purpose is to serve some special interest.

The proponents seem to be very insistent in changing the present law, since I vetoed a somewhat similar bill last year, and known then as Senate No. 250.

The bill is disapproved.

SENATE NO. 199.

To the Senate:

This bill has for its purpose the acquiring and preserving of the Barnegat Lighthouse, and appropriates $75,000 for its acquisition and preservation.

The preservation of this lighthouse serves no practical purpose, but is purely a matter of sentiment. I am thoroughly in accord with the sentimental views of the proponents of this bill, but there are practical difficulties in the way of carrying it out.

This lighthouse, which some years ago stood well inland, is now within fifty feet of the shore, due to the encroachments of the sea. The United States Government refuses to do anything more toward its preservation, although it has spent many thousands of dollars in an attempt. The estimates made by army engineers are that it will cost from $214,000 to over $400,000 to preserve it.

I do not believe that the State of New Jersey ought to undertake the expenditure of that sum of money for the purpose of preserving this lighthouse as a matter of sentiment, especially since there is even then no certainty that that sum of money will save it.

I therefore disapprove this bill.

SENATE NO. 212.

To the Senate:

This bill provides for the removal of snow on township roads in counties of the third and fourth class, and to provide State aid therefor. It sets aside $50,000 from the motor vehicle funds, to be distributed to the townships who shall apply for the same. The State Highway Commission determines the amounts to be allotted to each township, and the State's share is not to exceed seventy-five per cent of the cost.

In the fifth clause, it is provided that any amount unused in the hands of the State Highway Commission after July 1st of each year shall be distributed to the several boards of chosen freeholders of the counties, to be used by the freeholders for the removal of snow on county roads.

This bill is unconstitutional, because the body of the act does not comply with the title. The title deals only with township roads, while section 5 distributes the money to county roads, or to boards of chosen freeholders, to be used for county roads, neither of which is mentioned in the title. This is clearly contrary to the constitutional prohibition.

Even if the bill were not unconstitutional, there is grave question as to whether we should distribute State moneys upon anything but State roads, namely, those that are taken over by the State. Roads other than State roads are within the jurisdiction of local authorities, whose duty it is to maintain them, and to keep them open for the convenience of those who use them.

Under this bill, the State would be obliged to spend money to go into the most remote corners of the State, and spend money for clearing of snow from roads which may have few inhabitants and little use. That is distinctly a local function.

The bill is disapproved.

SENATE NO. 237.

To the Senate:

This bill provides for the expenditure of $160,000 out of the State Fund for deepening the inland waterway from Atlantic City, through Great Bay to Grassy Channel, and to install range lights and lighted buoys throughout. The bill, therefore, not only causes the expenditure of $160,000 for deepening the channel, but also puts upon the State the maintenance charge, as it will have to keep up this channel; and also fastens upon the State a permanent charge for maintaining and keeping lighted the range lights and lighted buoys.

In view of the fact that the Appropriation Bill carries an appropriation of over a million dollars more than that submitted by the Budget Commission, I feel that expenditures of this kind should be curtailed.

I also have in mind the fact that the State Board of Education has recommended the building of a normal school in Hudson county, for the accommodation of the children of Hudson, Bergen and other adjoining counties; and that the Budget Com-

mission recommended $800,000 for this purpose in the budget message. This sum was entirely eliminated from the Appropriation Bill, and the children of those communities are to be left without the educational advantages to which they are entitled, and of which they are so sorely in need.

Until we can supply these children with these educational facilities, I see no reason for taking from them $160,000 to deepen an inland waterway channel. The educational of our children is much more important than the digging of waterways. This $160,000 would go a long way toward the erection of the necessary school buildings. Notwithstanding the fact that this $800,000 was eliminated, the Appropriation Bill is still one million dollars over that recommended by the Budget Commission. This makes $1,800.000 diverted to other purposes, one of which was the expenditure of this $160,000 for dredging this channel.

For the reasons stated, this bill is disapproved.

SENATE NO. 262.

To the Senate:

I have before me a number of bills adding to the routes of the Highway System, and some giving the State Highway Commission the right to lay out certain routes when they believe it to be practical. If the Legislature would give the State Highway Commission the power to designate such routes as they think advisable, the State Highway System could be developed by the adding of such routes as would best serve the people of the State, and, at the same time, keep down the expense.

Instead of doing this, I have had presented to me Senate No. 92, Senate No. 38, Assembly No. 107, Assembly No. 464, Senate No. 262 and Senate No. 186.

Each one of these bills attempts to add a particular route to the State Highway System. These particular routes are designated because their sponsors are able to get the votes for them. These routes have not been designated because of any State-wide policy for the betterment of the roads or the saving of cost. They do not fit into any plan of the State Highway Commission.

So long as designation of routes depends upon the ability to get a particular bill through the Legislature just so long will it be necessary to reject them.

If the Legislature passed a bill, declaring all roads of the State eligible for inclusion in the State Highway System, these special

bills would not be necessary. Then such roads could be improved as would do the greatest good for the greatest number.

I cannot understand why the Legislature is unwilling to have the body which is constituted for this purpose, and which has the confidence of the entire people of the State, undertake this work.

There are no funds available at this time for the numerous highways mentioned in the bills before me, and since no funds are available, the designation of these routes will have no practical value now, nor for some time to come. When the funds are available, and the State Highway Commission believes that they should, in the interest of convenience and economy, be built, the State Highway Commission may designate them for such purpose.

I have signed some bills adding to the Highway System, but only those which the State Highway Commission has requested that I should sign, in order that they may fit them into their plans.

For the reasons stated, this bill is disapproved.

SENATE NO. 265.

To the Senate:

The present statute prohibits the operation of motor vehicles of more than an outside width of ninety-six inches. This bill, Senate No. 265, does the same thing, but in addition to the present law adds a penalty for its violation. The act goes into effect immediately.

I am informed that there are at the present time many motor busses running under municipal permit which are wider than ninety-six inches. This would immediately put them out of business.

I should like very much to sign this bill if it furnished this protection, because the Highway Commission has requested it in the interest of safety on the highways, and because there are many large trucks, so large that they obstruct travel, and upon which there should be a limitation.

I am disapproving this bill with the hope that it may be amended, excepting from its provision "such motor busses as are now in operation and licensed to operate by municipal or

State authority," and with a further provision that when those licenses expire they cannot be renewed if they violate this statute.

The bill, therefore, is disapproved.

SENATE NO. 274.

To the Senate:

At the present time, the Board of School Estimate fixes the amount necessary to be appropriated for the public schools in a district. Thereupon, the common council or body finance must appropriate the amount so certified, provided it is not in excess of three-fourths of one per centum of the assessed ratables of the city. This bill would make the amount double, or one and one-half per cent of the ratables.

The present law is mandatory upon the financial officers of the city when a demand is made up to three-fourths of one per cent of the ratables. Over that, they have the right to exercise their discretion. This bill attempts to make it mandatory that they shall raise twice that much upon request, or one and one-half per cent of the ratables. It gives the financial officers no discretion, except for sums over one and one-half per cent.

I do not believe that this mandatory legislation should be put upon the books. Any board of school estimate ought to be able to convince the financial officers of a city that so large a proportion is necessary. If they do not, then the discretion ought to be left in the hands of those whose duty it is to place the additional burden upon the taxpayers.

For this reason, this bill is disapproved.

SENATE NO. 277.

To the Senate:

This is the Appropriation Bill.

The Comptroller of the State recommended to the Governor (as Budget Officer), that there would be available from general State funds the sum of $14,320,191.70.

This sum (less $2,000) was recommended by the Governor and his budget assistants.

This bill appropriates from general State funds $533,960.02 over and above the amount which the Comptroller advised the Governor would be available.

The Budget Act requires that the Governor shall balance his budget. This is a wise provision and recognized by every good business man as economically sound. The same principle should apply to appropriations by the Legislature, and the Legislature, too, should balance its budget. We have no right to make State appropriations in excess of State revenues. We have no right to spend more money than we have available.

This bill increased the appropriations made by the Budget Commission by $1,564,549.90.

It eliminated from the Budget Commission recommendations, among others, the following:

State Normal School,	$860,154.67
State Employees' Retirement Fund,	38,360.00
Industrial Education—Manual Training,	20,970.00
Special Investigation—Public Utilities,	10,000.00
Food for Feeble-Minded—Vineland,	10,000.00

My study of this bill convinces me that it is defective, not only in increasing the budget recommendations, but also in the elimination of items.

INCREASES.

The following are some of the increases made over and above the recommendations of the Budget Commission:

	Increase.
Commerce and Navigation.	
Lights Cold Spring to Otten's Harbor,	$3,000.00
Beach Protection Plans,	7,500.00
Deepening Inland Waterway from Atlantic City, to Grassy Channel (Sen. 237),	150,000.00
Dredging channel between Inland Waterway in Great bay (A. 95),	15,000.00
N. J. ship canal,	150,000.00
State House Commission.	
Permanent State building at Sesqui Centennial,	100,000.00
Purchase West State street property,	5,000.00
Purchase lands and buildings adjoining Stacy Park,	60,000.00
Erection building at Trenton Fair Grounds,	10,000.00
Legislature,	15,000.00
Shell Fisheries.	
Shelling beds, Maurice river cove,	15,000.00
Shelling beds, Atlantic Coast Dept.,	8,000.00
Maintenance patrol boat,	3,000.00
Equipment for new guard boat,	2,500.00

Commerce and Navigation.

Inlet from Sandy Hook to Manasquan, ...	90,000.00
Manasquan Inlet to Great Egg Harbor, ...	50,000.00
Egg Harbor to Capes of Delaware, ...	27,000.00
Bridge across Inland Waterway at Pine Bluff, Ocean county, ...	100,000.00
Acquiring Barnegat Light, ...	75,000.00
Lights, buoys, Lake Hopatcong, ...	2,000.00
Bay Head, Manasquan Canal, ...	10,000.00
Maintenance "W. Parker Runyon,"	18,000.00
North Jersey Transit Commission, ...	40,000.00
(This commission had $25,000 last year and $10,000 is added in the supplemental bill.)	
Total, ...	$956,000.00

SALARIES.

This bill increases the salaries in the State $82,000, notwithstanding the fact that the Budget Commission recommended all salaries mandatory by ruling of the Civil Service Commission, such as annual increases to employees. These salaries are increased in spite of civil service rulings. This is a method of increasing salaries under cover, without passing legislative bills for the purpose.

It will also be observed that many departments are denied the funds with which to properly conduct those departments.

It will also be noted that criticism has been made of the Department of Banking and Insurance for not making a more rigid examination of building loans. The Commissioner of Banking and Insurance requested additional funds of about $18,000 for new Building Loan examiners and traveling expenses, in order that such examinations might be made. These requests are denied in this bill, notwithstanding the fact that most of this money would be returned to the State by the Building Loans so examined.

The Pension and Retirement Fund of State Employees, to which they are contributing, has never been criticised as being upon an unscientific basis. Notwithstanding this fact, fifty per centum of the reserve appropriation has been eliminated; a decrease of $38,360.

The Budget Commission, desiring to survey certain State departments, in order to reorganize them and produce greater economy, asked for increased funds for that purpose. Their efficiency, during the coming year, was impaired by a decrease

of $10,000 from the sum requested, and certain investigations and studies cannot be made.

$10,000 was deducted from the fund which the Public Utility Commission requires for special investigations, to keep down rates fixed by Utility corporations.

Industrial education was attacked by deducting $20,970 from the Manual Training schools; schools to which men go at night after a day of work, in order that they may secure manual training and education.

The State Board of Education has recommended that a Normal school be erected in Jersey City for the education of the children of Hudson, Bergen, Monmouth and other counties.

The Governor recommended from the general State fund the sum of $860,154.67. This sum has been entirely eliminated from the Appropriation Bill, and the children of that part of the State and of those counties are to be deprived of the opportunities which children in other parts of the State now have for Normal School education.

The statement has been made, that this money is being used to make up an alleged shortage in the Teachers' Pension Fund. This is plainly not the fact, because the $860,000 for building this school was to come from general State funds, while the Teachers' Pension Fund comes from educational funds, such as railroad taxes, etc. The amount required for the Teachers' Pension Fund was not included in Budget recommendations, because it does not come from the general State funds, and the Attorney-General advised the Pension Commission that they need not apply to the Budget Officer, and they did not so apply.

The Appropriation Bill includes the sum of $42,000, appropriated this year, and $58,000 reappropriated from last year, for the acquisition of piers, abutments and other property of the Stockton-Center Bridge Company, and for the construction of a bridge thereon.

There is no commission in existence at the present time authorized to build such a bridge. The Appropriation Bill puts it under the head of the "Commission for the Elimination of Toll Bridges," but an examination of the law under which they operate discloses that they have no power whatever to acquire what is left of a burned down bridge and construct a new one on what is left.

This is the same view, I understand, that has been taken by the Attorney-General of Pennsylvania. I am further informed that members of the Commission have the same view; and, furthermore, some of them say that they have not requested, and do not desire, to build such a bridge.

Another item included is, Maintenance, Red Bank Battle Monument. As stated in my veto of last year, there is no authority in law for this item. The act authorized an appropriation for the erection of the monument, on condition that Gloucester County maintain it. That county now seeks to be relieved of that obligation through this appropriation. It should keep its agreement.

This bill contains an item for $65,000 to purchase the Dayton property adjoining those already bought next to the State House.

The Budget Commission included an item of $60,000—which left a margin of $5,000 over the amount the property could be bought for.

Now, another $5,000 has been added—it seems to me, needlessly. The Vroom property, nearer the State House, only cost us $60,000, and we were informed and had a gentlemen's agreement for $55,000 on the Dayton property. The extra $5,000 should be eliminated.

The bill contains an item of $50,000 for an armory at Burlington.

I had occasion to veto this last year, because an examination showed that the Burlington Militia Company had had a most unsatisfactory record; at times the average attendance being eighteen.

Until the present company is on probation for a longer time and shows the necessity for the armory, it should not be built. The State is not under any duty to provide town-halls for municipalities.

The supplemental bill carries an item of $526 for additional Legislative manuals, authorized by resolution of the House of Assembly.

The distribution of manuals is regulated by statute, and such distribution and such payment is illegal, unless authorized by legislative act. If this is permitted to continue, there will be no limit to such action.

I have pointed out some of the additions and some of the omissions, but, in the limited time at my command, have not been able to point out all of them.

The Governor, under the Constitution, has but two courses to pursue; one to veto the bill in its entirety, the other to "object to one or more of the items in the bill while approving of the other portions."

I do not see how I can pursue the latter course in justice to the people of the State.

This Appropriation Bill carries with it the expenditure from State funds of over $15,000,000, and a gross expenditure of over nineteen and a quarter millions. In the expenditure of so large a sum of money, it is the duty of the Governor and of every legislator to know the provisions of this bill, what the expenditures are, and to see that they are made to the best advantage.

In order to accomplish this purpose, the Senate Rules, in Rule 37, provide "the annual, supplemental and incidental appropriation bills shall not be considered until at least one week has elapsed after they shal lhave been introduced, printed and placed upon the desks of the members."

This rule was not complied with, and, although the Legislature had been in session since January, the Appropriation Bill was placed upon the desks of the members of the Legislature at the exact hour fixed for final adjournment on the last night of the session, and a copy handed to the Governor at the same time. That is a time of confusion and excitement when numberless bills are being hurried through the legislative mill, and then delivered to the Governor to dispose of in five days.

The members of the Appropriation Committee were, probably, familiar with the contents of this bill, but it is not possible to believe that any one of the other seventy-two members could have known or have had any appreciation whatever of how this bill was made up, what it included, or what it eliminated.

Appropriations which it took the Budget Commission several months to prepare, and a bill which was in the hands of the Appropriation Committee for three months, certainly could not be understood by the members of the Legislature when it first made its appearance at ten o'clock on the night of the adjournment.

Such a gross neglect to study, consider and understand the expenditure of over $19,000,000 is a little short of a betrayal of the interest of the taxpayers of the State. Hours are spent in the Legislature in the discussion of whether the game season shall be extended a week, or whether perch shall be caught at certain times, but a bill spending $15,000,000 of the people's money is presented at the last moment and rushed through.

I am sure that every sensible and honest legislator will agree with me that the procedure is ridiculous, and, to every such member, it must be most unsatisfactory. I am sure all such will welcome an opportunity to do their full duty.

I am vetoing this entire bill, because to veto certain items would not correct its deficiencies. There are not only items which

are erroneously included in the bill, but many have been deliberately or carelessly omitted.

I am vetoing the bill in the belief that thoughtful members of the Legislature will welcome an opportunity to study and consider this bill, add those items which should be added, and reject those which should be rejected, and so correct the mistakes in the present one.

I would, therefore, recommend that this veto be sustained, and that the Legislature set itself to the task of writing a new bill, having in mind the suggestions herein made, and that it give itself time to understand and consider it.

As members of the legislative and executive departments of the State, we are selected to do the State's work, and there is no reason why we should adjourn at this time and leave that work undone or carelessly done.

ASSEMBLY JOINT RESOLUTION NO. 4.

To the House of Assembly:

This resolution, as it was originally introduced, provided that a committee should "investigate the conditions of living and working among women in New Jersey." As finally passed, it is to investigate only the working conditions, and has left out any reference to investigating the living conditions.

The clear purpose of this omission is to eliminate from the investigation the living conditions of working women in New Jersey.

The joint resolution, as introduced, used the exact phraseology of a plank in the last Republican State Platform. As passed, it leaves out half of what was to be accomplished. No investigation on this subject can amount to anything which investigates alone the working conditions and neglects to ascertain the living conditions.

The committee is required to make a report. That report is not to include either living or working conditions. On the contrary, the report required is "as to the necessary cost of living and wages adequate to maintain women." The committee is called upon to report upon something which they are not required to investigate, namely; they are called upon to report upon the cost of living and the adequacy of wages, while the only power which they have is to investigate the working conditions.

Protests have been received by me from all of the leading organizations of women, objecting to the resolution, and requesting its veto, it being the belief of these women that this resolution is a mere gesture and a waste of money, and does not accomplish what the women of the State requested should be done. If for no other reason than this, I would veto the bill.

In addition to this, this useless resolution carries a provision for the expenditure of five thousand dollars, which no doubt will be used to pay counsel, clerks and sergeants-at-arms, and will be money wasted, as the women of the State predict.

Furthermore, it is quite probable that in the absence of an indication in this bill that the investigation is to include the swearing of witnesses, it will be impossible to force any employer to give any information which he does not desire to give, and so the real sources of information will be closed to the committee.

For these reasons, the bill is disapproved.

ASSEMBLY JOINT RESOLUTION NO. 15.

To the House of Assembly:

This resolution appointed a commission of two members of the Senate and two members of the House to make an investigation of the accommodations and facilities now being furnished for the use of the departments of the State in the city of Newark; of studying the question of changing and consolidating the quarters now being used by said departments, or the erection by the State of a building in which all departments may be housed.

It carries with it an appropriation of one thousand dollars.

There is no necessity of spending one thousand dollars in order to find this out. In fact, several months ago I requested Budget Commissioner Reddan, Dr. McBride, Commissioner of Labor, and Commissioner Lewis, of the Department of Institutions and Agencies, to look into this matter. They have already made an investigation of this matter, and will soon be able to report. All of this will be done without any expense to the State.

The bill is therefore disapproved.

ASSEMBLY COMMITTEE SUBSTITUTE FOR SENATE NO. 10.

To the House of Assembly:

This is an act prohibiting discrimination on account of sex in the employment of teachers in any school, college, university, or other educational institution in this State supported in whole or in part by public funds.

I am thoroughly in favor of having no discrimination based on sex, but this bill would fix the scale of wages and regulate the appointment, assignment, compensation, promotion, transfer, resignation, dismissal and all other matters pertaining to the employment of teachers, on a non-sex basis.

I do not believe that we should, in all of these matters, lay down so rigid a rule. Those who engage teachers in these institutions should have full discretion to do the best they can in the public interest, exercising their judgment, as an employer in any other business or calling would do and does do.

With this freedom of movement and discretion there ought not to be any discrimination on account of sex, and if there is, and public attention is called to it, the public body discriminating would soon find itself so embarrassed that the condition would be corrected.

Since I believe that full discretion should be given to those who engage those who teach, the bill is disapproved.

The Legislature might well pass a bill declaring it to be the public policy of the State that in the employment of teachers in any such institution there shall be no discrimination based on sex. If a bill embodying this principle should come to me for signature, I will sign it.

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL NO. 21.

To the House of Assembly:

This bill is evidently intended for the protection of particular individuals, rather than in the public interest.

It provides that no person shall be eligible to a superior position in certain paid fire departments unless such person shall have served for a period of at least three years in the grade of permanent paid firemen.

It bars the authorities from appointing anyone from outside the department, or appointing one who has been in the department less than three years.

I have no doubt that public authorities will make their selections from within the department if it is possible to do so. If, however, the public authorities find it to be for the public interest to go outside of the department, they should not be debarred from doing so. After all, the public welfare is the primary purpose to be accomplished—not the advancement of an incompetent inferior.

I can see no reason for making this a close corporation and limiting the selection if the public authorities believe it to be in the public interest to go outside of this limited number. The undoubted purpose is that those who are in the service want a monopoly of the superior positions.

The bill is not altogether clear in its terms, as, for instance, the requirement that all promotions shall be made from the membership of the department. This is quite superfluous, as no one could be promoted if he were not already in the department. Neither can I see any reason for making the act so special as to apply only to paid fire departments that have been in existence at least three years.

For all of these reasons I disapprove the bill.

ASSEMBLY NO. 45.

To the House of Assembly:

This bill changes the present law, which has been in force for twenty-one years.

During that time, it has been the settled policy of the State, as provided by statute, to require definite and specific things from those erecting buildings, especially in the matter of fireproofing and fire-escapes.

This bill, in short, substitutes for this definite fixed policy a new policy. The new policy provided for in this bill is that there shall be nothing definite, but that in all of these questions covered by the bill, discretion is left in the Board of Tenement House Supervision to waive, in whole or in part, any of these provisions which, for twenty-one years, we have felt necessary for the protection of life and property.

If the present law had not worked satisfactorily for all these years, it would have been changed before.

Under the present law, every architect and builder knows what requirements are standard, and he knows that he must live up

to them. If this becomes a law, the Tenement House Commission may waive any provision which it likes. We will immediately have a condition of chaos in the matter of building. The commission will be flooded by requests of all kinds to relax its requirements. There will be political and other pressure brought to bear to relieve certain builders and certain architects of the present building requirements. It will have to relieve some builders of complying with the law, and it will compel others to fully comply with it. In a short time, instead of having order, we will have chaos in this department; we will have no building restrictions, because they will not depend upon the law, but rather upon the whim of the commissioners. As a result of all of this, the character of the buildings will deteriorate, and people who live in tenement houses will no longer have the protection, which it is intended shall be given them.

With this relaxing, there will be greater danger from fire and a greater loss of life. There seems to be no particular reason to relax to this extent.

If the whole matter of tenement house supervision and the construction of buildings is to be left entirely to the discretion of the board, a bill of this length is not necessary. All we would have to do would be to repeal the present law, which specifies the kind of material and the method of construction, and simply say: "Hereafter, any tenement house may be built of such material and in such a manner as the Board of Tenement House Supervision shall direct."

To illustrate some of the things that would happen under this bill, I am calling your atention to page 4, paragraph 43, dealing with fire-escapes. Under the present law and the present practice, fire-escapes are of a standard character. This section permits the board to change it to such material and to make it of such strength as the board may direct.

It would be quite easy under such a provision to relax our vigilance to weaken the law and to make tenement houses more dangerous.

We find the same thing in the matter of enclosing stairs, in the thickness of walls, in the matter of stud partitions, and in partitions separating rooms. If the board desire to, it could have these made of cardboard or canvas.

I am not suggesting, or even intimating, that the Tenement House Board would not exercise its best judgment and do what is best for the State and the people who must live in these tenements. But, we may not always have a board of this high character, and the board, itself, should not be subjected to the pulling and hauling that will result if this bill becomes a law.

Judging from the number of letters and telegrams I have received from those who are interested in building, it is quite evident that there is a desire to have the law weakened. One telegram advises me to sign the bill, because we will have better and cheaper tenements. Cheaper tenements mean tenements with less protection for those who must live in them.

For the reasons stated, this bill is disapproved.

ASSEMBLY NO. 51.

To the House of Assembly:

Under the present law, there is set aside annually, on the first of July, from the Motor Vehicle Fund, the sum of $525,000 for aid from the State Highway Commission for the improvement of township roads, and the sum of $25,000 reserved to meet the State's share in each county until the first of January.

This bill sets aside instead $840,000 for the township roads on the first of July, and $40,000 for the State's share on the first of January.

This is an increase of almost fifty per centum over what has heretofore been done.

Everybody appreciates the importance of aiding in the betterment of township roads, notwithstanding the fact that they are usually in sparsely settled districts, and that they do not carry the heavy burden of State roads. We must remember, however, that the State Highway Commission has worked out a very definite financial program, taking into account all existing sources of revenue. This taking away of about $400,000 from the State roads and turning it over to township roads would seriously embarrass the program for the building and maintenance of State roads, and a necessary consequence would be that some of them would have to be neglected.

The State road program is based upon the theory that the State (respresenting the people from all parts thereof and taxpayers from every section) is willing to take over certain roads in which all of the people of the State are interested, directly or indirectly, and improve them for the general welfare. In furtherance of this, the State has been willing to lend some aid to township roads in sparsely settled districts in relief of those districts. But the theory has never been, however, that the State program is to be interfered with or that State moneys are to be used in undue

proportion for the improvement of these comparatively little used roads.

The bill, is therefore, disapproved.

ASSEMBLY NO. 93.

To the House of Assembly:

This bill provides for the compensation of public officers who hold office *de facto*.

This bill seems to be unnecessary, because there are abundant court decisions holding that a *de facto* officer who has performed the duties of the office is entitled to compensation.

Furthermore, the bill provides that such *de facto* officer shall be entitled to the emoluments of office, and to sue for the same, "notwithstanding any refusal or failure of any other person or officer."

The bill does not disclose any particular refusal or failure, and, in fact, the language is very obscure.

The bill is therefore disapproved.

ASSEMBLY NO. 95.

To the House of Assembly:

This bill gives the Board of Commerce and Navigation power to contract for the dredging and construction of a channel from the present inland waterway near Main Marsh Point in Great bay, and up Oyster creek—a distance of one-half mile, and appropriates the sum of $15,000, which $15,000 appears in the appropriation bill.

My information is that this waterway is very little used; that there is little demand for this channel and that it would only accommodate about twenty people in that neighborhood.

I do not believe that the State should go to this expense in these circumstances.

It must also be noted that there is no provision for contribution on the part of the county or locality, although this is purely a local affair. There seems to be no reason why the State should

do this work. If the local communities desire it to be done, and they think it important enough, they should undertake it. There must be some limit to the demands upon the State treasury. For this reason the bill is disapproved.

ASSEMBLY NO. 107.

To the House of Assembly:

I have before me a number of bills adding to the routes of the Highway System, and some giving the State Highway Commission the right to lay out certain routes when they believe it to be practical. If the Legislature would give the State Highway Commission the power to designate such routes as they think advisable, the State Highway System could be developed by the adding of such routes as would best serve the people of the State, and, at the time time, keep down the expense.

Instead of doing this, I have had presented to me Senate No. 92, Senate No. 38, Assembly No. 107, Assembly No. 464, Senate No. 262 and Senate No. 186.

Each one of these bills attempts to add a particular route to the State Highway System. These particular routes are designated because their sponsors are able to get the votes for them. These routes have not been designated because of any State-wide policy for the betterment of the roads or the saving of cost. They do not fit into any plan of the State Highway Commission.

So long as designation of routes depends upon the ability to get a particular bill through the Legislature just so long will it be necessary to reject them.

If the Legislature passed a bill, declaring all roads of the State eligible for inclusion in the State Highway System, these special bills would not be necessary. Then such roads could be improved as would do the greatest good for the greatest number.

I cannot understands why the Legislature is unwilling to have the body which is constituted for this purpose, and which has the confidence of the entire people of the State, undertake this work.

There are no funds available at this time for the numerous highways mentioned in the bills before me, and since no funds are available, the designation of these routes will have no practical value now, nor for some time to come. When the funds are available, and the State Highway Commission believes that they

should, in the interest of convenience and economy, be built, the State Highway Commission may designate them for such purpose.

I have signed some bills adding to the Highway System, but only those which the State Highway Commission has requested that I should sign, in order that they may fit them into their plans.

For the reasons stated, this bill is disapproved.

ASSEMBLY NO. 115.

Mr. John P. Dullard, State Librarian:

SIR—I am filing in the State Library, without my approval, Assembly Bill No. 115; first, because I do not think that the provision for the service of summons complys with the requirements of the Constitution as to due process of law.

It permits the judge to delegate the powers to a clerk. It creates a new office, and I believe in many instances would work great hardship to the poor people against whom there are claims.

The bill seems to be designed for the assistance of collection agencies, rather than the relief of individuals.

ASSEMBLY NO. 126.

To the House of Assembly:

It is now the law of the State that public officers expending sums in excess of one thousand dollars are required to publicly advertise for bids therefor, and to award the contract to the lowest responsible bidder.

The purpose of this bill is to make an exception of county clerks so as to permit them to have the ballots and other election printing done without advertising for bids or awarding the contract to the lowest responsible bidder.

I do not believe that this is in the public interest. County clerks know approximately what will be required, and can readily secure bids on that basis in ample time to carry out the provisions of the Election Law. If any further legislation were

needed to make it more convenient it would be much better to make such amendment to the law than to make an exception in the doing of this public work.

This bill, as passed, will permit county clerks to give all election printing to favored printers, at such prices as might be agreed upon. It could be used for personal and political advantage, and be made exceedingly expensive to the taxpayers. The policy that there should be public bidding and advertising for all work in excess of one thousand dollars is too well settled to change at this time. If we do it in this case, others will ask the same privilege, and in a short time we will be back to the old vicious system, when favoritism and corruption were the order of the day.

I therefore disapprove the bill.

ASSEMBLY NO. 129.

To the House of Assembly:

Under the General Corporation Act, when a corporation is organized, a certificate of incorporation is recorded in the county clerk's office, and then filed with the Secretary of State.

This bill provides that in case the certificate of incorporation is amended or changed, this certificate, too, should be recorded in the county clerk's office, where the original certificate of incorporation is recorded.

I can see no reason for this; in fact, the present law would be better if it did not require the recording of certificates of incorporation in the county clerk's office, because this is merely an unnecessary duplication of records. Every lawyer and every person interested in corporations knows that if he wants any real information about corporations, he must obtain that information from the Secretary of State. At the present time, if he inquires there, he will find not only the certificates of incorporation, but all changes in and amendments thereto. To require that the certificates shall also be filed in the county clerk's office makes a duplication of work and cost, and adds nothing of value.

The bill is therefore disapproved.

ASSEMBLY NO. 138.

To the House of Assembly:

This bill provides that the State Highway Commission shall reimburse the counties of the State for any interest charges that may have been paid by them in connection with the construction of State Highway routes under what was known as the "Reimbursement Ast" (chapter 183 of the Laws of 1918).

There are strong reasons why this bill should not become a law. My information is that the former State Highway Commission, when entering into contracts with the counties for the construction of highways under the Reimbursement Act, expressly stated that the counties would be reimbursed for the cost of construction exclusive of engineering and interest charges. Since the agreement between the Highway Commission and the counties was that interest charges were not to be included, there is no reason why the State, through its Highway Commission, should now be charged with this interest. This would be the effect of the approval of this bill.

A further objection is that, if this bill becomes a law, it will entail the expenditure of a considerable sum from the State road fund, and would result in a serious interruption to the program of construction as budgeted by the commission. I believe that the people of the State are very much more interested in the use of this money to build highways, rather than to paying it in interest to the counties and so divert it from road purposes.

I desire also to call your attention to the fact that chapter 132 and chapter 133 of the Laws of 1923 repealed the Reimbursement Act and prohibited further agreements in connection with reimbursement projects.

While the bill does not state what sum would be involved, I am inclined to believe it would be upward of a million dollars, and I am unwilling to divert this money from road purposes, especially when there is no equitable, legal or moral grounds for the payment of this interest in the face of contracts that interest should not be included in reimbursement charges.

For the reasons stated, I disapprove this bill.

ASSEMBLY NO. 171.

To the House of Assembly:

This bill is a mandatory one, fastening upon the board of education of every school district a continued yearly expense.

I am opposed to further mandatory legislation, the effect of which is to add to the cost of education.

This bill compels the Board of Education in each school district to have printed and suitably bound copies of the Declaration of Independence, the Constitution of the United States and amendments, and the Constitution of the State of New Jersey and amendments, and to distribute them to each pupil upon his graduation from the grammar schools.

This year, it is estimated, forty-five thousand pupils will graduate from the grammar schools of the State.

If there is any demand or need to be met in the matter of the distribution of these documents, it seems to me it would be much more sensible to give the State Board of Education the power to prepare these books and pamphlets and distribute them, upon request. Then they could be given to those who desire to have them, instead of giving them to everybody,—a large portion of whom would probably throw them in the waste basket.

I understand, however, that the State Board of Education now has power to do this, but up to this time has not been confronted with any great demand for the distribution of these documents.

This same bill came before me last year, and was vetoed by me, and the veto sustained by the Legislature. I therefore disapprove this bill.

ASSEMBLY NO. 172.

To the House of Assembly:

The change in this act is that it makes it unlawful for any person, etc., to temporarily or otherwise engage in the business of real estate broker or salesman, and further provides that "any single act, transaction or sale shall constitute engaging in business within the meaning of this act."

It has never been held in New Jersey that a single act constitutes engaging in a business.

This bill attempts to construe such single act as the doing of business. This is contrary, not only to the law, but to common

sense, and would prevent a man sending his friend or a trusted business associate to buy a piece of property. It would require, in such a case, that the man should disclose his business and desires to some real estate agent or broker. It might well be that he would not care to do such a thing. Certainly he should not be forced to.

If it is good policy to regulate the business, there certainly is no necessity of regulating a single transaction.

This bill further eliminates all of section 18 of the present act, and substitutes in place thereof a provision for a penalty. For the first offense it provides a penalty of not less than fifty dollars nor more than one hundred dollars; second, a penalty of not less than one hundred dollars nor more than two hundred dollars. It provides that the action for the penalty shall be brought in the name of the commission. Where a penalty is sued for it must be a definite sum. Under this bill it is not definite, and, therefore, the provision is unenforceable.

I, therefore, disapprove this bill.

ASSEMBLY NO. 183.

To the House of Assembly:

This bill has for its purpose the giving of additional powers to the Interstate Bridge and Tunnel Commission.

I am opposed to giving this, or a similar body, any additional powers so long as the members thereof are appointed by the Legislature and are practically not responsible to or under the control of the Executive or State authority.

Another objection to this bill is that there is no money available for the purposes of the bill. The moneys now in the hands of the Bridge and Tunnel Commission are moneys derived from bond issues, which are pledged to the purposes for which the bonds were issued.

This bill also disregards the fact that the development of the Delaware river is to be studied by a Port Commission, authorized at this session of the Legislature, and that that commission should be consulted before it is determined that a bridge shall be built.

I therefore disapprove this bill.

ASSEMBLY NO. 190.

To the House of Assembly:

This bill has for its purpose exempting from the bond limit the erection and equipment of a free public library building, providing it does not exceed the cost of $100,000.

I am opposed to interference with the bond limit. We have put that limit upon our statute-books, in order that municipalities will keep within it, but constant efforts are made to break it down. If we do not stop these constant efforts, there will be no bond limit left; municipalities will be free to go as far as they like and the value of municipal bonds will be impaired and the rate of interest advanced.

We should be jealous to keep within the bond limit. Any community that is so close to the limit that $100,000 will take them over had better adopt other means to secure this library.

It is so often the case that municipalities recklessly expend their money and then, when they have reached the bond limit, ask to exceed it.

I do not know whether that is so in the case in which this bill is meant to apply, but I am sure that we should not relax from our policy of having a bond limit and sticking to it.

The bill is, therefore, disapproved.

ASSEMBLY NO. 201.

To the House of Assembly:

This seems to be the same bill that came to me under the title of Assembly Bill No. 375 in the session of 1924, the purpose of which was to permit the city of Beverly to pay the county of Burlington for road work which was done under contract, but which payment was prevented by court order.

The bill does not seem to me to be any better this year than it was last year, and I am unwilling to be a party to legislation which will interfere with the order of the court.

Besides this, the bill is very general in its terms, and would permit cities in the class provided for by this bill to exceed their debt and bond limit.

Section two of the bill seems to be particularly objectionable in that it ratifies, approves and confirms all contracts and agree-

ments heretofore made by any such city with any person, corporation or partnership, or county, and validates all ordinances and resolutions. No one can tell what illegal contract is being ratified by this provision.

The bill evidently is not in the public interest.

It is therefore disapproved.

ASSEMBLY NO. 233.

To the House of Assembly:

This bill has for its purpose the changing of the name of Joseph Carracino to Joseph Carr.

There is abundant law now for changing a man's name without resorting to the expensive procedure of doing it by legislative act. There is no reason why this man should not apply in the usual way, and submit himself to the scrutiny of the court, and comply with the act provided for that purpose.

There is no reason to put the State to this expense or to put this law upon the statute books.

The bill is, therefore, disapproved.

ASSEMBLY NO. 235.

To the House of Assembly:

This bill provides that no person shall hold office or position as sergeant-at-arms, clerk, stenographer, or in any other capacity in a District Court located in any county of the first class unless he is a legal resident of the county.

The second section provides that if he abandons his legal residence, the office shall become vacant.

I am informed that this bill is the aftermath of the recent primary campaign, and seeks to punish a District Court employee, who favored one of the candidates over the other.

Legislation should not be enacted to vent spite upon anyone, and the legislative halls should not be used for any such purpose.

Beyond this, however, there is strong objection to the bill, in that it includes stenographers. Experience has shown every judge

that there are times when stenographers are needed, and, since they are scarce, it is often necessary to go beyond the county limits to secure a capable one. This bill would prevent such action upon the part of the judge of the District Court, and would, accordingly, lead to inconvenience.

The bill seems to be unnecessary from every standpoint. It will be observed that it applies only to counties of the first class, and, if it has any virtue, it should apply to all counties.

The fact that the title applies to all District Courts and the body of the act limits it to counties of the first class, would seem to make it unconstitutional.

The bill is disapproved.

ASSEMBLY NO. 243.

To the House of Assembly:

This bill amends the act creating a real estate commission and regulating licenses for real estate brokers and salesmen.

In my annual message, I called the attention of the Legislature to a condition existing in our State. I said:

"Every year bills are brought to the Legislature and introduced for the purpose of regulating all kinds and sorts of business * * * The main purpose is the restriction of the business or calling, and making it more difficult and impossible to enter the calling * * * If these things are permitted to continue, it will not be long before there is a bureau or a commission to license and regulate every conceivable occupation * * * These regulations do nothing more than to protect from outside competition those already engaged in the business. * * * The Executive has, in the past two years, vetoed a number of bills, which had for their purpose such restrictions and the vetoes have been sustained.

"The present Legislature is urged to consider any such proposed measure cautiously, and, unless their passage would do some public good, instead of fostering some selfish or private interest, refuse to enact them into law."

Assembly No. 243 comes within this classification. It requires that the person desiring to go into business of selling real estate shall submit himself to a board and take an examination, which shall include "reading, writing, spelling, elementary arithmetic, a general knowledge of the statutes of New Jersey concerning

real property, conveyancing, mortgages, agreements of sale, leases, and of the provisions of this act."

The selling of real estate has not yet reached the dignity of a profession, and, probably, never will. It has been carried on for over a hundred and fifty years in the State of New Jersey by many men, who, probably, could not pass this examination.

It is entirely proper that a board should regulate the business and see that innocent purchasers are not imposed upon, and that the business is honestly conducted. This bill, however, has for its purpose limiting the number who may engage in the business by keeping others out through the examination, although those who have been engaged in the business for a period of five years may still continue in business, even though they might not be able to pass the examination.

Similar efforts to limit those in the business have been made by undertakers, electricians, plumbers and others, whose effort was also directed towards limiting the number who might engage in the calling, and all have been vetoed and the veto sustained.

The whole modern tendency seems to be to try to limit every calling. If this is encouraged, it will lead to a very disastrous condition of public affairs, and should be discouraged. There is no reason to make a monopoly of any business or calling, or to limit those who may enter it.

The present law requires that an applicant shall be of good moral character. If he is, he ought to have the opportunity that every American boy has of entering into any business he desires, and he should not be shut out by an examination that is unnecessary.

I observe, too, in this bill that the present provision, which permits a person to give another power of attorney to act for him is eliminated, so that, if this bill becomes a law, a man could not even give a power of attorney to sell his own real estate, unless he selected a real estate broker for that purpose. There might be many reasons why he preferred to select someone else.

The bill, is therefore, disapproved.

ASSEMBLY NO. 256.

To the House of Assembly:

This bill provides that whenever a bail piece is given creating a lien on lands, the lien shall be limited to the respective premises mentioned in the recognizance. A recognizance does not contain

a description of any premises, so the bill could not apply—recognizance is always general in character.

I do not think this bill should become a law. Before the court could be satisfied that adequate security for the appearance of the defendant had been given, it would be necessary to make an examination of the records for the purpose of ascertaining whether or not the surety on the recognizance was the owner of the particular piece of land designated in the recognizance. This, of course, would not be practicable, and would tend to hamper the due administration of justice. There are sufficient methods existing at the present time to relieve those who are bound in a recognizance so that they may sell their property.

If this bill became a law it would serve no good purpose, and would seriously hamper the clerks of the courts.

The bill is disapproved.

ASSEMBLY NO. 261.

To the House of Assembly:

This bill authorizes street railway and traction companies, and companies operating as street railways, to acquire, own and operate, for hire, motor vehicles and auto busses. Ostensibly, it authorizes the operation on an equality with others who operate such busses.

I am not certain, however, that this statute does not go further, and the legislative practice, which puts hundreds of bills upon the Governor's desk to be disposed of in five days, has not permitted me to make the thorough legal examination which I should like to have made.

This bill, of course, applies to the Public Service Corporation, now operating practically all of our street railways in New Jersey. That company has already, through a subsidiary transportation company, purchased and is now operating a large number of auto busses within the State. It is now perfectly legal for them to do that and to acquire as many more as they desire. If the purpose, then, is to acquire and operate motor busses, that can now be done through this subsidiary company. I do not see why it is necessary to attach the right to run auto busses to whatever rights street railways have, unless it be to acquire some right or privilege which is not now possessed. If it is not desired to get something which the transportation company does not now have then there is no necessity of making the change, or passing this bill.

The Public Service Corporation is now operating all of its enterprises through subsidiary companies; namely, its electric light, railway, busses, power and gas. There does not seem to be any reason why it should not continue to operate jitneys through a subsidiary company, unless, as said before, the purpose is to acquire some privilege which others do not possess, by attaching the jitney business to the street railway charters and franchises.

A number of suggestions have been made of the possibilities; namely, that it would grant perpetual franchises; that it would permit the evasion of paving privileges; that it would avoid the necessity for municipal consent and the determination of whether there was "public necessity"; the suggestion that they might carry freight and express, and so forth.

There may or may not be anything in these suggestions, but the limited time given to me by the Legislature has prevented me from satisfying my mind on the subject. It would have been quite easy, in a bill of this kind, to have negatived all of these contentions and leave the matter free from doubt.

The only argument made for this bill is that the overhead cost of a subsidiary corporation would be saved by the passage of this bill.

I am not willing to put this statute upon the books just for this purpose, when there are these other unforeseen possibilities, and when such operation through subsidiary companies is already the practice of the company affected.

As I deem it the only safe course to take in the circumstances, I therefore disapprove this bill.

ASSEMBLY NO. 266.

To the House of Assembly:

I have had no request from any source to sign this bill. There have, however, been objections to it.

It seems to apply to the county of Camden, where I understand there is a voluntary commission acting and gathering information which it would be the duty of the commission, under this bill, to do. This would put an expenditure of ten thousand dollars upon the county of Camden, which is now being served by the voluntary commission.

In view of that fact, the bill seems to be unnecessary, and it is therefore disapproved.

ASSEMBLY NO. 284.

To the House of Assembly:

This bill is a departure from the well-settled customs and practices in this State.

It has been well-settled that Federal and State functions should be kept apart, and each has been jealous of the encroachments of the other.

This bill seeks to destroy that relationship, in that it permits the Federal Government to come into our State and to file in the offices of the clerks of the Courts of Common Pleas or in offices of registers of deeds and mortgages, notices of the pending of suits, etc.

Our State records and offices of the clerks of our State courts should be free from Federal interference.

If this bill becomes a law, notices of all kinds in the Federal court may be entered upon the books of our State courts and registers' offices, and it will be impossible to remove them by any orders from our own courts. People whose property is affected will have to go into the Federal courts for relief. This, at best, is a long, tedious, costly and inconvenient procedure, and, very often, an unsuccessful one. We should have, at all times, our own records under our own control and not surrender that control to the Federal Government. The Federal Government and the State Government each has its functions, and they should be kept apart.

The purpose of a *lis pendens* is to give notice to prospective purchasers or people interested in real estate. Those who are so interested have abundant protection at this time, because no careful searcher of title or a lawyer would think of advising the purchase of a property without having a search made in the Federal courts. Everything that this bill would accomplish is already accomplished in the records of the Federal courts, which are readily accessible.

It will be observed that any agency of the Federal Government, any district attorney, or other Federal officer in any Federal proceeding affecting the possession or title of lands in the State of New Jersey might file in our courts and registry offices a notice of the pendency of such suit.

No property-owner ought to be put to the additional expense, inconvenience and annoyance of attempting to free his property in this State from a Federal *lis pendens* when we already know how difficult it is to get action from Federal departments.

The bill is, therefore, disapproved.

ASSEMBLY NO. 312.

To the House of Assembly:

Under the present law, the manufacturer of condensed milk must put his name upon the label. This was for the protection of the cansumer, so that the manufacturer might be punished in case he manufactured and sold an inferior or impure article.

This law permits such milk to be sold, if it has the name of either the manufacturer or distributor thereon. This would not give protection to the children who use this milk. The distributor could say that he assumed that the article was pure, and that he relied upon the manufacturer and could, probably, not be held responsible.

We should not relax in our efforts to prevent deception in the sale of condensed milk.

For the reasons stated, I disapprove this bill.

ASSEMBLY NO. 408.

To the House of Assembly:

This is a bill to exempt from taxation all personal property stored in warehouses in New Jersey. It is said to be needed because in neighboring States personal property stored in warehouses is exempt, thus creating an advantage in favor of the warehouseman of other States.

The bill applies not only to bonded warehouses, but would exempt from taxation all personal property stored in any warehouse engaged in the business of storing goods for hire. The bill, therefore, would apply not only to the bonded warehouses of Jersey City, Newark and other large cities, but would apply to every building that is leased for storage purposes. There would be a vast amount of personal property exempt from taxation under this act, other than the specific property designed to be exempted. The bill would permit the storage of food products, pending a rising market and free them from taxation. A man could put his valuable works of art in such a warehouse and thus escape taxation.

There are already too many exemptions under the General Tax Laws. The policy should be to restrict, rather than extend,

exemptions. I quote from the report of the 1919 Commission to Investigate the Tax Laws:

> "We would, therefore, recommend a drastic revision of the tax-exempting statutes, with a view to restricting them to only such property as shall clearly meet the test of giving to the general public an equivalent for the immunity from taxation. In the matter of exemptions the aim of the State should be justice to all the people, rather than generosity to a few."

I believe, too, that this act is unconstitutional. It was held in the case of Tippett v. McGrath, 70 N. J. Law 110; affirmed 71 N. J. Law 338, that property could not be exempted from taxation by reason of the peculiar personal status or conduct of its owners, but that the exemption of property from taxation must be based upon the peculiar characteristics of the property itself. The exemption in the instant case would be allowed because of the location of certain personal property.

For the reasons stated, the bill is disapproved.

ASSEMBLY NO. 410.

To the House of Assembly:

This is a bill to provide a general act concerning bottles and other containers, and it is designated as the "New Jersey Bottle Act."

We already have upon our statute books laws for the protection of owners of bottles. I do not know that this statute is any better than those we have.

There is abundant reason, however, why this bill should not become a law, and that will be found in the penalty clauses.

Section 7 provides that any person or corporation offending against the provisions of the act shall be punished for the first offense by imprisonment of not less than ten days nor more than one year, or by a fine of fifty cents for each and every bottle, etc., filled, etc., or by both such fine and imprisonment, and for each subsequent offense, by imprisonment of not less than twenty days or more than one year, or by a fine of not less than one dollar or more than five dollars for each and every such bottle, etc., filled, etc.

I do not believe that our statute books should contain any penalty which provides no discretion on the part of the magistrate. There may be many circumstances which would not warrant the

imprisonment of a man for ten days. This bill provides that a man must be imprisoned ten days, even though there may be strong mitigating circumstances. I do not believe in these definite, inelastic and mandatory sentences, especially in an act designed for the protection of a particular trade or business.

Paragraph 14, providing for a civil penalty, means nothing, because it says: "Any person or corporation offending the positions of such act shall be liable to a penalty," etc. The word "positions" means nothing in this provision.

Paragraph 15 provides imprisonment for debt. When judgment shall have been rendered against a defendant and he has not sufficient goods and chattels to satisfy the judgment, this section provides that he shall be taken to the common jail, "there to be detained until discharged by the court in which such judgment was obtained, or by one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in payment of the judgment and costs,"

It makes none of these provisions any better because they have already been adopted and used in other acts for the enforcement of penalties. Instead of following those acts, we should take care to avoid their defects.

This bill also seems to provide not only a punishment for a violation of the act, but also a civil proceeding to recover a penalty, resulting in double punishment for the same offense.

The bill is disapproved.

ASSEMBLY NO. 451.

To the House of Assembly:

I disapprove of this bill for the reasons stated in my message on Assembly No. 453.

ASSEMBLY NO. 452.

To the House of Assembly:

I disapprove of this bill for the reasons stated in my message on Assembly No. 453.

ASSEMBLY NO. 453.

To the House of Assembly:

Assembly No. 451, No. 452 and No. 453 will be dealt with together, because they are all bills carrying out the one purpose.

Assembly No. 453, in short, provides that "a tax of two cents per gallon" shall be paid upon all gasoline sold in this State and used by motor vehicles.

In section 8, it provides that the money received is "to be used by the State Highway Commission as a fund for the construction of public roads, regard being had by the State Highway Commission for the advantageous distribution of the benefits of this act through the several counties of this State."

Assembly No. 451 provides that the moneys derived from this tax shall be forwarded by the Commissioner of Motor Vehicles to the Treasurer of the State, to be distributed as follows:

1. There shall be deducted expenses of the Motor Vehicle Department.

2. There shall be deducted the amount appropriated by the Legislature to defray the expenses of and maintain the free bridge across the Delaware river.

3. The balance of the moneys after those deductions shall be held by the State Treasurer and paid out on order of the State Highway Commission and distributed by them as follows:

(a) The administration expenses;

(b) The amount authorized by law to be paid to the townships and boroughs for the construction, grading, and drainage of unimproved township and borough roads;

(c) Fifty per centum of the balance to the several counties of this State based on the present method of allotment used by the Highway Commission, to be applied by said counties for the construction, maintenance and repair of county roads and bridges, the remainder of the balance to be used by the State Highway Commission for the construction, maintenance and repair of State highways and bridges.

Assembly No. 452 rearranges the fees to be paid for licenses for motor vehicles.

I believe these three bills together are ill-considered legislation; in fact, I have had many protests, because no hearings were given on these bills while before the Legislature and because the bills were passed at the last moments of the session when they could not receive the consideration so necessary to such important legislation.

I shall disapprove all three bills. If I did it for no other reason, I would do it because I am opposed to the saddling of any more taxes upon the people of New Jersey. This adds a new form of taxation to those which we now have, and there is no doubt whatever that every new tax adds a new burden. Argue it as we may, the fact always remains that when a new tax is put upon the people, there are always ways found to spend the money that comes from that tax.

I have never heard of a new tax put upon any people that has the effect of reducing their burden. This tax will be no exception to that experience.

The commission that reported on this question gave the following estimate from the proposed rates based on the 1924 figures:

Present revenue $9,277,000;
Proposed revenue 12,800,000;

an increase of $3,500,000. Certainly any tax measure which increases the revenue $3,500,000 is not going to reduce anybody's tax; in fact, it increases somebody's burden three and one-half million dollars.

Of the twelve million, $4,300,000 is from the gas tax, and there is a reduction of about one million in motor vehicle fees, so that while we reduce the motor vehicle fees a million, we raise three million and a half more through the gas tax. This, surely, is not a reduction in taxation .

If the mere purpose of this bill is to equalize the rates as between pleasure vehicles and commercial vehicles and trucks, that can easily be done by changing the schedule of rates in our present law, so as to bring about such equalization. If this is the sole reason, there is no sense of going through this complicated procedure of enacting a gasoline tax, and setting up the expensive machinery necessary for its collection and distribution.

This bill not only adds a burden of three million and a half, but does not give it all back to us, because a large part of it must be used up for administrative purposes and in evasions of the law.

Coming to the distribution of the tax, we are confronted with a very serious situation.

Until a few years ago, all roads were built by the respective counties and local communities; then came some small State aid; finally, the State policy was adopted of establishing a State Highway System, which would provide communication between the various counties and centers of population, so that there would be free access from one part of the State to another, for the transportation of goods and merchandise and for pleasure. The prin-

ciple underlying this was that the State would adopt a system that would co-ordinate all the requirements and produce the best results. In doing this, the counties and localities were relieved of the necessity of raising the money to pay for this State system, and most of the money for them came from the motor vehicle funds pledged for that purpose.

Thereafter, the State obligated itself to a bond issue of $40,000,000 for the further construction of this State Highway System.

These bills are in distinct violation of all that has gone before, and seeks to break down that which, by careful planning, has been built up.

The State Highway Commission has adopted a funding program covering a period of five years in order to meet the urgent necessities of construction, reconstruction, maintenance and repair of the present State Highway System. This funding program takes into consideration the use of certain motor vehicle fund moneys and includes the estimated net increase under the legislation heretofore enacted. The method of distribution of motor vehicle funds as provided by Assembly No. 451 will result in a decrease of funds available to the State Highway Commission of about $2,000,000 for the year 1926 and a larger decrease in subsequent years. It will, therefore, be seen that the effect of this bill will be to seriously curtail the proposed funding program which has been considered by the State Highway Commission in order to provide for the completion of the present State Highway System at the earliest possible moment. This bill will, of course, result in an increase of funds distributed to the counties, a further result of which may be the construction of many disconnected sections by various counties without any well thought out plan, or formation of a comprehensive system, while there are many good roads that the Legislature has already authorized which we are unable to take over because of the lack of funds.

Included in the plans of the Highway Commission are the provisions for the necessary approaches to the vehicular tunnel and the Camden bridge, to take care of the enormous increase of traffic when those enterprises are open to the public. With the diversion of the funds provided for in these bills, there may be serious results to both of these enterprises.

There are any number of roads which should be included in the State Highway System, as evidenced by the number of bills which come to the Executive each year for approval, but none of these can now be built, because there are no funds now available for that purpose, and, if these bills become law, there never

will be, unless the people again indulge in the further levy of another bond issue. I doubt whether they will do that.

If we are to abandon altogether the plans which have been so carefully worked out for the construction and completion of a State Highway System, then we ought to pass these bills. Then we would find that our fine plans for the careful and comprehensive development of a Highway system would all be destroyed, and that we would substitute therefor a disjointed, ill-conceived plan of distributing moneys among the counties, to be spent upon obscure, unimportant and in many cases, little used roads, the money to be spent by boards of freeholders. I think everyone will admit that the expenditure of money by boards of freeholders has not, in every case, been satisfactory to the taxpayer, and, in this particular case, these boards would not be responsible to the people of their own localities, because the money would not come from them.

I cannot permit that which has been built up with so much care to be destroyed by this ill-considered legislation.

There have been many protests against the rearranged schedule of fees for motor vehicles, and, in many cases, these objections were well taken, as I am convinced that these schedules are not based upon a well-considered plan of taxing these vehicles.

In a matter of this importance, legislation of this kind should not be disposed of in the last hours of the closing session.

Among the results is the inclusion in this bill of a passenger fee of $3.00, although members of the Legislature have stated that it was amended to read $5.00. This item alone would mean a loss to the State of, approximately, between eight hundred thousand and a million dollars.

For the reasons above stated, these bills are disapproved.

ASSEMBLY NO. 464.

To the House of Assembly:

I have before me a number of bills adding to the routes of the Highway System, and some giving the State Highway Commission the right to lay out certain routes when they believe it to be practical. If the Legislature would give the State Highway Commission the power to designate such routes as they think advisable the State Highway System could be developed by the adding of such routes as would best serve the people of the State and, at the same time, keep down the expense.

Instead of doing this, I have had presented to me Senate No. 92, Senate No. 38, Assembly No. 107, Assembly No. 464, Senate No. 262 and Senate No. 186.

Each one of these bills attempts to add a particular route to the State Highway System. These particular routes are designated because their sponsors are able to get the votes for them. These routes have not been designated because of any State-wide policy for the betterment of the roads or the saving of cost. They do not fit into any plan of the State Highway Commission.

So long as designation of routes depends upon the ability to get a particular bill through the Legislature just so long will it be necessary to reject them.

If the Legislature passed a bill, declaring all roads of the State eligible for inclusion in the State Highway System, these special bills would not be necessary. Then such roads could be improved as would do the greatest good for the greatest number.

I cannot understand why the Legislature is unwilling to have the body which is constituted for this purpose and which has the confidence of the entire people of the State undertake this work.

There are no funds available at this time for the numerous highways mentioned in the bills before me, and since no funds are available the designation of these routes will have no practical value now, nor for some time to come. When the funds are available, and the State Highway Commission believes that they should, in the interest of convenience and economy, be built, the State Highway Commission may designate them for such purpose.

I have signed some bills adding to the Highway System, but only those which the State Highway Commission has requested that I should sign, in order that they may fit them into their plans.

For the reasons stated, this bill is disapproved.

ASSEMBLY NO. 471.

To the House of Assembly:

This bill provides, in Section 5, not only that engines and vehicles of fire departments shall have the exclusive right of way; but it also provides that it is the duty of all persons engaged in traveling in a vehicle on the highway, and of pedestrians, to remove themselves from the path of the fire department apparatus, upon first knowledge or warning of the approach.

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within which a bridge could be built and in operation after the location or locations have been pre-empted. The franchise granted would be practically perpetual, because the limitation of fifty years only starts from the time the bridges are completed.

The bill does not protect the interests of the people of the State because it contains no provision limiting any one company to a definite location, and no security to be deposited as evidence of good faith, except the provision for the deposit of $25,000 with the State Treasurer, to be repaid to the company when $25,000 has been expended on the construction of the bridge, or repaid to the directors of the company upon a dissolution of the corporation.

The bill contains no provision for the limitation of time for the commencement of the work, or penalty for a forfeiture, and no limitation of time within which to complete any bridge, once commenced.

The bill contains a schedule of rates, but this function should be left to the Board of Public Utility Commissioners, at least until such time as this inter-state structure would be taken under the jurisdiction of a Federal or other tribunal.

If any company under this bill is permitted to mortgage its franchises, this would undoubtedly lead to the same abuses which we now have to deal with in the case of other public utility corporations, where franchises have been mortgaged for excessive amounts in bonds issued. This once having been done, it would be impossible to reduce such inflated values.

Past experience should be a sufficient warning against our permitting a repetition of these conditions.

While the bill provides that the State of New Jersey may take over the bridges upon the payment of the total cost thereof, of whatever nature, upon assumption of all obligations and liabilities for construction, with the approaches and appurtenances, plus fifteen per centum of such cost, no method is provided for ascertaining the real costs of the undertaking, either through the Board of Public Utility Commissioners or any other public body. With no such supervision it would be possible to load upon the State fictitious costs, promotion costs, watered obligations, and a tremendous and unwarranted profit. If the State did not choose to pay these sums, it could not take over the bridges.

As I have pointed out, this bill has all of the defects contained in chapter 176 of the Laws of 1923, which has now been repealed, and the enactment of this bill into law would be an imposition upon the people of the State.

The bill is therefore disapproved.

building of a bridge over the river at Camden, and the bonds issued for the building of that bridge must be paid for by the tolls derived from the use thereof.

If we authorize private companies to build bridges over the Delaware river, the tolls which they would get from these bridges would reduce the income which would, in the natural course of events, be derived from using the present bridge at Camden, and so lengthen the time during which this must remain a toll bridge.

This bill would authorize companies to build not only one bridge, but more, perhaps, each of which would have this same effect, namely, of keeping the Camden bridge a toll bridge for many more years than would naturally pass without such opposition.

In addition to this, the State is just undertaking to set up a Port Authority for the Delaware river. This would be the natural body to undertake the building of bridges over the Delaware river, as has been done in the eastern part of the State.

If this bill becomes a law it will interfere with the proper development of the Port of Camden and the Delaware river, through its Port Authority. It will handicap them at the start, and probably destroy, in large measure, their usefulness.

This bill is almost identical in form with the act known as chapter 176 of the Laws of 1923, creating this same embarrassment on the Hudson river. It was feared that the Fort Lee bridge could not be built—certainly not advantageously—with this law in existence. The result was that the Legislature has just repealed that statute.

If it was advisable and necessary to repeal that law—doing the very thing that this bill does—in order that the Fort Lee and other bridges might be built, the people along the Delaware river would be foolish, indeed, to have this bill enacted into law, and thus at once provide a stumbling block for future progress.

The enactment into law of this bill would permit private individuals and private capital to organize under it, endeavor to secure similar rights in Pennsylvania, and then build the bridges—bridges which belong to the people of New Jersey.

If we approach Pennsylvania and the Federal Government for port development along the Delaware river, we will be at once confronted by this statute and those who organize under it.

Any company incorporated under this bill could designate where the terminal points of the proposed bridges are to be located; could build more than one bridge; and could pre-empt important locations and acquire a perpetual right to these locations. It could prevent the State from coming in and building bridges on these locations. Furthermore, there is no limitation to the time

It is a well-settled principle of law that disobedience of a statute is evidence of negligence, and if a pedestrian or a driver of a vehicle were injured, the presumption would immediately be that he had violated the statute, and the burden would be upon him to prove that he did not.

While fire engines should have the right of way, in view of the congestion of traffic on our public streets these days, they should not be relieved from the exercise of care. They should have no right, through their negligence and careless driving, to injure anyone.

It is a well known fact, that, without this law, the right of way is given to fire and police equipment in all municipalities, because the people recognize that they must act and move quickly.

For these reasons the bill is disapproved.

ASSEMBLY NO. 487.

To the House of Assembly:

This bill authorizes the formation of companies for the purpose of constructing, maintaining and operating bridges over the Delaware river, and regulating the same.

The State has adopted a policy of either building the bridges itself or having one of its instrumentalities to do so. In the eastern part of the State, that authority has already been exercised by the State building its own vehicular tunnel, and of delegating to the Port Authority the building of bridges over the Kill-von-Kull and Arthur Kill, and the bridge over the Hudson river at Fort Lee.

It has found this not only necessary, but advisable, in order to conserve the interest of the State and the users of these bridges and tunnels. It has been obliged to eliminate competition from private companies, in order that the State itself might be able to finance the building of bridges and tunnels, and to sell the bonds therefor. This has been found necessary, because private companies would come in competition with the State, and the building of bridges and tunnels by them would divide or reduce the income. By setting up such competition on the part of private companies it has been found that brokers and others who will be asked to float the bonds would hesitate to do so, because of the uncertainty of the revenue.

On the Delaware river, to which this bill applies, the States of New Jersey and Pennsylvania have already undertaken the