
VETO MESSAGES

TRANSMITTED BY

JAMES F. FIELDER, GOVERNOR

TO THE

One Hundred and Fortieth Session

of the

New Jersey Legislature

1916

VETO MESSAGES

By JAMES F. FIELDER, Governor

SENATE BILL NO. 21.

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TRENTON, March twenty-two, 1916.

To the Senate:

This bill provides for the establishment of a new State Board of Agriculture. The Economy and Efficiency Commission has had this subject under investigation since 1913, and in its 1914 report, it said:

"We find that much more time will be required to organize an efficient Department of Agriculture.

* * * With regard to our agricultural agencies, it is doubtful if any one at the present time can clearly define their respective functions and their connection with and dependence upon, the Rutgers Scientific School. We realize that no recommendation should be made which, if adopted, would halt progress and result in detriment either to the State or to the school.

* * * We have conferred with many who take an active interest in all agricultural questions and while it is generally believed that some reorganization should take place, everyone who has studied the subject realizes its difficulties and also realizes that considerable time must be devoted to it not only from the business, but also from the legal standpoint."

This same Commission after having had the subject under consideration for two years longer, stated in its 1916 report, that its investigation was still in progress and that it had not yet reached a conclusion. It made the following statement:

"Your Commission feels that the investigation already given this matter is not sufficient for the basis of final conclusions or the submission of a bill. The question will therefore receive further attention."

It is certain that all our boards, commissions and agencies having to do with our agricultural interests, should be reorganized and consolidated, but I doubt that there are a dozen mem-

bers of the Legislature who will say that they are sufficiently familiar with the subject to recommend a plan with which they will be entirely satisfied. I think that the Department should be organized in the same manner as other State Departments were organized under the recommendations of the Economy and Efficiency Commission, but since so few of us are certain as to the proper course, I would advise that the subject be left with the Economy and Efficiency Commission and that no bill be passed.

I have specific objections to this bill which are as follows:

It provides that the managers of the department shall be elected annually at a convention composed of delegates selected by certain farmers', agriculturists' and similar societies or associations (the proceedings of some of which are secret), specified in the bill. The Governor is required to issue commissions to those so elected, but neither the Executive nor any other branch of the State government is given any voice in their election, or any power or control over the Board in the selection of their officers and employees, or in the expenditure of money.

The Board is authorized to appoint a Secretary at \$5,000 salary; to create three sub-departments or bureaus and such other bureaus as it may determine, with a chief at the head and such other officers and employees as the Board may desire. The State House Commission is directed to provide suitable offices and equipment for the Board.

The Board is given all the powers and duties now conferred upon individuals, boards and commissions now appointed by or through the Governor and it is authorized to collect and publish information and statistics of interest and benefit to those engaged in agricultural pursuits, such as crop adaptation of land; the improvement of agricultural methods; transportation to market; rates; irrigation and drainage; to arrange for meetings of farmers and agriculturists; for contests among children and to award prizes to contestants and to award premiums at agricultural meetings and fairs.

All appropriations heretofore made by the Legislature to any officer, board or department, are transferred to the new board in bulk, to be allotted as it may determine notwithstanding that the Legislature may have specified how, in its judgment, such total appropriations should be divided and the Legislature is required hereafter to make appropriations to this board in bulk and it is given power to apportion the same.

I realize the importance of the agricultural interests of the State and I have frequently pointed out the necessity and ad-

antage to the whole State of fostering and advancing such interests and I do not disapprove the large appropriations heretofore made to aid those interests, but I am not prepared to go the length this bill would carry us, because it is a long step in the direction of special or class legislation and, therefore, dangerous and improper. I can have no objection to any class of people, or any of our various industries, organizing for the purpose of protecting their own interests, but I am not willing that the State should contribute or appropriate directly to such organizations any sum of money, primarily to aid or benefit individual interests. Such an appropriation, it seems to me, would be contrary to Article I, paragraph 20, of our Constitution, which provides that "no donation of land or appropriation of money shall be made by the State or any municipal corporation, to or for the use of any society, association or corporation whatever."

I see no more reason why the agricultural interests of the State should expect the State to finance their board of managers, with all its varied functions, with State funds, than that the fishermen and oystermen should select the Department of Shell Fisheries, or that the potters or silk manufacturers should select their central board, or the manufacturers or organized labor should select a Labor Department and expect the State to supply the money with which to operate such boards and all without State supervision and control.

Respectfully,

JAMES F. FIELDER,

Governor.

SENATE BILL NO. 22.

TRENTON, March twenty-second, 1916.

To the Senate:

We now have a law known as chapter 57 of the laws of 1913, which confers ample powers for the elimination of those grade crossings which are dangerous and those which impede travel. Under this act eleven different proceedings are pending before the Public Utility Commission, and a very important case, which will test the validity of the act, involving the elimination of Erie Railroad crossings in Paterson, has been argued before the Supreme Court and a decision may be expected in a few months. It took the City of Paterson two years to present its case to the Public Utility Commission and secure an order from that body, and the length of time required was not caused by delays either on the part of the City or the Commission, but was due to the fact that the case is most complicated, and was to be made a test case, and both sides had to gather much information and present much evidence. All phases of the law were presented to the Supreme Court in this case, and a comprehensive decision is expected, the railroad having filed seventy-eight reasons why the order of the Public Utility Commission should be set aside. If this bill becomes a law, much of the time, labor and money expended in securing a decision will be wasted, because this bill repeals the present law. A number of communities have been awaiting the decision in the Paterson case, and if this bill becomes a law, they must wait some years longer for its construction by the Courts.

The introducer of this bill may believe there will be no litigation under it, because he claims it is based on a Connecticut law which has been sustained by the United States Supreme Court. He is surely mistaken in such belief, because in the Bristol case the Court passed upon the Connecticut law as applied to the facts in that particular case, and then only so far as the Federal questions involved. That case is no precedent for our courts in respect to many phases of this bill, and it may be noted that since the decision in the Bristol case, the Connecticut statute has been amended. We can be sure that the Railroads will attack this bill should it become a law, before they will proceed under it. It would, therefore seem to me very unwise to attempt any further legislation on so important a subject, when a court decision is so soon forthcoming which may be used as a guide should other legislation be found neces-

sary, and it is especially unwise to repeal a law which the Court may sustain.

I desire to state as briefly as possible some specific objections to this bill:

1. It relieves street railway companies of all obligation to pay any part of the expense of removal of a crossing which they use. Under the present law as much as ten per centum of the expense may be imposed on them.

2. It seems to have in contemplation grade crossings in country districts, rather than in crowded cities, because it refers only to single crossings and makes no provision for the removal of several which may be involved in the one transaction.

3. It provides for one method of payment in cases where the highway was opened before the railroad and another where the highway was opened after the railroad. In many instances a highway may have been opened before the location of the railroad while a nearby highway may have been opened afterward, but one could not be changed without the other. The bill provides no method for apportioning cost in such cases. In the Paterson case, early records had been destroyed by fire and it was impossible to show in many instances whether the street or the railroad was first laid out. Under the present law it is of no consequence.

4. It is uncertain in indicating the company that is to pay for the work. It provides for payment by the company "owning or operating the railroad". In the Paterson case, one company was the owner and another the operator. Under this bill, no one could say which should pay. The present law places the cost where it belongs, on the operating company. To put the cost on the company owning the road in the Paterson case would probably confiscate the entire road. This provision would probably destroy Senate 22, in its application to the Paterson case.

5. It permits the railroad to decide what crossings are to be changed first, under certain conditions. Some companies would first remove those that cost least to change, leaving the dangerous ones for the last. Under the present law, the Public Utility Commission has control.

6. It provides for application to the Public Utility Commission by "the directors of any railroad company whose road crosses or is crossed by a highway". In the case of a leased road, it is impossible to tell whether the application must be made by the lessor or lessee, or by both.

7. It does not provide for notice of proceedings for elimination, to companies owning street railways, telephone, telegraph,

lighting, water, sewer and pipe line rights, which will be affected by the change. The present law does.

8. It provides that the Public Utility Commission shall determine what alterations or removals, if any, shall be made and by whom. No guide is laid down for determining who shall make specific alterations or removals, nor is it provided how, if such changes or removals are to be made by a street railway or other utility company, such company is to secure reimbursement for the expense incurred.

9. It provides that amounts within the prescribed limits to be paid by municipalities are to be fixed "having regard to the financial strength of the municipality". This requires a consideration of and finding as to such "financial strength" and opens up added grounds for contest.

10. By section 2, it gives a "municipality affected" the power to discontinue proceedings now pending which have been initiated by the Public Utility Commission.

11. Under section 2, should the Supreme Court set aside the order of the Public Utility Commission in the Paterson case because of a defect in the proceedings, rather than because of a defect in the present law, Paterson would be compelled to institute new proceedings under this bill and would lose the benefit of the work done by it under the present law.

12. It renders chapter 238 of the laws of 1914, as to notice to parties in interest by advertisement, inoperative. In view of the difficulty of ascertaining ownership of lands in the area affected by the crossing change, the provisions of the act of 1914, are essential.

Respectfully,

JAMES F. FIELDER,

Governor.

SENATE BILL No. 66.

TRENTON, March twenty-first, 1916.

To the Senate:

A year ago the Legislature passed an act known as chapter 369 of the laws of 1915, fixing the salaries of all surrogates, county clerks and sheriffs. By that act the Legislature then said that the salary of these officials in counties having a population of between twenty-five thousand and fifty thousand, should be twenty-five hundred dollars; and in counties having less than twenty-five thousand inhabitants, two thousand dollars. This bill would change the law passed but a year ago, so that the salary of the officials named, in counties between twenty-four thousand and fifty thousand population should be twenty-five hundred dollars, thus giving a twenty-five per centum annual salary increase to the surrogate, county clerk and sheriff of Cape May county, which is the only county affected by the bill.

The board of freeholders of Cape May county, by resolution adopted at a regular meeting recently held, protested against the passage of this bill on the ground that the fees from these offices are not sufficient to justify any such increase in salary.

I have heard of no request from the taxpayers for the passage of the bill, and I do not think that the officials elected to serve at the present salary rate, should now have an increase.

Respectfully,

JAMES F. FIELDER,

Governor.

SENATE BILL No. 103.

TRENTON, March twenty-first, 1916.

To the Senate:

Extraordinary circumstances, arising from time to time, make it necessary for counties to secure the assistance of the Attorney-General in criminal cases and the occasion for such assistance is invariably due to local conditions. I consider it against public policy for the State to pay the Attorney-General a salary for performing such legal work or to bear any expense in connection therewith. It is not the intent of the act of 1911, that the Attorney-General shall be called upon to assist the counties under ordinary circumstances, but should this bill become a law and the counties may secure the services of the Attorney-General without expense to them, the demands upon the State's law officer by the counties, will surely embarrass the department in the performance of its regular duties.

That the occasions when action has been taken under the act of 1911 have not been frequent or burdensome, will appear from the following brief statement:

Shortly after the passage of the act, former Attorney-General Wilson was directed to prosecute criminal cases in Atlantic county, under very unusual conditions. He, with his assistant, Mr. Gaskill, prosecuted such cases in the county for about two years, many of the cases prosecuted being of great importance and involved a large amount of work. What the county paid for this service, I do not know.

Early in 1915, the present Attorney-General was directed to prosecute an indictment for murder against twenty-five or more persons in Middlesex county, growing out of the Roosevelt strike. The actual trial of ten of these defendants, jointly indicted, consumed a full week, while the preliminary preparation occupied many weeks. The Attorney-General tried the case and was assisted both at the trial and in the preparation by three assistants, as well as the prosecutor and assistant prosecutor. For all this work and expense, the Attorney-General requested and was allowed \$2,500.

During the summer of 1915 the Attorney-General was directed to, and did try the indictment found in Cape May county against a former prosecutor of the county and for this he was allowed \$100. After the conviction, the Attorney-General was placed in charge of the criminal business of the county for six weeks and he conducted trials of Special Sessions cases and at the sugges-

tion of the county judge undertook the investigation of certain complaints of alleged violations of the law. For these services he requested and was allowed \$175. In addition to this sum, the actual traveling expenses and the fees of detectives employed in said investigation (the county detective being at that time under indictment), were allowed. The allowance for services and fees to the Attorney-General in this county, must not be confused with the allowances made to a special prosecutor appointed under another law.

Some time ago the Attorney-General was directed to prosecute an important criminal case in Burlington county, and at the present time he has charge of the criminal business of Gloucester county, pursuant to an order made by Justice Garrison.

Attention is drawn to the fact that under the law, no charge can be allowed unless it is first approved by a Supreme Court Justice, who knows the value of legal services and who can be depended upon to protect the counties against any possible overcharge. In my judgment it is in accord with sound public policy to require the counties to pay the expense incident to the enforcement of the criminal laws within their boundaries, whether the matter is in charge of the county prosecutors, or of the Attorney-General, and this bill is objectional, because it runs counter to that policy.

If the Attorney-General must render his services to the counties without compensation, the Supreme Court justice will hesitate long before placing such burden on him. I can well understand how some persons, even now under indictment, will be happy to see this bill become a law, hoping it may influence the Supreme Court Justice not to send the Attorney-General to assist in prosecuting such indictments.

Respectfully,

JAMES F. FIELDER,

Governor.

SENATE BILL No. 145.

TRENTON, March twenty-second, 1916.

To the Senate:

This bill transfers to and vests in a new Department of Agriculture the powers and duties of various other State boards, departments and commissions. Since I have disapproved the bill to create a new Department of Agriculture, I cannot approve this bill.

Respectfully,
JAMES F. FIELDER,
Governor.

SENATE BILL NO. 155.

TRENTON, March twenty-second, 1916.

To the Senate:

I cannot see necessity for the change in the present law which provides for publication of a list of candidates immediately upon the expiration of the time for filing petitions, for three successive days in all daily newspapers published in the city, and if there be no daily newspapers, then in two consecutive issues of any other newspapers that may be published in said city. The method of publication proposed by this bill and the time allowed for publication is insufficient and too near the time for election. If there are no daily newspapers published in the municipalities, provision could be made for the publication in newspapers circulating therein.

Respectfully,
JAMES F. FIELDER,
Governor.

SENATE BILL NO. 233.

TRENTON, March twenty-second, 1916.

To the Senate:

It is the policy of the State that its business and the business of its political subdivisions shall be conducted in the English language and that all legal documents, especially those affecting the title to lands, shall be in our language. To provide otherwise would involve confusion and trouble sure to arise out of the translation of such documents from other languages and to give the proper shade of meaning to idiomatic expressions. This seems to have been the idea which prompted the introduction of Assembly Bill one hundred and ninety-six, which provides that no instrument in writing shall be recorded in the office of the county clerk or register unless in the English language and you have approved that idea by passing such bill and I have also approved by signing it. We should not permit both bills to become laws and, therefore, I withhold my approval to this one.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL No. 10.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

There are now two methods whereby the county can force the payment of municipal taxes, namely by mandamus and indictment of the negligent officials. It seems unfair to compel the municipality to pay such a high rate of interest for non-payment of the county tax, first, because the State is at times dilatory in paying the railroad taxes to the municipality; second, because the county cannot use the whole of the tax immediately when its fiscal year has yet months to run and the tax would be deposited in bank to the county's credit and the county will draw interest on it, and third, because the taxes to be paid include State taxes which the county is not required to pay until January twentieth, and if the county could collect a penalty for non-payment, it would get the penalty on the State's share of the tax.

The bill purports to be an amendment to section 41 of chapter 57 of the laws of 1909. There is no such section in that chapter. It is section 41 of chapter 208 of the laws of 1903 that should be amended.

Respectfully,

JAMES F. FIELDER,

Governor.

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ASSEMBLY BILL No. 11.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

On this bill and Assembly bills twelve to sixteen, inclusive, I gave a public hearing at which at least fifty persons were present. Twenty-five separate municipalities were represented either by their financial officers or by counsel and but one municipality favored the bills. The speakers in opposition to the bills, including a member of a noted firm of bond attorneys whose opinion has been sought by every large city in the State, all agreed that the bills contained many indefinite and contradictory clauses and that should they become laws, insuperable difficulties would be encountered in carrying them into effect and that the validity of future bond issues would be seriously impaired. The sincerity and force of their arguments convince me that the bills should lie over another year, during which period the commission recommending them will be in existence and the bills can be redrawn or corrected and the objections raised, removed. The subject is too important to justify hasty and ill-considered action. While the commission has spent ten months investigating the subject and framing its report, the bills themselves were prepared but a few weeks prior to their introduction, and the attorneys and financial representatives of the cities have had but two months to examine and confer on them and to endeavor to apply them to conditions in their communities. The bills are related to each other and it seems that all or none should pass. It is impossible for me to state the numerous objections presented to me in the three hours occupied by the hearing and to which I have attempted to give careful consideration since that time. Briefs on the bills were filed with me, which I hope will be available to you upon the consideration of this message, so that you may judge for yourselves the importance and weight of some of the objections raised before me.

Some of the specific objections to this bill are that it disregards the principles of accounting and its language is vague and imposes burdensome restrictions and places a premium on bad financing; that no budget can be prepared for 1916 because "surplus revenue" cannot be ascertained until January 1, 1917; that certain funds coming into the treasury during the year cannot be used for current needs and the municipality must, therefore, borrow from the bank until the budget is passed.

Respectfully, JAMES F. FIELDER,
Governor.

ASSEMBLY BILL NO. 12.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The general remarks contained in my message on Assembly bill number eleven apply to this bill.

Some of the specific objections to this bill are that section 1 contains a proviso for limiting expenditures that is not within the scope of the title of the bill; that municipalities are required to borrow against unpaid taxes within fifteen days after the close of their fiscal year, whether they need the money or not, otherwise they cannot borrow at all, and that sufficient powers are not given for borrowing in an emergency which cannot be anticipated.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL NO. 13.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The general remarks contained in my message on Assembly bill number eleven apply to this bill.

Some of the specific objections to this bill are that the meaning of the word "revenues" in section 2 is uncertain; what "instruments of a temporary character" are; that section 3 refers to "tax revenues" whereas by section 2 the "revenues" are not so limited; that the words "live and dependable asset" as used in section 6, have no fixed or certain meaning and it was urged at the hearing that should this bill become a law no attorney would approve bonds for funding short-time indebtedness under this or any other law, because he could not be sure that such indebtedness is described in this bill.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL NO. 14.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The general remarks contained in my message on Assembly bill number eleven apply to this bill.

Some of the specific objections to this bill are that the policy of taking the control of sinking funds from the municipal authorities is bad, especially in commission governed cities, where the mayor, who is not necessarily the commissioner of finance, appoints the sinking fund commissioners and where those commissioners who are members of the city commission are subject to recall while the other sinking fund commissioners are not, and that in so far as this bill requires smaller payments to the sinking fund, than are required by the acts providing for bonds heretofore issued, this bill infringes on the contract with such bondholders and is, therefore, probably unconstitutional.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL NO. 15.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The general remarks contained in my message on Assembly bill number eleven apply to this bill.

Some of the specific objections to this bill are that it does not define the items of "surplus revenue" and "miscellaneous revenue" which must be contained in the statement to be filed with the State Comptroller, and section 2 refers to country school districts as defined by chapter 36, of the laws of 1902, which law has been held unconstitutional by our courts and was repealed by chapter 1, of the Special Session Laws of 1903.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL NO. 16.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The general remarks contained in my message on Assembly Bill number eleven apply to this bill.

This bill belongs with Assembly bill number fourteen and is useless without that bill. Since I cannot approve Assembly bill number fourteen, I must withhold my approval of this one.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL NO. 38.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

I feel constrained to withhold my approval because I do not believe you have taken into consideration chapter 214, of the laws of 1914, which provides that anyone sentenced for the term of his natural life and who has served fifteen years, may be released on parole by the Board of Prison Inspectors. If a man is convicted of murder in the first degree, but in the opinion of the jury he should be sentenced to hard labor for life, rather than be executed, there should be no possibility of shortening the life sentence, except through the Constitutional power of the Court of Pardons,

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL NO. 53.

TRENTON, March twenty-second, 1916.

To the House of Assembly:

There are two features of this bill which I do not understand. It provides "the owner or owners, lessee or lessees of property upon condition, along the line of any such sewer or having an alley leading into any street in which such sewer is laid, shall be compelled to connect their houses and other buildings therewith." I cannot interpret the words "upon condition" with the words which precede them. I do not understand the provision relating to the alley leading into the street, that is, how the owner of a building could be compelled to connect it with a sewer through an alley which he may not own.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL No. 58.

TRENTON, March twenty-two, 1916.

To the Assembly:

This bill proposes that the State shall contribute the sum of \$10,000, toward the erection of a monument in the city of Passaic to commemorate the retreat of Washington across New Jersey over a bridge spanning the Passaic river and to perpetuate the memory of Passaic city soldiers and sailors who served in the wars of this country. I am aware that it does not specifically appropriate the money and that the Legislature may not this year vote any appropriation for the purpose, but if it finds a place among our laws, it will next year or the year after be urged with strong reason that those interested in the monument have waited sufficiently long for the Legislature to redeem the pledge which the passage of this bill carries with it. Each year we have difficulty in finding sufficient funds for the enlargement of our State institutions, for the erection of new buildings to care for our sick, infirm, defective and criminal classes and for the ordinary purposes of government and until we are in funds for these most pressing necessities, I feel we should get along without erecting monuments. In any event, I think this bill should not pass until the money proposed to be expended is in sight, and, perhaps, too, the event and persons could be commemorated by a tablet on the bridge in question or in some other suitable, but less expensive way.

While on this subject, may I be permitted to direct your minds to the thought that the memory of famous Jerseymen and of important sites might better be perpetuated by the erection of something useful rather than by a monument which is only ornamental. A comfort station, a rest pavilion, a drinking fountain, a small playground, or a memorial bridge at this particular spot would pay the tribute to which our brave soldier and sailor dead are entitled and at the same time provide something of benefit to the living.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL NO. 69.

TRENTON, March twenty-second, 1916.

To the House of Assembly:

This is a term-extender and salary-increase bill applicable to the three members of the Steam Engineer and Boiler Operators License Bureau in the Department of Labor, but the members of the bureau are not so modest as the Commissioner of Labor, in that they desire their terms extended for life.

The act under which the members of this bureau were appointed is chapter 363, of the laws of 1913. It contemplated a distinct bureau, the members whereof should choose a chairman; adopt by-laws, rules and regulations for their government; prescribe rules for the examination and licensing of engineers and firemen; issue licenses and fix fees therefor; revoke licenses and make report from time to time to the Commissioner of Labor. That act provides that the members should be appointed for a term of three years, at a salary of twelve hundred dollars. The bureau was not organized until less than seventeen months ago, and now the members desire that the positions shall be placed in the competitive class of the classified service of the Civil Service and, of course, that they shall continue to be the members of the bureau under the protection of the Civil Service act, which means for life, or during good behavior. Not content with securing a life position, they want their salary raised about seventy per centum, that is, from twelve hundred dollars to two thousand dollars.

This is the most objectionable kind of legislation and entirely contrary to the spirit of the Civil Service act, in that it would give these men promotion to a higher salary grade without competitive examination. If these positions are worth two thousand dollars, the State does not want them filled by twelve hundred dollar men, and that is what the present incumbents are, since they were so anxious to take the positions at the present salary. If they are competent men and worth the much larger salary they should be willing to enter into competition with others for the positions, especially as they have the advantage of seventeen months of experience with the duties of the office. If the Legislature thinks that these positions should be protected by tenure of office and that the salary should be \$2,000, then give the State the opportunity to secure the best men who can be

attracted by these new conditions and throw the examination open to every one who might desire to enter.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL No. 90.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

Pensions were originally intended for the benefit of an employee of a municipality, county or State, who was retired after long service or for disabilities incurred in the service. Police pensions were gradually extended, first to include the widow and minor children of the policeman and afterwards to include his parents. This bill proposes to extent the benefit of the pension still further and give to his sister or sisters, if dependent on him for support, one-half his salary, after his death, for her or their lives. I feel that this is stretching the pension idea much beyond its true limits and, therefore, I cannot approve this bill.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL NO. 105.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The act sought to be amended is chapter 109, of the laws of 1914. It provides that before it can be submitted to the voters, a resolution must be adopted by the governing body directing such submission. For such resolution this bill would substitute a petition signed by thirty per centum of the voters. It is quite apparent that in some city of the second class, to which this act applies, the governing body deems it unwise to adopt the necessary resolution. I feel that the initiation of the referendum should be left to the governing body; that it is its right and its duty to determine whether or not the financial condition of the city is such that the question of a general increase in pay for members of the police department should be submitted to the taxpayers and general voters and that the governing body is in a better position to act with the proper information and knowledge than thirty per centum of the voters who could be induced to sign a referendum petition.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL NO. 147.

TRENTON, March twenty-second, 1916.

To the House of Assembly:

Despite the continued cry for economy and the adoption of the small board of freeholders plan, one of the principal arguments for the enactment of which was economy, this bill proposes to increase the salary of the members of the boards of chosen freeholders in counties of the first class from fifteen hundred dollars to twenty-five hundred dollars per annum besides an additional five hundred dollars to the director of the board. The salary of the county supervisor is increased from twenty-five hundred dollars to four thousand dollars. Being confined to first class counties, Essex and Hudson are the only ones thereby affected. Both of these counties adopted the "Small Board" plan and the board, therefore, consists of nine members in each county. Eleven thousand dollars per annum would thus be the increase in salary in each county under this bill, and the total salary of the members of each board and the supervisor would be several thousand dollars more than was received by the members of the old large board.

I am opposed to all mandatory legislation of this character. Men seek office with full knowledge of the work the office involves and the salaries they are to receive therefor. The salaries consequently must be satisfactory or they would not seek appointment or election to the office. They should not expect their salaries to be increased during their term nor should the taxpayers be burdened with additional expense after their election or appointment.

Respectfully,
JAMES F. FIELDER,
Governor.

ASSEMBLY BILL NO. 172.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The fees and expenses now allowed by law for ascertaining the owners, mortgagees and persons having a lien on property sold for taxes is now fixed at a low rate and based on the size of the property sold. This bill would make a flat rate of ten dollars no matter what the size of the plot or tract. I fear this will limit the number of purchasers at tax sales and force the municipality to buy in. It is to the interest of the municipality to get property on which owners will not pay taxes in the hands of those who will, but no one will buy at a tax sale and attempt to perfect title if the owner may step forward and redeem by paying the tax and interest and ten dollars for a title search, when the actual expense has been twenty-five dollars or more.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL NO. 197.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The bill is improperly drawn. It purports to amend section 158, of chapter 71, of the laws of 1910, but that act contains no such section. It should be drawn to amend section 158, of the Criminal Jurisdiction Act of 1898.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL NO. 223.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The bill permits the expenditure of a sum of money not exceeding five mills on the dollar of the amount of taxes raised. In my message to the Legislature of 1915, I voiced my objection to legislation basing expenditures upon such a percentage basis, because of the variable and uncertain amounts to be raised thereby and in the interest of economy and publicity I recommended that the maximum amount to be expended be definitely stated in figures. I have not changed my views in this respect,

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL NO. 240.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The bill is improperly drawn. It purports to amend section 1, of chapter 139, of the laws of 1898, which section refers to the date for holding general elections. It should be drawn to amend section 1, of chapter 70, of the laws of 1912.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL No. 241.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

This bill purports to amend chapter 259 of the laws of 1913. It refers to section twenty thereof, and there is no such section in said chapter. Chapter 353 of the laws of 1912 is the one that should have been amended.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL No. 243.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

We now have three normal schools, two being in Essex county and one in Mercer county. The Legislature passed an act known as chapter 369 of the laws of 1912, providing for an additional normal school which directed the State Board of Education to purchase a site in one of the counties of the first class not having a normal training school. The effect of that act is to designate Hudson county, which I think perhaps unwise, since it is my opinion that the location of the school should be left to the State Board of Education without restriction. In 1913 the Legislature passed another act, known as chapter 76 of the laws of that year directing the State Board of Education to purchase a site for a normal school in one of the counties south of Mercer county. This latter act is not so restrictive as to location.

This bill provides that a normal school should be located at Elizabeth, and I consider such designation of the site improper. Before any new normal school is finally located, the State Board of Education is the most capable body to take cognizance of the subject, and after making careful investigation of the needs of the entire State, to decide on the most suitable location.

I would add that a bill was presented to the Legislature for the purchase of one of the Essex county normal schools, which although operated by the State, is owned by the city of Newark. The bill was not passed. An appropriation has been requested of this Legislature for a South Jersey normal school, but whether or not that request will be granted, I do not know.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL No. 244.

TRENTON, March twenty-two, 1916.

To the Assembly:

This bill would permit a borough recorder, in case of his temporary absence "or inability to act from any cause," to name some resident of the borough to act as recorder in his stead. "Temporary absence" is indefinite, and if the recorder is unable to act because he has moved from the borough or has been convicted of crime or for any of the numerous other reasons which might be suggested, the governing body and not he should choose his successor.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL No. 293.

TRENTON, March twenty-two, 1916.

To the Assembly:

It is bad legislation to say that on municipal bonds hereafter issued the municipality may fix such rate of interest, not exceeding six per cent., as it may determine, any special or general law to the contrary. Where the rate of interest has been expressly fixed by a statute and it is desired to increase that rate, the statute in question should be amended. This bill would apply to laws that may be enacted next year authorizing bond issues, although by such future legislation the rate of interest may be specifically fixed.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL No. 298.

TRENTON, March twenty-second, 1916.

To the House of Assembly:

Chapter 197 of the laws of 1912 provides for the construction and erection of booths for exhibiting moving pictures. This act was very carefully prepared and considered. It provides for a standard of dimensions, framework, fireproofing, doors, windows and ventilation, for the protection of both operators of moving picture machines, as well as the people attending exhibitions, from the dangers of explosion and fire. This bill seeks to modify these standards and to permit the erection of portable booths for exhibitions in halls and buildings to be used or permitted for entertainments lasting three nights in succession. The risk and danger of fire and explosion of the highly combustible films used in moving picture machines, is present at all times and the protective standards of the present law should not be weakened for booths used in exhibition of moving pictures even though for a limited number of nights.

Respectfully,

JAMES F. FIELDER,
Governor

ASSEMBLY BILL NO. 343.

TRENTON, March twenty-second, 1916.

To the House of Assembly:

This bill makes important changes in our excellent primary and election law, which, in my judgment, tend to weaken it and, therefore, I am strongly opposed to the bill. You have passed a resolution providing for the appointment of a commission to revise and codify the election laws and, therefore, I consider it improper to attempt any change at this time. In the few days given me, I am unable to ascertain whether or not all amendments, necessary to accomplish your desire, have been made in all primary and election laws, so as to avoid conflicting provisions and this is an additional reason why the whole subject should be left to the commission.

Two material changes proposed by this bill are to make the requirement for personal registration apply to municipalities of ten thousand instead of five thousand and to permit a voter, when registering, to state his age as "over twenty-one," instead of his true age.

The personal registry requirement of the present law is one of its best features and is the greatest bar to fraudulent registration and voting. In municipalities where personal registration is necessary, the county clerk is required to prepare printed copies of the registry list, of which any voter can secure one. The printed lists must be posted by the election boards and the chief of police of each municipality is required to investigate the name of each person on the list and report the result to the County Board of Elections, which board may use the result of such investigation in revising the registry. The change you now propose will eliminate all these safeguards for honest elections in at least twenty-seven municipalities which now have the benefit of them.

The provision that a voter shall state his age when registering is for identification purposes and forms part of a plan designed to protect the honest voter against another voting on his name. There cannot be a sufficient number of men in this State so averse to stating their age as to make it wise to deprive others of their protection. To such as are sensitive about their age I would suggest that there is nothing in the present law providing a penalty for the stating age incorrectly. Many men appear older or younger than their years and all that the election officers can

decide is that the voter looks to be about the age stated. A man of fifty may state his age as forty-five and on election day, should he be required to answer the identification questions, he need only remember the age he gave on registry day. Should someone else appear to vote on his name and state his age as thirty, the election officers would immediately have their suspicions aroused and the answers of such proposed voter to the other questions, as, for instance, the length of residence by years in the State, would help confirm their suspicions that they had a fraudulent voter before them. May I ask how the proposed change will help the man who has lived in the State all his life, since he is expected to state the number of years he has resided here?

I direct your attention to a change made in section 2, line 12. I do not know whether this is intentional or not, but if intentional, I object to it. Under the present law the names of those appearing on the poll book as having voted at the last *general* election, are placed on the primary registry list for the ensuing primary. In the line to which I refer, the word "general" is omitted and the result will be that those whose names appear on the poll book of the preceding election, whether general or special, are carried forward to the next registry list. If the preceding election be a special one, many voters who usually fail to vote at special elections, will not have their names carried to the primary registry list.

I direct your attention also to section ten, lines 20 and 21. You propose to enable the voter to indicate his choice of candidate, by either a cross X or plus + mark, but in the lines to which I refer, providing that the voter may write or paste a name on the ballot, you provide only for a cross X mark opposite the name so written or pasted. There is no reason why the voter should not be permitted to use a plus + mark here and to omit to provide for it will lead to difficulties over marked ballots.

I direct your attention also to the title of the bill, which recites the original act as having been approved in 1998 instead of 1898.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL No. 420.

TRENTON, March twenty-two, 1916.

To the Assembly:

This bill is permissive as to counties, enabling them to appropriate money for preliminary work on the construction of a bridge, but it is made mandatory on the State to pay five thousand dollars from the motor vehicle fund to aid in such work. I do not think any money should be drawn from State funds, unless included in an appropriation bill and specifically appropriated for a definite object.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL No. 440.

TRENTON, March twenty-second, 1916.

To the House of Assembly:

This bill provides for three sessions per week for evening schools, instead of four sessions as the law now in force requires. The term under the present law is four months and the proposed bill provides for sixty-four sessions, so that the term would be extended to five months. The night schools have been successful as operated under the present law and the prolonging of the term a month might be detrimental. The great majority of those attending night schools are engaged in employment during the day and it undoubtedly is a hardship to them to attend sessions of school in the evenings. The attendance falls off considerably toward the end of the term, and the prospect of enrolling for five instead of four months might have the effect of discouraging applicants for admission.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL No. 456.

TRENTON, March twenty-two, 1916.

To the Assembly:

The object of this bill is to take an elevator operator at one thousand dollars a year and transform him into a court attendant at twelve hundred and fifty dollars a year, which means promotion without Civil Service examination. It would also legalize the position of some man who might be "operating" an elevator without appointment according to law. It seems to me absurd to attempt to make a distinction in favor of a man who runs an elevator which carries prisoners, as against a man who runs an elevator used by the judges, county officials and the general public in the court house.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL NO. 467.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The bill permits the expenditure of a sum of money not to exceed one twentieth of one per centum of assessed valuations. In my message to the Legislature of 1915, I voiced my objection to legislation basing expenditures upon such a percentage basis, because of the variable and uncertain amounts to be raised thereby and in the interest of economy and publicity I recommended that the maximum amount to be expended be definitely stated in figures. I have not changed my views in this respect.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL No. 475.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The bill is improperly drawn. It should amend paragraph 3 of section 169 of the Orphans' Court Revision Act of 1898.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL No. 479.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The law now provides that townships having a population of more than eight thousand shall be divided into three wards, each represented by two members and that one member of the township committee shall be elected at large. The township committee of townships below that population consists of three members.

It is apparent that the intention of the Legislature was that townships with a large population and probably covering a greater territory should have its various sections represented in the committee, thereby making a larger committee necessary. Should this bill become a law, it would give some townships over eight thousand population the right to have their old form of government by three committeemen, while others would have the larger number and this would create an anomalous condition among the townships of that class. If the question of the adoption of a larger committee form of government is to be submitted to the voters, it should be at a special rather than a general election, because should the act be accepted at the next general election, the township cannot elect the increased number of committeemen until the following general election, and thus the adoption of the act would be postponed another year.

Respectfully,

JAMES F. FIELDER,
Governor.

ASSEMBLY BILL No. 521.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

Chapter 24 of the laws of 1913 provides that licenses received from dance halls shall go into the city treasury, unless appropriated elsewhere by the governing body. If the governing body desires to devote such licenses to the pension fund, it may do so, but this bill would give the governing body no voice in the matter.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL NO. 531.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The title and the body of the bill do not agree. The title refers to all cities of the first class, while the body of the bill limits its operation to certain cities of that class. It applies only to the city of Newark, and I am informed that there is no need in that city for three police justices.

Respectfully,

JAMES F. FIELDER,

Governor.

ASSEMBLY BILL NO. 536.

TRENTON, March twenty-two, 1916.

To the House of Assembly:

The bill is improperly drawn. It purports to amend section 182, of chapter 141, of the laws of 1912, but that act contains no such section. It should be drawn to amend section 182 of the School Act of 1903.

Respectfully,

JAMES F. FIELDER,

Governor.

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