

FOR RELEASE THURSDAY P. M. - APRIL 12.

VETO MESSAGE ON SENATE 158

The purpose of this bill, i. e., to waive past taxes levied improperly upon charitable and kindred organizations, under New Jersey's exceedingly generous tax exemption policy, may be entirely praiseworthy. However, I am informed by the Attorney General that this bill is clearly unconstitutional for two reasons:

First, it applies only to those bodies corporate where taxes have been levied against them and the same remain unpaid and in arrears for a period of six years or longer.

Second, it applies to those bodies corporate where their property has been sold for non-payment of taxes. In both instances the act is special in character.

By no possibility can the act apply to charitable organizations where the taxes have been in arrears for less than six years or to charitable corporations whose property has not been sold for non-payment of taxes. The Constitution clearly prohibits the Legislature from passing private, local or special laws of this character. A law to be general must include all within a class and exclude none.

Senate 158 clearly grants a privilege to certain corporations which have owed taxes for six years or where their property has been sold for non-payment of taxes. It is not a general law because it excludes from operation corporations which have owed taxes for less than six years or, as I have pointed out, where their property has not been sold for non-payment of taxes.

No matter how worthy the purpose, I cannot give my approval to this clearly unconstitutional act.

April 12  
1 9 4 5

Mr. Sidney Goldman  
State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 158.

The purpose of this bill, i. e., to waive past due taxes levied improperly upon charitable and kindred organizations, under New Jersey's exceedingly generous tax exempt policy, may be entirely praiseworthy. However, I am informed by the Attorney General that this bill is clearly unconstitutional for two reasons:

First, it applies only to those bodies corporate where taxes have been levied against them and the same remain unpaid and in arrears for a period of six years or longer.

Second, it applies to those bodies corporate where their property has been sold for non-payment of taxes. In both instances the act is special in character.

By no possibility can the act apply to charitable organizations where the taxes have been in arrears for less than six years or to charitable corporations whose property has not been sold for non-payment of taxes. The Constitution clearly prohibits the Legislature from passing private, local or special laws of this character. A law to be general must include all within a class and exclude none.

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No matter how worthy the purpose, I cannot give my approval to this clearly unconstitutional act.

Very truly yours,

(Signed) Walter E. Edge  
Governor

(Seal)

Attest:

Edward M. Gilroy  
Secretary to the Governor.

FOR RELEASE SATURDAY, APRIL 14, 1945 - P.M. PAPERS

Mr. Sidney Goldmann,  
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 186, for the very obvious reason that the salary of \$9,000 per year it would provide for the County Clerk of Morris County is entirely out of line with the salaries paid in counties of comparable population.

The County Clerks of the two first-class counties of the State - Essex and Hudson - with populations of over 600,000 are paid \$10,000 per year. The County Clerks of Bergen, with over 400,000 population; and of Passaic and Union, both over 300,000 population, receive salaries of \$8,000.

Morris County, which this bill alone affects, has a recorded population of 125,732. Four other counties - Camden, Mercer, Middlesex and Monmouth - have larger populations than Morris, although their County Clerks receive \$7,500 per year, the same as the present Morris County salary.

It is clearly evident from these comparisons that to place the Morris County salary in a class above those of seven of its more populous neighbors would be indefensible.

The passage of this bill, providing by legislative edict a mandatory salary increase in this one county by artificially limiting it to population between 125,000 and 150,000, is clear evidence of the wisdom of the Governor's recommendation to transfer this responsibility to the county governments, whose taxpayers pay the salaries. From a State-wide standpoint, I repeat the legislation cannot be defended, and therefore it receives my disapproval.

Very truly yours,

/s/ WALTER E. EDGE  
Governor

ATTEST:

/s/ EDWARD M. GILROY  
Secretary to the Governor

**New Jersey State Library**

April 13, 1945

Mr. Sidney Goldman  
State Librarian

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I am filing herewith in the State Library, without my approval, Senate Bill No. 186, for the very obvious reason that the salary of \$9,000 per year it would provide for the County Clerk of Morris County is entirely out of line with the salaries paid in counties of comparable population.

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Very truly yours,

Seal

(signed) Walter E. Edge

Attest:

Governor

Edward M. Gilroy  
Secretary to the Governor

Senate Bill No. 97

April 27

1945

Mr. Sidney Goldman  
State Librarian

Sir:

I am filing in the State Library, without my approval, Senate 97.

Although I am entirely in sympathy with the principle of this bill, which is to provide a method for protecting certain public employees now unable to get into any pension fund, I cannot sign it in this form.

Senator Armstrong, sponsor of this measure, is entirely correct and sincere in his efforts to provide pensions for those public employees who are on the borderline between State and local jurisdiction. I assume this bill is for the purpose of compelling counties and municipalities to contribute the regular pension payments for State employees serving in county and municipal offices, who are unable to join the State Employees' Retirement system because they are not paid by the State.

However, as the bill stands, there is nothing to show how wide its application would be or how many employees conceivably might be affected now or in the future.

Having discussed this measure with Senator Armstrong, I am disapproving it as a means of letting it lie over one year or so that he may work out a schedule with State, county and municipal officials that will permit an orderly method of providing proper protection for these borderline cases.

Very truly yours,

(Signed) Walter E. Edge  
Governor

(SEAL)

Attest:

Edward M. Gilroy  
Secretary to the Governor.

New Jersey State Library

VETO OF SENATE 177

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STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT  
May 1, 1945

Mr. Sidney Goldmann,  
State Librarian.

Sir: I am filing herewith in the State Library, without my approval, Senate Bill No. 177.

This bill proposes to amend the 1943 law which permitted municipalities to sell tax title liens to prospective purchasers upon the understanding they would foreclose upon the property within two years, or it would revert to the municipality. The theory of the act was to expedite the sale of such property without the municipality going through the time and expense of foreclosure proceedings and in the end return such property to the tax rolls.

Under this new amendment the purchaser could acquire such property either by foreclosure or conveyance, so that it would permit him to obtain the deed from the original owner.

Assemblyman Jones, sponsor of the 1943 law, is opposed to this amendment on the ground it would open the way to possible fraud and, by eliminating the necessity for acquiring property by foreclosure, it would encourage collusion. In other words, the municipality selling such property in good faith for less than the amount of the taxes owed might well find it back in the hands of the original owner, who had refused to pay the levies in the first place.

Director Walter R. Darby, head of the Department of Local Government, also is opposed to this bill and substantiates the points raised that it could possibly lead to fraud. He states the amendment "is an attempt to weaken the statute and permit it to be used for purposes other than that for which it was enacted".

Furthermore, I am opposed in principle to the constant piecemeal tinkering with this tax arrearages program. I have already vetoed several bills making other changes in the methods whereby municipalities can dispose of properties taken over for tax arrearages. If changes are needed in the method by which municipalities can acquire and dispose of property for unpaid taxes, then I would suggest the entire statute be revised carefully at one time, instead of a series of changes at a single session of the Legislature.

Accordingly, I am vetoing this bill.

Very truly yours,  
WALTER E. EDGE, Governor.

ATTEST:

EDWARD M. GILROY, Secretary to the Governor.

**New Jersey State Library**

Senate No. 177

May 1

1945

Mr. Sidney Goldman  
State Librarian

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Accordingly, I am vetoing this bill.

Very truly yours,

(Signed) Walter E. Edge

Governor

(Seal)

Attest:

Edward M. Gilroy  
Secretary to the Governor.

Senate Bill No. 262

May 2  
1 945

Mr. Sidney Goldman  
State Librarian

Sir:

I am filing herewith in the State Library,  
without my approval, Senate Bill No. 262.

Very truly yours,  
(Signed) Walter E. Edge  
Governor

(SEAL)

Attest:

Edward M. Gilroy  
Secretary to the Governor

Senate No. 247

May 2, 1945

Mr. Sidney Goldman

State Librarian

Sir:

I am filing in the State Library, without my approval, Senate Bill No. 247.

This bill would remove from the present law regulating cold storage operations the frozen food locker business which it was proposed to regulate by a separate statute.

Having vetoed the companion bill, Senate 246, I am compelled to veto Senate 247 in order that supervision of frozen locker plants will be continued under the cold storage law.

Very truly yours,

(signed) Walter E. Edge  
Governor

SEAL

Attest:

Edward M. Gilroy  
Secretary to the Governor

May 2, 1945.

Mr. Sidney Goldmann,  
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate 139, designed to limit the sale of crushed stone and similar road materials in this State by weight and to prohibit sales in any other manner.

This represents an attempt to prohibit the sale of such materials by volume as has been the custom among many concerns and many purchasers. To this effect, at least, it restricts competition as between sales by weight or by volume, depending upon which method of delivery is most desirable to the seller or the purchaser.

There is nothing in the present law to exclude sales by weight and I am informed this has been the practice in many cases in the State Highway Department. The State, county and municipal governments and private purchasers have operated for many years under the present system of purchasing either by weight or by volume. I am informed this measure has been before the Legislature many times and has repeatedly been rejected.

My primary reason for disapproving this bill, however, is that it takes effect immediately. Such a drastic change in the method of selling and delivering a road material in such general use seems indefensible when no provision is given for notice to prospective sellers or purchasers. There is nothing in this situation so emergent that it necessitates overnight imposition without warning of a State law limiting all sales to those by weight. In ordinary times this would be bad enough, but in war time when it is <sup>120</sup> difficult to obtain weighing devices and other materials incident to the enforcement and compliance with this act, I consider it entirely unjustified.

Accordingly, I am vetoing this bill.

Very truly yours,

/s/ WALTER E. EDGE  
Governor.

ATTEST:

/s/ EDWARD M. GILROY  
Secretary to the Governor.

**New Jersey State Library**

Senate Bill No. 139

May 2  
19 45

Mr. Sidney Goldman,  
State Librarian

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obtain weighing devices and other materials incident to the enforcement and compliance with this act, I consider it entirely unjustified.

Accordingly, I am vetoing the bill.

Very truly yours,

Walter E. Edge

Governor

(SEAL)

Attest:

Edward M. Gilroy

Secretary to the Governor

Governor Edge issued the following statement upon vetoing Senate Bill 246:

"This bill attempts to set up in the Department of Health a separate jurisdiction for the regulation of frozen food locker plants, although the department already has complete jurisdiction over the entire cold storage business.

"The State Department of Health which would be called upon to enforce this measure is opposed to the bill on the basis it does not define frozen food locker plants sufficiently to differentiate them from ordinary cold storage concerns. Neither is there any time limit fixed in the bill for the storage of food in such food locker plants nor any provision for the filing of reports as to the amount of such food in storage. Further, the restorage of food is not prohibited.

"I am advised by the Department of Health that the frozen food locker plant business is comparatively new and that a separate law distinguishing it from ordinary cold storage operations would result in great confusion both to the plant operators themselves and to the enforcement officials.

"On the advice of the Department of Health that the present cold storage law is operating in a highly satisfactory manner and is capable of strict enforcement, I am vetoing this measure."

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Governor Edge issued the following statement upon vetoing Senate Bill 247:

"This bill would remove from the present law regulating cold storage operations the frozen food locker business which it was proposed to regulate by a separate statute.

"Having vetoed the companion bill, Senate 246, I am compelled to veto Senate 247 in order that supervision of frozen locker plants will be continued under the cold storage law."

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Governor Edge issued the following statement upon vetoing Senate Bill 246:

"This bill attempts to set up in the Department of Health a separate jurisdiction for the regulation of frozen food locker plants, although the department already has complete jurisdiction over the entire cold storage business.

"The State Department of Health which would be called upon to enforce this measure is opposed to the bill on the basis it does not define frozen food locker plants sufficiently to differentiate them from ordinary cold storage concerns. Neither is there any time limit fixed in the bill for the storage of food in such food locker plants nor any provision for the filing of reports as to the amount of such food in storage. Further, the restorage of food is not prohibited.

"I am advised by the Department of Health that the frozen food locker plant business is comparatively new and that a separate law distinguishing it from ordinary cold storage operations would result in great confusion both to the plant operators themselves and to the enforcement officials.

"On the advice of the Department of Health that the present cold storage law is operating in a highly satisfactory manner and is capable of strict enforcement, I am vetoing this measure."

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Governor Edge issued the following statement upon vetoing Senate Bill 247:

"This bill would remove from the present law regulating cold storage operations the frozen food locker business which it was proposed to regulate by a separate statute.

"Having vetoed the companion bill, Senate 246, I am compelled to veto Senate 247 in order that supervision of frozen locker plants will be continued under the cold storage law."

#####

May 2, 1945

Mr. Sidney Goldman  
State Librarian

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I am filing in the State Library, without my approval, Senate Bill No. 246.

This bill attempts to set up in the Department of Health a separate jurisdiction for the regulation of frozen food locker plants, although the Department already has complete jurisdiction over the entire cold storage business.

The State Department of Health which would be called upon to enforce this measure is opposed to the bill on the basis it does not define frozen food locker plants sufficiently to differentiate them from ordinary cold storage concerns. Neither is there any time limit fixed in the bill for the storage of food in such food locker plants nor any provision for the filing of reports as to the amount of such food in storage, further, the restorage of food is not prohibited.

I am advised by the Department of Health that the frozen food locker plant business is comparatively new and that a separate law distinguishing it from ordinary cold storage operations would result in great confusion both to the plant operations themselves and to the enforcement officials.

On the advice of the Department of Health that the present cold storage law is operating in a highly satisfactory manner and is capable of strict enforcement, I am vetoing this measure.

Very truly yours,

(signed) Walter E. Edge

Seal

Governor

Attest:

Edward M. Gilroy  
Secretary to the Governor

FOR RELEASE - AFTERNOON PAPERS, THURSDAY, MAY 3, 1945

STATEMENT BY GOVERNOR WALTER E. EDGE

VETO ON SENATE BILL 260.

I am filing herewith in the State Library, without my approval, Senate Bill No. 260.

This measure would validate and confirm any previous action by the present Clerk in Chancery or his predecessors in accepting fees or court costs regardless of whether it was done in the manner provided by law.

Coming at a time when I have before me a preliminary report of State Auditor Durand alleging shortages in several accounts in the Clerk in Chancery's office, I cannot sign any measure which might possibly have the effect of legalizing past irregularities. On this basis I am vetoing this bill.

At the same time I am signing a companion measure, Senate 261, which provides a new scale of fees for the future for the withdrawal of monies deposited with the court. This measure provides a sliding scale of fees for withdrawal of funds with no charge where the amount withdrawn is less than \$10. Under existing law a fee of \$15 is exacted for withdrawal of any funds. This has had the effect of causing numerous building and loan shareholders and other persons having small sums of money coming to them from the court not to claim their funds because the amount was less than the \$15 fee they would have had to pay.

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STATEMENT BY GOVERNOR WALTER E. EDGE

My action in vetoing Senate Bill 260 has been misinterpreted in some quarters and accordingly, I am restating my position in fairness to the sponsor of the bill, Senate President Farley of Atlantic County, who has been unjustly criticized.

Some newspaper stories have implied the veto was predicated on a position that the measure validated irregularities in the handling of funds in which shortages are alleged in an official audit by State Auditor Frank Durand. These implications are incorrect.

A companion bill, Senate 261, provided a new scale of fees to be paid by persons withdrawing surplus money from Chancery Court. Its principal effect was to eliminate the \$15.00 minimum fee required for such withdrawals so that persons having small sums coming to them could withdraw up to \$10.00 without cost and pay \$1.00 for withdrawals between \$10.00 and \$100.00.

Senator Farley informs me that this measure was needed to correct a situation disclosed by his building and loan investigations whereby hundreds of shareholders left small sums of money in the custody of the Court because they could not afford to pay the \$15.00 fee required. This appeared to be a very laudable measure and I was pleased to sign it into law as Chapter 276.

My information is that it has been a practice in the Court to permit withdrawals of small sums in the past without requiring the \$15.00 fee and Senate 260 was designed to validate and confirm such past actions in conformity with the new scale of fees provided by Senate 261.

My primary reason for vetoing Senate 260 was that it came to me so closely after the allegations of shortages that I felt it might be misinterpreted as a move to cover or legalize violations of the law. The veto was merely a precaution against the possibility that it might confuse the investigation by State Auditor Durand, which I want carried to completion without fear or favor entirely on its merits.

Senator Farley's bill Senate 261

very properly corrected a bad situation relating to Chancery Court fees for the future and it is my judgment that we can well afford to wait until the Chancery audit is completed before attempting to project the new scale of fees into the past.

I am completely satisfied with Senator Farley's explanation that he was seeking to help the building and loan shareholders through the introduction of Senate 260 and that he had no thought of condoning irregularities or mismanagement of Chancery fees; in fact, he had no knowledge whatsoever that the investigation was under way.

I am certain if the investigation had been known to Senator Farley at the time Senate 260 was pending, he would have withdrawn the measure until the completion of the investigation so that no possible inference could be drawn that it was an attempt to protect persons guilty of irregularities.

Senator Farley joins with me in a firm conviction that any irregularities in the handling of Chancery funds should be dealt with forthwith and any guilty persons should be properly punished.

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Senate Bill No. 260

May 2  
19 45

Mr. Sidney Goldman  
State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 260.

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Coming at a time when I have before me a preliminary report of State Auditor Durand alleging shortages in several accounts in the Clerk in Chancery's office, I cannot sign any measure which might possibly have the effect of legalizing past irregularities. On this basis I am vetoing this bill.

Very truly yours,

(Signed) Walter E. Edge

(SEAL)

Attest:

Edward M. Gilroy  
Secretary to the Governor

FOR RELEASE THURSDAY MAY 3, 1945 - P.M. PAPERS

Mr. Sidney Goldmann,  
State Librarian.

Sir:

I am filing herewith in the State Library,  
without my approval, Senate Bill No. 185.

This bill provides for extra compensation for  
municipal clerks ostensibly for registering persons under the permanent reg-  
istration law.

As originally introduced by Senator Lewis the  
bill restricted the amount of such additional payments not to exceed 25 cents  
per registration. As amended in the Senate, however, the bill eliminated the  
ceiling on payments and leaves wide open the opportunity for any municipality  
to provide such extra compensation without restriction as it deems advisable.  
In other words, it is a salary raising bill without limitation.

Also, Senator Lewis informed me he preferred the  
bill in its original form. I am vetoing the measure as presented to me.

Very truly yours,

/s/ WALTER E. EDGE  
Governor

ATTEST:

/s/ EDWARD M. GILROY  
Secretary to the Governor

FOR RELEASE THURSDAY MAY 3, 1945 - P.M. PAPERS

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/s/ WALTER E. EDGE  
Governor

ATTEST:

/s/ EDWARD M. GILROY  
Secretary to the Governor

Senate No. 185

May 2, 1945

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State Librarian

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Also, Senator Lewis informed me he preferred the bill in its original form. I am vetoing the measure as presented to me.

Very truly yours,

(signed) Walter E. Edge

Governor

Seal

Attest:

Edward M. Gilroy

Secretary to the Governor

FOR RELEASE FRIDAY, MAY 4, P. M.

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Governor Edge has vetoed the following bill:

Mr. Sidney Goldmann  
State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 178.

This bill belongs to that class of tenure of office measures which picks out one particular office and section of the State for special consideration.

I vetoed a similar bill last year and have in no way changed my mind as to the inconsistency of this type of legislation.

This bill is particularly objectionable because it is so framed that it is limited to not more than a very few consolidated school districts. It provides that a custodian of school funds in those specific sections, after reaching the comparatively young age of fifty years, is given life tenure.

The approval of this bill very naturally and properly would result in a demand from all other sections of the State for like treatment.

Accordingly, I have disapproved the same.

Very truly yours,

WALTER E. EDGE,  
Governor.

ATTEST:

EDWARD M. GILROY  
Secretary to the Governor.