



VETO MESSAGES

OF

A. HARRY MOORE, *Governor*

TO THE

**One Hundred and Fiftieth Session
of the New Jersey Legislature**

1926



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SENATE NO. 1.

To the Senate:

This bill is returned unapproved because I am unable to find one good reason for its enactment into law.

So far as I am informed, the system of selecting the Commissioner of Motor Vehicles by the Secretary of State has worked well since its institution. No justification, in my judgment, can be offered for the transference of that authority from the Secretary of State to the joint session of the Legislature.

If the power is to be taken away from the Secretary of State, I believe it should be placed in the Executive Department, to comply with what the undersigned conceives to be the plain direction of the Constitution.

SENATE NO. 2.

To the Senate:

This measure is returned without approval, inasmuch as it is a companion bill to Senate Bill No. 1.

SENATE NO. 33.

To the Senate:

I am returning, without approval, Senate Bill No. 33, because I believe it will involve the State in an expense which, in my opinion, cannot be justified, at least, certainly not at this time.

However desirable it may be to establish State parks for the purpose of preserving the natural scenic and scientific features of the virgin sand dunes of the New Jersey coast, I am clearly of the opinion that projects of this character might well be postponed until the present tax burden has been lightened.

SENATE NO. 37.

To the Senate:

This measure is returned unapproved.

If enacted into law, the bill will mark a substantial and important departure in State policy.

Continuously, since their first appearance upon our highways, street railway and traction companies have been required to maintain in repair the surface of the highways upon which they traveled, between the tracks and for a space or distance varying in extent from one foot to eighteen inches on each side of the rails.

This obligation has been usually imposed in the original franchise authorizing the operation of such service.

The measure in question relieves all such companies from any such obligation, and substitutes therefor, or leaves remaining as the sole obligation of such companies, the duty of replacing the surface of each highway disturbed by any such company in the construction, reconstruction or repair of tracks in the same condition as before the disturbance thereof.

It has been stated that the measure will relieve the Public Service Railway Company, the most important street railway company in this State, of an expense aggregating from three to four hundred thousand dollars a year.

I have tried to keep informed as to the arguments for and against the measure. As I understand it, the proponents of the measure assert that if the railway companies are to continue assuming such obligations in the repair of streets as they now discharge, there is little hope of maintaining existing fares, inasmuch as the traveling public, as the ultimate consumers, must absorb and pay for all of the operating expense.

On the other hand, the opponents of the measure (and they are many) point to the franchise ordinances originally giving these companies authority to occupy our streets. They say such ordinances are contracts which the companies should be required to observe; that if the companies made a bargain which has, in the light of changed conditions, increased traffic, etc., turned out to be a poor one, nevertheless, as I said before, the companies should be compelled to stand by their undertaking.

Many communities of this State have protested against this proposed legislation, and I feel I must pay due regard to the public opinion, as expressed in such protests, especially so when they coincide with my own view of the matter.

SENATE NO. 164.

To the Senate:

Senate Bill No. 164 changes the existing law under which boards of education in borough school districts are chosen.

The present method provides for selection by the people. This measure substitutes therefor appointment by the Mayor or other chief executive, and the bill legislates out of office existing boards

of education, their terms being made to expire on the thirtieth day of June next.

Obviously, the measure is a "ripper" bill.

I am against any such policy, and because of that and in response to protests received by me from communities affected by the bill, it is vetoed.

SENATE NO. 192.

To the Senate:

Senate Bill No. 192 is returned herewith, without my approval, for these reasons:

Since its creation, the Board of Tenement House Supervision has been composed of gentlemen who gave their time to the State without compensation, hence the secretary of the board has, in fact, been the actual and active manager and administrator in charge of its affairs.

The position has long been recognized as an executive one. Since the creation of the board, the office of secretary has been in the unclassified service, under the provisions of the Civil Service statute. That seems to have worked well in the past. I know of no good reason why that practice should be departed from.

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY NO. 239.

To the Senate:

This measure is a typical illustration of the extent to which the efforts seem to be carried to vest in favored persons the power of appointment.

The statute creating public parks and authorizing their establishment in counties is general in its application to counties containing a population of more than two hundred thousand. In those counties, under the law as it now remains, the power of appointment is vested in the Supreme Court justice presiding in the county. No good reason exists for taking such power of appointment out of the hands of the Supreme Court justice in a county which contains between one hundred and seventy-five thousand and two hundred thousand inhabitants.

That is what this bill does. It transfers such power of appointment to the board of freeholders of the county.

It seems to me there should be uniformity in the method of selecting members of park boards throughout the State.

SENATE NO. 258.

To the Senate:

I return herewith, without my approval, Senate Bill No. 258.

In returning this measure unapproved, I am forced to the conclusion that the persons responsible for this development in the election machinery of the State have had very little practical experience.

The scheme of the bill is to provide for permanent registration, and a voter, when once registered in accordance with the provisions of the measure, cannot be required to register again in the district in which he was originally registered, so long as he resides therein, except when required to do so by the election authorities.

The thought behind the bill is that the voter may be induced to come out and vote if he is not called upon to leave his own personal or private affairs and attend to election matters too often.

I have no desire to write my views upon the best method to remedy what everyone agrees is a thing to be regretted, namely, the lack of interest taken in public affairs by the average citizen. This is not the time nor the place to do that.

Whatever the remedy may be, I am convinced that this bill does not afford it.

One thing it does do is to provide unusual and unequaled opportunity for fraud. If the bill is passed, the scheme will operate in every municipality in this State with a population in excess of fifteen thousand. It would require a small army to properly investigate, in the populous portions of the State, each election district to check and ascertain the number of registered persons who have lost the right to vote by removal or death.

I am satisfied the bill does not represent a step in the right direction, and hence I return it without my approval.

SENATE NO. 263.*To the Senate:*

This bill is returned without approval because, under it, persons who have been severed from the service of the State may be granted pensions, regardless of how long the period of separation has been. In other words, one may have been out of the State service for an unlimited period of time, but if he still had served in the State service for the period limited by the bill, he would be entitled to a pension thereunder.

It is evident that the bill is designed to benefit some particular individual who was formerly in the State service for many years.

However worthy the object might be, I incline to the view that the policy is wrong.

SENATE NO. 291.

To the Senate:

Senate No. 291 is disapproved.

Its effect is to limit the public holidays upon which no teacher can be required to teach school.

The law, as now constituted, exempts school teachers from being required to teach school on all public holidays. This bill names the days, and designedly omits Lincoln's Birthday, Washington's Birthday and Columbus Day.

So far as I am informed, there is no public demand for any such change. The present law has been found to work satisfactorily, and no public reason seems to require the enactment of such a law.

SENATE NO. 300.

To the Senate:

This bill is returned unapproved because it is too general in its application.

I am of opinion that validating measures should be so limited in their operation as to depend for their effectiveness upon the existence of the infirmity, which should also be stated in the bill.

Under the measure herewith returned, all sales by municipalities of lands which were acquired for taxes are confirmed, whether such sales were made publicly or privately.

It is impossible to tell what situations the bill might apply to which were not understood by the proponent of the measure, nor intended by him to be corrected or remedied.

ASSEMBLY JOINT RESOLUTION NO. 2.

To the House of Assembly:

I return herewith, without my approval, Assembly Joint Resolution No. 2.

As originally introduced, this resolution called for the creation of a commission, to be appointed by the Executive, for the purpose of investigating and considering the question of taxation of all publicly-owned property, and the question of the taxation of property used for the purpose and for the protection of public water supplies.

The necessity for the establishment of any such commission is a matter of some doubt to me. I am of the opinion that our courts have definitely declared the extent to which publicly-owned property may be taxed.

However that may be, this resolution as passed is another illustration of the attempt to divest the Executive of the power of appointment. Originally drawn to provide for appointment by the Governor, the resolution as passed substitutes therefor a commission to be appointed by the President of the Senate and the Speaker of the House of Assembly.

My position on this procedure is too well known to require reiteration.

ASSEMBLY JOINT RESOLUTION NO. 21.

To the House of Assembly:

I return herewith, without my approval, Assembly Joint Resolution No. 21.

This measure is returned unapproved because it fails to make provision for appointment of any portion of the commission by the Governor.

Incidentally, it might be pointed out that if the President of the Senate and the Speaker of the House did not agree as to the number each was to appoint, there might be confusion with regard to the makeup of the commission.

ASSEMBLY NO. 64.

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 64.

This bill is returned unapproved because I do not regard it as a measure in the public interest.

As the law now stands, when a bail bond is given, the bond is a lien upon all real estate of the surety.

This legislation, if enacted, would limit the lien of the bail to a particular piece of property to be named in the recognizance or bail bond.

This is not for the public good, and at this time, when police authorities are bending every effort to suppress what is popularly called a "crime wave," a measure of this kind would be particularly deplorable.

ASSEMBLY NO. 113.

To the House of Assembly:

I return herewith, without my approval, Assembly No. 113, for these reasons:

Under this measure, in the event of disagreement between boards of freeholders of adjoining counties jointly managing viaducts or bridges as to the location or character of such viaduct or bridge, or as to the extent to which repairs shall be made, the justice of the Supreme Court is empowered to appoint three commissioners, under whose supervision such construction, reconstruction or repairs shall be made.

My objection to the bill is twofold.

First: It divests the duly-elected representatives of the people of powers and duties which are supposed to be discharged by them, and places the exercise of those functions in a body not responsible to the people.

Second: It adds to an already over-burdened court, another duty, which, to my mind, is not judicial in its nature, and has no place among those duties which should be discharged by the members of the judiciary.

ASSEMBLY NO. 128.

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 128.

This bill provides a sweeping change in the governments of Garfield and Clifton, and I believe that the people of these towns should decide as to the form of government they desire to have.

I have been waited upon by representatives of various civic organizations from these towns, who have urged that I withhold my approval from this bill, on the ground that the people of the affected municipalities are opposed to it.

I think the principle of home rule should apply wherever possible.

ASSEMBLY NO. 184.

To the House of Assembly:

I am returning Assembly Bill No. 184 without my approval because several delegations of citizens from Garfield and Clifton have waited upon me and urged that I do so.

It seems that the citizens are opposed to the principle involved in the bill, which is to place the city clerk under the Tenure of Office act, and inasmuch as they are vitally concerned with their own form of government, I believe they should be entitled to consideration.

ASSEMBLY NO. 212.

To the House of Assembly:

This bill is one to validate proceedings taken by school districts with respect to the issuance and sale of bonds, notwithstanding the omission or insufficiency of the notice of publication required to be given by law of the holding of the district school meeting, and notwithstanding that the ballot was not in accordance with the form prescribed by the statute.

The bill is not approved because I think it is too broad. The respect in which the notice failed to comply with the requirement of the law should, it seems to me, be stated in the bill, so that the Legislature might be apprised as to whether or not fair opportunity was given to those interested to have knowledge of the proposed meeting.

ASSEMBLY NO. 240.

To the House of Assembly:

This measure is returned unapproved because, in my judgment, it is violative of the constitutional requirement that offices and positions of the character provided for in the bill should be filled by appointment made by the Chief Executive of this State.

It seems to me that this bill is particularly objectionable on this score, because it legislates out of office, by repealer of an existing statute, a commission functioning for the same purpose, and substitutes, in part, for such commission, other individuals.

ASSEMBLY NO. 283.

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 283.

This is a bill to create the "South Jersey Port District," embracing the counties of Mercer, Burlington, Camden, Gloucester, Salem, Cumberland and Cape May.

Its failure to secure the approval of the undersigned is based, in part, upon what was said with respect to Assembly Bill 291, and in the interest of brevity I do not repeat those reasons.

I do desire to supplement what I there said, however, by calling attention to the fact that the draftsman of this measure evidently intended to withhold from the present incumbent of the Governor's office the power to appoint the members of the commission, but to vest in whoever the present incumbent's suc-

cessor might be, as the terms of the commissioners expire, the right to name the individuals who shall discharge the powers and duties created by this measure. Of course, no personal reflection was intended, but if the Governor of New Jersey, whoever he may happen to be in the year 1931, can be entrusted with this responsibility, perhaps I will be pardoned when I inquire why the Governor who is functioning in 1926 does not merit like confidence.

I hesitate, also, to approve this measure because of the power of taxation given by it to the Port District Commission. In my opinion, it is not an answer to say that the power to tax cannot be exercised until a referendum is had thereon by the people, because the referendum provisions of the bill are indefinite and uncertain.

I also disapprove of the amount of money to be raised by taxation being predicated upon the assessed valuations of property in the district. It is a notorious fact that the valuations of all of our taxing districts are steadily increasing, and as they increase the amount of money which may be spent by this commission will correspondingly increase.

ASSEMBLY NO. 291.

To the House of Assembly:

I return herewith, without approval, Assembly No. 291.

This is a bill to create the Port Raritan District.

Broad and comprehensive powers are conferred upon the commission created under this measure, in some respects co-extensive with the power and authority of our largest municipalities.

No limitation seems to be placed by the bill upon the amount of money that may be spent by the commission in the acquisition of property or in the construction and equipment of port facilities.

Public letting, upon competition, is not required in the expenditure of funds placed under the control of the commission.

I am impressed with the thought that the bill is not carefully drawn in the public interest, although, of course, I do not suggest designedly so.

It seems to me that the bill is also objectionable because of the method of selection of the members of the District Commission. As aforesaid, powers of government usually granted only to municipalities are conferred upon this commission. I believe that a commission which is to exercise those so conferred should be appointed by the Chief Executive of the State.

Aside from the mandate of the Constitution with respect to appointments, business wisdom would seem to indicate some central control over the selection of members of such commissions, if the State is to proceed with the policy of parceling out to various portions of the State the State's powers of government.

We already have functioning in this State the Port of New York Authority. There is now pending before the undersigned for action a measure similar to the one under consideration, creating the South Jersey Port District. The interests of the State, in my judgment, require unification of purpose in all of these commissions, and the State can at least be helped to secure that by concentration of appointment in one head.

ASSEMBLY NO. 292.

To the House of Assembly:

This bill is returned unapproved. I assume that it is intended to apply to those municipalities which are within the limits of the so-called "Port Raritan District." It might also apply to the municipalities situated within the limits of the "South Jersey Port District."

It authorizes any municipality, including counties, to devote money or property to the use of such port commission.

I fear the bill is too general.

I also believe that advantage should be taken of this opportunity to call to the attention of the Legislature the possible dangers arising out of the creation of port or district commissions, such as are established under Assembly Bills Nos. 291 and 283, heretofore vetoed and returned to your body.

The State should retain control of the powers now being parceled out to such port commissions, so that the natural resources and facilities of the State may be developed in harmony, and according to a uniform plan.

I am fearful that waste and inefficiency are apt to follow upon the heels of the method of creating separate district or port commissions.

ASSEMBLY NO. 311.

To the House of Assembly:

Assembly Bill No. 311 is returned unapproved.

This measure continues the half-mill tax for construction work in the Department of Institutions and Agencies.

By this tax, over two and one-half million dollars will be assessed upon and collected from the people of this State in this year.

I have heretofore pointed out that this method of financing capital improvements is unfair to the present day and generation. The method of raising moneys by imposing a fixed, arbitrary rate is unscientific and unsound. The people are not apprised of the amount of money which will be raised in that manner until the mischief is done; if, indeed, they ever know.

Experience has demonstrated that the assessable value of property in this State is constantly increasing, and therefore the amount raised under such a plan likewise constantly and steadily increases.

I do not believe this bill should become law in its present form. If the policy of paying for capital improvements by annual appropriation is to be adhered to, then I think a definite sum of money to pay for certain definite, understood improvements should be appropriated, so that all may know in advance how much is to be raised in the current year.

I recommend that the Legislature secure from the responsible heads of the Department of Institutions and Agencies a definite and certain promise as to when this method of levying taxes upon our people is to be discontinued.

Respectfully submitted,

[SEAL.]

(Signed) A. HARRY MOORE,

Attest:

Governor.

FRED L. BLOODGOOD,
Secretary to the Governor.

ASSEMBLY NO. 544.

To the House of Assembly:

I return herewith, unapproved, Assembly Bill No. 544.

It provides for an increase in the newspaper advertising rates. I am informed by the officers and legislative committee of the New Jersey Press Association that they are opposed to this increase in rates.

Aside from the fact that the increase is unwarranted, why should we make a gratuitous donation to the newspapers who are already satisfied with the rates paid?

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ASSEMBLY NO. 545.

To the House of Assembly:

This measure is returned unapproved because it is obvious, upon a reading of it, that the bill is designed to apply to one special city.

Incidentally, I believe the measure is faulty, for this reason:

As originally drawn, it provided for a board of seven assessors, and required that no more than a bare majority of such board be members of one political party.

The bill was amended in the Senate so as to reduce the size of the board from seven to six members. Of course, the bill should also have been amended so as to make the board bipartisan. The provision that no more than a bare majority shall be members of a political party now is inapplicable, and could result in there being four of one party and two of another.

ASSEMBLY NO. 550.

To the House of Assembly:

Assembly Bill No. 550 is returned unapproved.

It is obvious, upon reading the measure, that it is special in its character, and intended to apply to but one municipality.

A contest has arisen in the governing body of Perth Amboy over control of that body. The determination of that question should be left to the people of that city.

This measure, if it becomes law, will, in effect, force upon the people of that city substantially an amendment to its charter which they neither sought nor want.

Local quarrels in governing bodies, in my judgment, should be left for settlement at home, and not brought for solution to the halls of the Legislature.

ASSEMBLY NO. 564.

To the House of Assembly:

This bill is returned unapproved because I am advised there is no public demand for the establishment of the borough created by the measure.

Furthermore, should the measure become law, considerable confusion in adjusting the affairs of the township will result.

Among other matters, it will be difficult to adjust the cost of certain sewers now in process of construction.