
VETO MESSAGES

OF

A. HARRY MOORE, *Governor*

TO THE

**New Jersey Legislature for the years
1938-1939-1940**

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VETO MESSAGES

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 9, 1938. }

SENATE BILL No. 15

To the Senate:

I am constrained to return herewith, without my approval, Senate Bill No. 15, with amendments thereto.

This bill increases the salaries of Judges of the Courts of Common Pleas in certain counties Two Thousand Dollars per year.

Oftentimes, when the tax rate goes up, local officials claim that the increase is due to mandatory legislation over which they have no control. This is mandatory legislation.

If the Judges of the Courts of Common Pleas are entitled to this increase, why not give the Freeholders of the counties the power to make such increase, and thus fix the responsibility where the people of the county, who pay the bill, may take due notice thereof?

At this time, when every municipality is put to it to raise money for relief, I am sure that this bill will meet with scant approval.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:
HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 16, 1938. }

SENATE BILL No. 20

To the Senate:

I return herewith, without my approval, Senate Bill No. 20.

This measure would compel each county to establish an additional pension fund. The act makes no provision for exempting counties wherein Superintendents of Weights and Measures and their assistants are now members of a pension fund. It would make these officials members of a second fund. I believe this is carrying the pension idea much beyond its limits.

The manner of creating the fund is unsound. A person sixty years of age and having served for a period of twenty years would be eligible for retirement by the making of a single payment. Obviously, this runs counter to sound pension ideas.

The act further provides that in addition to the contributions made by the public, any deficit shall be included in the tax levy. This is a vice of many of our present pension systems, and imposes an unwarranted and indefensible burden upon the public.

Respectfully submitted,

A. HARRY MOORE,

Governor.

Attest:

HUGH A. KELLY,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 16, 1938. }

SENATE BILL No. 210

To the Senate:

I return herewith, without my approval, Senate Bill No. 210.

The reason for this repealer is obscure.

The present law provides that whenever any duly authorized board or body shall notify any person to cease polluting any river, stream or watercourse with the effluent from the factory or premises of such person and there is no sewer in the municipality, but there is a sewer in an adjoining municipality, such effluent may be discharged in the manner in the act provided.

The statute authorizes an application to the governing body of an adjoining municipality for permission to discharge said effluent, and the governing body may grant permission upon such terms as it may determine. Should, however, the governing body of the adjoining municipality refuse, an application may be made to the Justice of the Supreme Court of the county in which the premises are situate, who shall appoint commissioners to determine the terms upon which the petitioner may use such sewer and for the confirmation of the report of the commissioners.

The present statute would seem to be in the interest of public health, and no explanation is offered for its repeal nor is any substitute method provided to meet the situation for which the original statute was passed.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1938. }

SENATE BILL No. 250

To the Senate:

I return herewith, without my approval, Senate Bill No. 250.

This bill provides that, in certain municipalities governed by the commission form of government, candidates for the Commission must designate the department to which they seek election as Director.

While it provides for a referendum before adoption, yet the Mayors of the cities which it seems to affect have protested vigorously to me against my approving it. They claim it is aimed directly at them as individuals and candidates for office. It was passed mainly to hamper their future candidacy.

Furthermore, since it appears that no good purpose is served by this legislation, and for the reasons above stated, the bill is disapproved.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 5, 1938. }

SENATE BILL No. 329

Mr. Haddon Ivins,
State Librarian.

Sir:

I am herewith filing in the State Library, without my approval, Senate Bill No. 329.

I am informed that this bill, which appropriates more than Thirty Thousand Dollars, is largely for printing. I am also informed that there is already a free balance of One Hundred Thousand Dollars for printing.

Very truly yours,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 16, 1938. }

SENATE BILL No. 377

To the Senate:

I return herewith, without my approval, Senate Bill No. 377.

I cannot see the necessity for this change in the Election Law. The filing of official election returns with officers of political parties is a distinct novelty. The election statement filed with the County Clerk would seem to be sufficient. It is a public record and recourse may be had thereto at all times. The proposed statute serves no useful purpose and only clutters the Pamphlet Laws without excuse or justification.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 22, 1938. }

ASSEMBLY COMMITTEE SUBSTITUTE FOR SENATE BILL No. 442

Mr. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Committee Substitute for Senate Bill No. 442.

This measure is a radical departure from established practice, for which no substantial reason is advanced. Shall the designation be sent to the Senate by the Governor or by the Attorney-General? The act is silent. The practice of having the Attorney-General make executive nominations to the Senate is unheard of. Should, however, a name be sent to the Senate, and no confirmation had thereon, what is the status of the person who is prosecuting the important criminal business of the State, including appearances before the Grand Jury of the county?

Should a Justice of the Supreme Court, in an emergency, direct the Attorney-General to prosecute the criminal business of the State in any county, what effect would the proposed statute have upon the administration of the criminal business in such county?

The act is a puzzling and confusing piece of legislation, unworkable and fraught with such serious consequences to the orderly and expeditious administration of criminal justice that I must register my disapproval of the same.

Very truly yours,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 21, 1938. }

ASSEMBLY BILL No. 1

To the House of Assembly:

I am returning herewith, without my approval, Assembly Bill No. 1.

Assembly Bill No. 1 imposes upon the gross receipts of the public utility companies therein named a franchise tax at the rate of five per centum of their gross receipts, to be apportioned to the several taxing districts in which the properties of those utility companies are located, upon valuations to be fixed by the State Tax Commissioner. These companies now are required to pay such a tax, but it is apportioned to the several taxing districts upon the value of the public utility property as ascertained by the local assessors of the respective taxing districts. Under Article IV, Section VII, paragraph 12, of the State Constitution it is provided that: "Property shall be assessed for taxes under general laws and by uniform rules, according to its true value." Manifestly, if the true value of property must be used as the basis for assessing property for taxation, the same criterion should be used in ascertaining the value of property for the apportionment of a tax.

This bill, in Section 7, provides that "the State Tax Commissioner shall * * * apportion the balance of the excise tax * * * to the various municipalities in the proportion that the *value as herein defined* * * *."

"Value" is defined in this bill in Section 2, paragraph (c), as follows:

"(c) 'Value' or 'valuation' means a value or valuation fixed at a figure determined by the State Tax Commissioner for the purpose of providing a unit of measure for a fair and equitable apportionment of the excise taxes imposed by this act, to the end that the apportionment of the taxes imposed by this act shall be fairly and equitably apportioned upon a uniform basis among the municipalities entitled thereto."

It is difficult to understand what method of valuation the State Tax Commissioner is empowered to use under this bill. Obviously, it empowers the State Tax Commissioner to use any measure of value he may choose, thereby permitting him to value public utility property without regard to the true value thereof.

The bill is therefore disapproved.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 21, 1938. }

ASSEMBLY BILL No. 2

To the House of Assembly:

I am returning herewith, without my approval, Assembly Bill No. 2.

Assembly Bill No. 2 undertakes to impose, in the same bill, a franchise tax upon certain public utility companies for the use of public streets and a gross receipts tax upon these companies in lieu of taxation of their personal property, which, in effect, would violate our State Constitution, which provides that every law shall embrace but one object and that shall be expressed in the title.

This bill is subject to the same objection as Assembly Bill No. 1, in that the State Tax Commissioner is empowered to use any measure of value he may choose in fixing the value of public utility property as the basis for the apportionment of franchise and gross receipts taxes, without regard to the true value of the property.

As pointed out in the objection to Assembly Bill No. 1, if "valuation" is to be used as the basis for the apportionment of a tax, it must be the true value of the property and not any measure of value which the State Tax Commissioner might use, as he did in 1933 and subsequent years in making an apportionment of the gross receipts taxes, which was condemned by the courts.

If the bill should become a law, the personal property of the utility companies in the respective taxing districts could be valued by the State Tax Commissioner by any illegal method of valuation he might choose for the apportionment of the tax, while all other property in the taxing district must be valued in accordance with the Constitutional requirement of true value. It would mean that many taxing districts would receive a great deal less gross receipts tax revenue than that to which they were entitled, and other taxing districts would receive a great deal more than that to which they were justly entitled.

If all of the utility property is valued, in accordance with the Constitution, at its true value, and that used as a basis for the apportionment of the franchise taxes and the gross receipts taxes, all taxing districts would receive their fair and just proportion of the tax.

Under the Gross Receipts Tax Act of 1919 the State Tax Commissioner has the right to revise and equalize, in accordance with the true value of the property, the valuation of the public utility property in the respective taxing districts, as certified to him by the local assessors. By this bill, Assembly Bill No. 2, he is empowered to destroy this uniformity in determining the true value of the property in the respective taxing districts.

The bill is therefore disapproved.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 21, 1938. }

ASSEMBLY BILL No. 3

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 3.

Assembly Bill No. 3 increases the State School Tax from 2.75 mills to 2.90 mills on each dollar of valuation of the taxable real and personal property in the State, as exhibited by the last abstract of ratables of the several counties.

If Assembly Bill No. 2 becomes law, it will take certain public utility property out of the ratables for the imposition of the State School Tax, and thus deprive the free public schools of this State of a large sum of money now used for their maintenance and support. This bill attempts to make up for this loss by increasing the State School Tax rate upon individual taxpayers. This is no time to increase the unbearable tax burden carried by any individual taxpayer of this State.

I respectfully refer you to the fact that a most commendable bill has been introduced in the Senate, providing for the appointment of a committee to study our entire taxing situation. I suggest that it might be the part of wisdom to await the result of this survey, so that the whole system may be made the subject of legislation.

The bill is therefore disapproved.

Respectfully submitted,

A. HARRY MOORE,

Governor.

Attest:

HUGH A. KELLY,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1938. }

ASSEMBLY JOINT RESOLUTION No. 7

To the House of Assembly:

I return herewith, without my approval, Assembly Joint Resolution No. 7.

This matter was up before me during my last term as Governor, and neither the Legislature nor the Governor could at that time find any reason for making this appropriation.

Then, too, I am in receipt of a letter from a former member of the old Migrant Welfare Commission, who advises me that there are no unpaid bills of which he is aware and, as a former member of that Commission, he is greatly incensed at having this matter brought up after all these years.

The bills, as I remember them, were largely for taxicab fares and hotel expenses.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 16, 1938. }

ASSEMBLY BILL No. 138

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 138.

The proposed statute is undoubtedly unconstitutional. It contains a double classification interdicted by our courts.

It refers to cities of the second class and then further subdivides such cities by limiting the act to cities of the second class having a population not exceeding one hundred thousand inhabitants. This classification is arbitrary, makes the act special in its application, and comes clearly within the class of local and special laws in its object and purpose, as well as its intent.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 4, 1938. }

ASSEMBLY BILL No. 161

Mr. Haddon Ivins,
State Librarian.

Sir:

I am filing in the State Library, without my approval, Assembly Bill No. 161.

This bill provides that County Welfare Boards may appoint Deputy Directors of Welfare and Secretaries to the Deputy Directors.

The present Deputy Directors, as well as all other employees are, I am informed, under civil service.

I know of no reason why we should exempt these positions from the civil service law.

Very truly yours,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1938. }

ASSEMBLY BILL No. 176

To the House of Assembly:

I am constrained to withhold my signature from Assembly Bill No. 176.

This bill provides for the creation of a commission to examine and report upon the economic, cultural, health and living conditions of the urban colored population of the State, and provides for the employment of counsel and other assistants, and fixes the compensation for these services.

There is no reason why this work could not be done much better by the Department of Institutions and Agencies, which is already familiar with the situation. Then, again, it might be placed in the hands of the Financial Assistance Commission, which has the organization, and if necessary, could add a colored assistant or two.

The supplemental appropriation bills now passed and submitted amount to Twenty Million Dollars. Of the making of supplemental appropriation bills there seems to be no end, and it really is a misleading practice, because there just isn't any money with which to meet these bills. We are still millions of dollars short in our relief fund. It hardly seems the part of wisdom to pile up a lot of supplemental appropriations when we shall be put to it to find money to meet the demands for food on the part of our people.

This bill is therefore vetoed.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 16, 1938. }

ASSEMBLY BILL No. 223

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 223.

This bill amends the act creating the State Department of Health by increasing the number of physicians who shall be members of the Board from three to four.

Under the present law, four physicians may now be appointed members of the State Department of Health and the proposed statute will not accomplish any more than it is now permissible to do by law. The measure is superfluous and unnecessary and is not justified by any circumstances which has been pointed out to me.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 16, 1938. }

ASSEMBLY BILL No. 224

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 224.

The law now provides that every board of education shall employ a competent physician to be known as the Medical Inspector.

This pending measure proposes to amend the statute by providing that every board of education shall employ a competent medical physician or osteopathic physician licensed to practice medicine and surgery in New Jersey, to be known as the Medical Inspector.

An osteopathic physician, as such, is not licensed to practice medicine and surgery in New Jersey, but if he complies with the educational requirements and takes the necessary examination he may obtain such license. If he does so, he then becomes a physician, as required by the present law, and thereby qualifies for appointment under the statute.

Such being the case, there is no necessity for this legislation, as an osteopathic physician who is licensed to practice medicine and surgery is a physician within the terms of the original act.

If the act is designed to accomplish some latent purpose or to vary existing regulations, then it overshadows the main object of the bill, and it seems to me unwise and imprudent to enact it into law.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1938. }

ASSEMBLY BILL No. 325

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 325.

While it is desirable to help every class of tradesman, yet I am persuaded that this should not be done at the price of placing an unbearable burden upon the entire population.

This bill has received the support of some grocers of the State, yet the bill itself affects all commodities and all products sold in the State. It strikes at the very necessities of life. There are thousands of people seriously affected by the depression, and yet they are making a valiant fight to keep from going on relief. They are striving to get, as indeed they must, the most they can for their money. They must make a dollar go as far as it possibly can, and it would

be cruel to add to the burdens of the men, women and children who are trying so hard to keep their heads above water.

This bill would diminish the purchasing power of those already on relief at a time when it is difficult to obtain funds to take care of the needy without increasing or levying new taxes.

It would add to relief rolls or partial relief rolls a great number of those whose savings and resources have been greatly diminished, by increasing the cost of necessities.

It would place manufacturers, wholesalers, distributors and retail merchants of New Jersey at a competitive disadvantage with those in our neighboring States where no similar price-fixing legislation is in vogue. This would particularly affect retail merchants in both sections of our State adjacent to the metropolitan areas of New York and Philadelphia, and would divert business from these merchants to metropolitan areas of bordering States.

Under Section 8, the exceptions to the application of the act would give rise to the use of chicanery by those who are unethical in the conduct of their business and who would seek to take advantage of the exceptions therein provided; particularly as the act does not provide an impartial State agency for the enforcement of the same, and to provide such an agency would require a great number of employees and add considerable to the payroll of the State without providing additional revenue for the payment of these salaries. The number of employees required to enforce this act would not be comparable to that of such agencies as the Board of Pharmacy, State Board of Medical Examiners and State Board of Registration and Examination in Dentistry, as this act would affect all merchants in the State.

By making the State of New Jersey the plaintiff in cases instituted under the act it would greatly increase the court costs, as there is no provision made for taxing the costs on the actual complainant.

By reason of permitting a case to be instituted the filing of a verified complaint UPON INFORMATION AND BELIEF (not of their own knowledge), it creates a powerful weapon of malicious oppression, which might fall into unscrupulous hands, or even into the hands of well-meaning but misinformed people.

It would interfere with individuality of competition, business initiative and the right of making advantageous contracts.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:
HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 22, 1938. }

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 393

Mr. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Committee Substitute for Assembly Bill No. 393.

The reasons for this bill are not quite clear to me. It would seem to me that it is intended to deprive the public of that complete knowledge of the ordinances of its municipalities to which it is entitled.

The actions of public officials must be publicized, and the revision of ordinances and changes in the rules of local governments should be effected only with full and proper notice to all parties in interest.

Very truly yours,

A. HARRY MOORE,
Governor.

Attest:
HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 14, 1938. }

ASSEMBLY BILL No. 557

Mr. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith, in the State Library, without my approval, Assembly Bill No. 557.

I am withholding approval from this bill for the reason that Monmouth County shell fishers object strenuously to doing away with licenses for clambers. They feel that the license is protection for them and that this bill will ruin their business in that large county. They have no objection to the requirements of this bill being restricted to South Jersey.

It seems to me that this situation could be worked out to the satisfaction of all concerned.

Very truly yours,

A. HARRY MOORE,
Governor.

Attest:
HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 16, 1938. }

ASSEMBLY BILL No. 592

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 592.

I have received a great many protests from Hudson County against the enactment of this legislation.

I am opposed to this type of legislation generally because it destroys individuality, initiative and business enterprise.

While I appreciate the difficulties besetting the rayon and silk dyeing and printing industry at this time, and am anxious to do everything I can to assist the members of this industry, it is my belief that organizations of this type should be formed on a county-wide basis, and not on a State-wide basis.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 9, 1938. }

ASSEMBLY BILL No. 601

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 601.

The Board of Trustees of the State Employees' Retirement System advises me that this bill will compel the payment to one individual of Fourteen Thousand Dollars (\$14,000.00), against which no reserves are now set up. However, there are others or their heirs who would benefit under the provisions of the bill.

The enactment of this bill into law would undoubtedly establish a very dangerous precedent, in that it will mandatorily require payments from the State Employees' Retirement Fund which have been carefully guarded against in the original set-up of the System, and also on the recommendations of their actuaries on their annual inspection of the financial condition of the Fund.

If this precedent is established there is immediately before the consideration of the Board the payment of another lump sum amounting to Twenty Thousand Dollars (\$20,000.00), and there will undoubtedly be many other cases of a similar character.

I desire to call attention to the fact that if bills such as this, making mandatory large payments to individuals, are enacted into law, then the time will soon approach when the Fund will no longer be actuarially sound. In the interest of the many State employees who are paying into the Fund, it is unfair to them to single out by legislative enactment any individual to receive greater payments or special privileges than those enjoyed by the membership as a whole.

Co-operation with the Board of Trustees would, no doubt, work out a satisfactory adjustment of the matter without imperiling the funds of the State Employees' Retirement System, and without imposing an added and unnecessary burden upon the State.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 16, 1938. }

ASSEMBLY BILL No. 701

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 701.

This bill purports to fix the salaries of certain Judges of the Courts of Common Pleas and is similar to Senate Bill No. 15, which I vetoed on May 9th last.

The bill increases salaries without any sufficient justifying reason appearing therefor. I believe that the power to fix such salaries should rest with the Boards of Chosen Freeholders of the several counties.

This type of mandatory legislation should be discouraged. The reasons which prompted me to veto Senate Bill No. 15 still prevail. The act imposes upon the taxpayers of the several counties an unnecessary burden of expense.

I am also advised that these Judges, sitting in other counties, materially increase their yearly incomes.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

Bills Filed in State Library:

Senate Bill No. 329—April 5th.

Senate Bill No. 442—December 22nd.

Assembly Bill No. 161—April 4th.

Assembly Bill No. 393—June 22nd.

Assembly Bill No. 557—May 14th.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 18, 1939. }

SENATE BILL No. 235

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 235.

This bill takes away the right of the Commissioner of Motor Vehicles to approve all ordinances relating to the erection of signs by municipalities under section 39:4-197 of the Traffic Act, in that signs erected by municipalities which have been furnished by Motor Clubs and associations would not require the approval of the Commissioner prior to such erection.

The bill makes for promotion of a private interest as distinguished from a public interest in the streets and highways, by granting to private concerns the right to the use of said streets and highways for advertising purposes.

The National Uniform Vehicle Code advocates legislation prohibiting the display of commercial advertising on any traffic sign or signal. It is considered desirable to maintain uniformity with respect to traffic signs. If Motor Clubs are granted the right to have their names displayed on traffic signs the door would be open to granting this privilege to other corporations claiming the promotion of safety.

I see no reason for distinguishing between Motor Clubs and other non-profit associations aiming to promote safety.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

N.J. STATE LIBRARY
P.O. BOX 520
TRENTON, NJ 08625-0520

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 9, 1939. }

SENATE BILL No. 266

To the Senate:

I return herewith, without my approval, Senate Bill No. 266.

In my opinion it is unwise, unnecessary and not in the best interests of the State to require the Attorney-General to procure the consent of the Senate to a temporary appointment,—one which may last only a few weeks, and in most cases a few months.

I am advised by the present Attorney-General that the bill in its present form might seriously handicap him in the performance of his duties, and might seriously interfere with the prosecution of the criminal business of the State.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 18, 1939. }

SENATE BILL No. 276

To the Senate:

I return herewith, without my approval, Senate Bill No. 276.

In doing so I am mindful of the fact that many of the attorneys who by this bill would become counselors are men whom I know very well, and whom I would naturally like to help. However, I do not believe in useless gestures, and I am informed by the Attorney-General that this bill is but a vain attempt to accomplish the desired result.

Article III of the State Constitution provides :

“The powers of the government shall be divided into three distinct departments—the Legislative, Executive, and Judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.”

The bill provides for the issuance of a license as a counsellor-at-law to any attorney-at-law and solicitor in chancery who has practised for a period of ten years upon the recommendation by a Justice of the Supreme Court or the Circuit Court Judge presiding in the circuit wherein the attorney and solicitor maintains his office.

In the case of *in re Branch, et al.*, 70 N. J. Law, 537, the Supreme Court had under consideration the provisions of an act enacted in 1903, the design of which was to permit a person to take the bar examination without previous academic requirements.

The Court held that the attempted reservation was an unauthorized exercise of legislative control; that the power to recommend for a license as attorney was one of the powers inherent in the Court under the Constitution; and that the act then under consideration for that reason was ineffective.

It is true that the *Branch* case deals solely with attorneys-at-law. Here we have a situation where the statute attempts to deal with attorneys-at-law who desire to become counsellors-at-law. The latter, however, are required to conform to the rules of the Supreme Court, and any attempt on the part of the Legislature to interfere with the powers of the Court in that respect is an attempt on the part of one branch of the government to exercise the powers properly belonging to another branch,—a thing prohibited by the Constitution.

I have been told that some of the judiciary favor this bill, but if this is so its purpose can easily be effected by changing the rules of the Court.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:
HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 10, 1939. }

SENATE BILL No. 313

To the Senate:

I return herewith, without my approval, Senate Bill No. 313.

This bill creates a State Board of Tree Experts, consisting of five members. Under the provisions of the bill these experts would examine and issue certificates to qualified applicants, with the designation of "Certified Tree Expert."

The idea, which is a very admirable one, is to prevent men who know nothing about trees from posing as experts. I heartily agree with the purpose of the bill, but see no reason for appointing another commission. We have a State Board of Conservation and Development, the Director of which is a graduate forester. We have an Experiment Station, and also a Forestry Bureau of the Department of Agriculture. Any one of these agencies could, with the co-operation of the Civil Service Commission, conduct examinations and issue certificates. Personally, I would suggest that the matter be placed in the Department of Conservation and Development.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

SENATE BILL No. 409

Hon. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 409, for the following reasons:

The purpose of the amended act is supposed to be to "clarify" various sections of the Election Law. This statement is more ingenuous than ingenious because, instead of clarifying the Act, it makes it more obscure and inconsistent than it is at the present time and would place in the hands of the Superintendent of Elections powers to disfranchise many voters and deprive them of any legal redress.

This act provides that if the permanent registration form has been in the inactive file *for any reason whatever*, it must be marked "void" and shall not, under any circumstances, be restored, reinstated or transferred to the active file.

It requires that a voter whose permanent record has been placed in the inactive file must reregister before he would be eligible to vote. This would disfranchise any number of voters, if the record was removed within four weeks before a pending election, because first-class counties make the last date for registration as the fourth Tuesday before an election. In the event of the record being removed, or placed in the inactive file, because of removal of the voter within twelve days before a pending election, the voter would be disfranchised because in first-class counties the last date for filing transfer cards is twelve days before election.

In the Election Law at present, and I deem this very important, the Superintendent of Elections is prohibited from issuing an order to restrain a person from voting who was legally registered at the time of registration and has since moved to another address in the same county. This section is deleted from the new act.

Under section 19:32-18, the courts, if satisfied that an applicant is entitled to vote, may issue an order on the district board for the applicant to be permitted to vote.

Under the new act, without deleting the above-quoted section 19:32-18, a new provision is added which prohibits the courts from granting any relief to a voter whose permanent record has unjustifiably been placed in the inactive file.

This is certainly not clarification, but inconsistency in its worst possible form.

I believe that permanent registration should be abolished, and everyone who desires to vote should be compelled to register for each election.

I would gladly approve such legislation, which would save millions of dollars to the taxpayers.

Very truly yours,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 11, 1940. }

SENATE BILL No. 465

Hon. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 465.

This bill appropriates a total of \$152,750.00 to be expended by the State Tax Department. It was introduced in the Legislature on November 13, 1939, but failed of passage until January 9, 1940. On the latter date the 1939 Legislature adjourned *sine die* and the 1940 Legislature came into being.

It is apparent, therefore, that the passage of this appropriation bill by the 1939 Legislature creates appropriations which have had no consideration on the part of the 1940 Appropriations Committee. Since this money would be spent during the present year it is only proper that the

1940 Appropriations Committee consider these items. Especially is this true since, unless the work contemplated is to be stopped abruptly on June 30, 1940, it will be necessary for the 1940 Appropriations Committee to consider the very same items in order to provide for their continuance after June 30, 1940.

Another reason for my disapproval of this bill is that it is a supplemental appropriation bill, providing for additional appropriations in the sum of \$152,750.00 when the financial position of the State indicates that not only is this money not available; but, further, a deficit of some \$2,000,000.00 already exists. The approval of Senate Bill No. 465 would only increase the present deficit. As stated in my Budget Message, it is my hope that appropriations will be limited to available revenues, to the end that present deficits will be eliminated.

A further reason for my disapproval of this bill, and aside from its merit or lack of merit, is the fact that the whole second paragraph is meaningless. This section of the bill provides for expenditures to be made prior to December 31, 1939. Since the bill was not passed until January 9, 1940, no legal expenditures could possibly be made prior to December 31, 1939. Enactment of appropriation bills which expire before they are available is a meaningless gesture.

Finally, Senate Bill No. 465 provides for many items which have been considered in my Budget Message to the 1940 Legislature. Those items which are absolutely necessary are provided in the budget for the coming year. For this reason there is no need to enact a supplemental bill for items which, if found necessary by the 1940 Appropriations Committee and the 1940 Legislature, will be provided in the regular appropriation bill.

Very truly yours,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 12, 1939. }

ASSEMBLY BILL No. 91

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 91.

This bill provides for Saturday holidays for municipal and county employees during the months of July and August.

During the campaign we heard much of mandatory legislation and the effect it has upon cities and counties. It seems to me that if the local governing body is desirous of giving its employees a holiday on Saturdays it should do so without passing the responsibility for such action to the State. It has been my experience that most of the municipalities and counties have but a skeleton force working on Saturdays during July and August, and generally only in the departments required by law to be open.

While this bill makes Saturdays during the months of July and August legal holidays for counties and municipalities, it does not affect the State offices.

Finally, it does seem that if the State can make satisfactory arrangements for Saturdays during July and August, the municipalities and counties could do the same without legislation.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 12, 1939. }

ASSEMBLY BILL No. 200

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 200.

The objective sought in this bill, namely, the commitment to institutions of persons who are addicted to the use of narcotic drugs, is no doubt a laudable objective. However, there are no State, County or City institutions for the care and treatment of drug addicts, as contemplated in this act, unless such addicts have been determined to be suffering from a psychosis, in which case they can be regularly committed, under the provisions of Title 30 of the Revised Statutes, to appropriate County and State mental hospitals.

The drug addict who does not have a psychosis would constitute an administrative problem for whom no financial provision is made in this bill, if sent to any City hospital or County or State institution.

Under existing procedure, such individuals are ordinarily controlled by the law enforcing authorities and have become a particular responsibility of the Federal Government, under the Federal Statutes. The Federal Government has a procedure for placing such users temporarily in County Jails, where the Federal Government pays an agreed upon daily rate of board, and if they can be shown to have violated the Federal Narcotic Statutes, they may be committed for purposes of treatment and cure to the Federal institution in Kentucky, which is designed especially for the treatment of drug addicts.

It is hoped that if any State legislation is desired to provide for the care of drug addicts, some proper provision be made for meeting the cost of care, and that some different provision than is indicated in this bill be provided for the discharge of such persons when cured.

From a legal standpoint, it would appear that a question could be raised as to whether the bill is properly described in the title, inasmuch as it amends the chapter dealing with the sale of narcotic drugs and practically provides for imprisonment by commitment. It would have the effect of placing such committed persons as an extra and unusual

responsibility upon State, County and City institutions, many of which would not be equipped or prepared to treat or control this type of patient.

I believe that while some controls in addition to those already existent may be desirable, it would be important for the introducer of the bill to work out some solution of the several problems which appear inherent in the application of Assembly Bill No. 200.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 18, 1939. }

ASSEMBLY BILL No. 418

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 418.

This bill provides for the retirement of Motor Vehicle Inspectors on half pay after twenty years of service and age fifty.

No able-bodied public employee should want to retire at age fifty, and if he does retire it is likely that retirement will be for the purpose of obtaining other employment. This kind of retirement policy is too expensive for the State to maintain. I see no reason why we should undertake to further burden the labor market.

It is represented, of course, that Motor Vehicle Inspectors, by reason of their hazardous employment, should be given special protection. If an inspector is disabled for any cause, he may retire under our existing statutes on the same basis as other public employees, and if he is disabled in line of duty the law already contains generous provision for his retirement.

Attention should be called to the fact that pension systems must be maintained at reasonable cost, otherwise they

will destroy themselves. Our State Employees' Retirement System is generous and sound. I propose that we keep it so.

In the final analysis, the large proportion of the pension money comes from the general funds of the State and the general funds of the State are not sufficient to sustain any added burdens.

I do not believe that the temper of the people at this time is such as to look with complacency upon the enactment of this kind of legislation.

Proponents of the measure assert that these Inspectors are in the same class as Policemen and Firemen, but the Police and Firemen Pensions were passed long ago. Then, too, Policemen and Firemen are properly entitled to special consideration because they may be called upon at any moment to risk or even give their lives in the performance of their duties.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 9, 1939. }

ASSEMBLY BILL No. 479

Mr. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith, in the State Library, without my approval, Assembly Bill No. 479.

My reasons are the same as set forth when I vetoed the original bill last year, to wit:

“This bill provides for the creation of a commission to examine and report upon the economic, cultural, health and living conditions of the urban colored population of the State, and provides for the employment

of counsel and other assistants, and fixes the compensation for these services.

“There is no reason why this work could not be done much better by the Department of Institutions and Agencies, which is already familiar with the situation. Then, again, it might be placed in the hands of the Financial Assistance Commission, which has the organization, and if necessary, could add a colored assistant or two.

“The supplemental appropriation bills now passed and submitted amount to twenty million dollars. Of the making of supplemental appropriation bills there seems to be no end, and it really is a misleading practice, because there just isn't any money with which to meet these bills. We are still millions of dollars short in our relief fund. It hardly seems the part of wisdom to pile up a lot of supplemental appropriations when we shall be put to it to find money to meet the demands for food on the part of our people.”

The bill was passed over my veto and the Commission went to work and made a report.

This bill provides for the continuance of the Commission. I am not aware that any of the findings have been adopted, looking toward the improvement of health, economic, cultural and living conditions of our urban colored population of the State.

There is just one exception to the above generalization in that a bill has been passed and signed by me seeking to end any discrimination, because of race, color or creed, in the appointment of eligibles from civil service lists. It provides that the appointing official, in exercising his right under the law to appoint one of the three first eligibles, must, in the event that he selects other than the Number One eligible, state his reasons in writing for so doing. Of course, there is already ample law in New Jersey against such discrimination, and I am persuaded that the practical results of the bill will have little or no effect in this connection. No appointing power would be quite so naive as to say that he refused to appoint Number One because he was a Negro.

Respectfully submitted,

A. HARRY MOORE,

Governor.

Attest:

HUGH A. KELLY,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 18, 1939. }

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 615

To the Senate:

I return herewith, without my approval, Senate Committee Substitute for Assembly Bill No. 615.

By this bill the Sinking Fund Commission, created by Chapter 181 of the Laws of 1927, is directed to refrain from certifying for 1940 the sum of \$3,000,000, which otherwise would be paid from the motor fuel tax for and on account of the Sinking Fund requirements.

The Bond Act of 1927 creates a debt of \$30,000,000 for highway purposes. This act was submitted to the people at the general election of 1927, and assented to.

Under the Constitution (Article IV, Section VI, Par. 4), this Bond Act is irrevocable until the debt or liability created by the act, and the interest thereon, are fully paid and discharged. The act of 1927 creating the bond debt by Section 14 established a Sinking Fund, and by Section 16 the Sinking Fund Commission, on or before the fifteenth day of December in each year, is required to certify to the State Treasurer the requirements of the Sinking Fund, and the Treasurer is required to pay to the Sinking Fund Commission the amount certified, from the tax imposed under the act. Section 17 provides for an *ad valorem* tax to meet the requirements of the Sinking Fund. Since the passage of the act of 1927, the Legislature has directed the payment of Sinking Fund requirements under the act of 1927 out of motor fuel taxes (P. L. 1936, page 20; Revised Statutes 54:39-71.1).

Bearing in mind that under the constitutional clause above referred to, the bond act is irrevocable while a single dollar of debt created thereby is outstanding, any attempt on the part of the Legislature to limit or restrict the action of the Sinking Fund Commission under the Bond Act is futile.

Aside from the foregoing, the members of the Sinking Fund Commission are unanimously agreed that it would be most unwise to thus tamper with the credit of the State,

and that, while the Sinking Fund may show a healthy surplus at times, there is no guarantee that fluctuations of the market may not greatly reduce it.

Respectfully submitted,

A. HARRY MOORE,

Governor.

Attest:

HUGH A. KELLY,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 2, 1939. }

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 681

To the House of Assembly:

I return herewith, without my approval, Committee Substitute for Assembly Bill No. 681.

This bill provides for a temporary commission to examine into the living conditions of the colored people.

The commission is to consist of three Senators and two other persons, at least one of which persons shall be of the colored race, to be appointed by the President of the Senate; three members of the House of Assembly and two other persons, at least one of which persons shall be of the colored race, to be appointed by the Speaker of the House of Assembly; and two other persons, at least one of which persons shall be of the colored race, to be appointed by the Governor of the State.

The members of the commission shall receive no compensation, but shall be entitled to all necessary traveling and hotel expenses incurred in the performance of their duties. The commission shall have the power to employ counsel and such other assistants as may be needed, and may fix their compensation. The sum of twelve thousand dollars (\$12,000.00) is appropriated for this purpose.

This is a bill similar to the one I vetoed last year. I am still of the opinion that this work could be done by the Department of Institutions and Agencies, which is equipped

with people skilled in this sort of work. It could even be done by the Good-Will Commission, which is a commission of citizens, including one or two members of the colored race.

There is no need, in my opinion, of adding another expensive commission to our already unnecessarily long list.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

Bills Filed in State Library:

Senate Bill No. 409—November 30th.

Senate Bill No. 465—January 12, 1940.

Assembly Bill No. 62—(Filed without message)—July 3rd.

Assembly Bill No. 167—(Filed without message)—July 3rd.

Assembly Bill No. 470—(Filed without message)—July 3rd.

Assembly Bill No. 479—August 9th.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1940. }

SENATE JOINT RESOLUTION No. 3

To the Senate:

I return herewith, without my approval, Senate Joint Resolution No. 3.

This bill sets up a commission for the purpose of studying election laws, codifying and revising same, and provides an appropriation of Ten Thousand Dollars.

We have already passed laws purporting to perfect the election machinery, and I see no reason for this supplementary appropriation bill.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 1, 1940. }

SENATE BILL No. 81

To the Senate:

I return herewith, without my approval, Senate Bill No. 81.

My reasons for vetoing this bill are substantially the same as expressed by me when I vetoed Senate Bill No. 409 of last year.

The purpose of the amended act is supposed to be to clarify various sections of the Election Law. Instead of clarifying, it makes the Election Law more obscure and

inconsistent than it is at the present time and would place in the hands of Superintendents of Elections powers to disfranchise voters and deprive them of any legal redress through the courts.

The act provides that if the permanent registration form has been in the inactive file *for any reason whatsoever*, it shall be marked void and under no circumstances be restored, reinstated, or transferred to the active file.

It requires that a voter whose permanent record has been placed in the inactive file to reregister before he would be eligible to vote. This would disfranchise any number of voters if the record was removed within four weeks before a pending election, because first-class counties make the last date for registration the fourth Tuesday before an election. In the event of the illegal removal of a record twelve days before an election, the voter would be disfranchised, because in first-class counties the last date for filing transfer cards is twelve days before election.

In the Election Law at present, and which seems very important, the Superintendent of Elections is prohibited from issuing an order to restrain a person from voting who was legally registered at the time of registration and has since moved to another address in the same county. This section is deleted in this act.

At the present time, the courts, if satisfied that an applicant is entitled to vote and the burden of proof is upon the applicant, may issue an order on the district board for the applicant to be permitted to vote, but this act strips the courts of all power to rectify an injustice.

This is certainly not clarification, but inconsistency in its worst possible form.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 18, 1940. }

SENATE BILL No. 280

To the Senate:

I return herewith, without my approval, Senate Bill No. 280.

I am mindful of the many days and weeks devoted to the study and development of this fiscal scheme by the committee, the fiscal officers and the Budget Commissioner, and while there are some complaints against it, yet I am persuaded that it represents the greatest good to the greatest number.

There are some inequalities, but inasmuch as our Legislature is a continuing body, sitting throughout the year, any glaring improprieties may be corrected overnight.

In view of all this I am loathe to return this bill without my signature, because it is another encroachment upon the appointive power of the Governor.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 21, 1940. }

SENATE BILL No. 312

Hon. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 312, for the following reasons:

The statute by its title purports to supplement the current appropriations act. By its very first section the current appropriations act is amended by the addition of a

new section thereto, known as Section 12. By Section 2, however, the design as expressed in the said section is to reach other agencies of the government, but such attempt is nowhere indicated in the title.

Our State Constitution, in Article IV, Section VII, paragraph 4, provides:

“To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.”

It has been held that the title of a statute which is misleading by reason of its specific and limited references to one definite object where another is also expressed in the act, is defective under the constitutional provision above referred to.

Accordingly, because of the variance between the title and the body of the act, and the failure of the act to adequately express in the title thereof the provisions of the act, I am filing this bill without my signature.

I would have no objection to signing the bill, but it does not accomplish the object intended. The phrase “except as expressly authorized and provided herein” approves the increases above fifteen hundred dollars which are provided for in the General Appropriations Bill. Then, too, the increases in the Highway Department are not affected, in any event, by the bill.

It would be simple to definitely settle this matter by presenting a proper bill. It would have been my desire to return this bill to the Senate, but it is necessary for me to file it in the State Library, inasmuch as the Senate is not in session to receive it.

Very truly yours,
A. HARRY MOORE,
Governor.

Attest:
HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 23, 1940. }

SENATE BILL No. 317

To the Senate:

I return herewith, without my approval, Senate Bill No. 317.

This bill not only incorporates the provisions of Senate Committee Substitute "A" for Assembly Bill No. 14, which I returned to your honorable body without my approval on June 18, 1940, and subsequently passed over my veto, but it tacks on an additional provision which cannot receive my approval.

The act which I vetoed and which was passed over my veto made it mandatory for the county of Hudson to install voting machines for use in the next election. It did not give Hudson county the same consideration which is given to other counties in the State by the act known as Chapter 302, P. L. 1935, concerning voting machines, and which is now our law; wherein it is provided that any county or municipality desiring to use voting machines may do so by expressing its preference by the vote of the governing body of either the municipality or county, or by the vote of the people at a referendum election. Instead, it compelled Hudson county to adopt voting machines without the expression of opinion either by the governing body of the county or by the people at a referendum election.

The bill which I now have before me goes far beyond the mandatory provisions of the former act. In order to compel the county of Hudson to adopt voting machines, the present mandatory legislation, which to my mind is the worst kind of mandatory legislation, was passed. By the present bill, The State House Commission—an agency of the State, is given the power to purchase voting machines, install them in the county of Hudson, and compels the county of Hudson to pay for these machines out of the State Aid monies allocated to the county by the State. I am informed the cost of these voting machines will aggregate a million dollars. This bill, therefore, will force the people of the county of Hudson to expend this vast sum for voting machines purchased, not by the county or with its

consent, but by an agency of the State controlled by the Republican Party. Home rule is cast to the winds.

I have had occasion to say before, and I repeat here, that all this is being done by the Legislature of our State under the guise of clean elections, when it is common knowledge that the greatest bar to clean elections in this State is the permanent registration feature of our election law, as well as the pernicious provisions of the present act, which permits voting in the South Jersey counties without any safeguards at all, for in those counties the act directs that voters need not register personally, need not sign their names when registering, and they are not even required to sign the poll book on election day when voting. Here lies the greatest source of fraud.

Scrap your election law; have one law apply to the entire State of New Jersey; make everyone register before voting; make everyone sign his name when voting; provide for a comparison of signatures, and you will attain the desired end, provided, of course, you really desire honest election reform in our State.

If election machines are so desirable, why not put them in every city of the State? If we are all equal, then we should all be treated alike.

Careful consideration by me of this bill leads to the conclusion that it violates the provisions of our State Constitution in matters so important that if this veto is ignored, I will be compelled, as Governor, to call upon the Attorney-General, as the legal representative of the State, to take such legal steps as he may deem necessary and proper, forthwith, to have the constitutionality of the resulting legislation tested.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 30, 1940. }

SENATE BILL No. 319

To the Senate:

I return herewith, without my approval, Senate Bill No. 319, for the following reasons:

This bill deprives the Common Pleas Judges of Hudson and Essex Counties of their right and authority to hear the appeals of voters whose names have been placed upon the so-called black list by the Superintendents of Elections. Since 1927, when the permanent registry law was adopted and the office of Superintendent of Elections was first established, this power has been vested in the Court of Common Pleas. There has never been any charge by anyone that the Judges of these Courts have ever failed to properly, impartially and expeditiously exercise their powers under that law. To transfer such jurisdiction to the judges of the criminal judicial district courts, sought to be established under the provisions of Senate Bills Nos. 320, 323 and 324, which I have already vetoed, is to continue an unwarranted, unconstitutional and certainly un-American attack upon the traditional constitutional concepts of the judiciary of our State and nation.

Then, too, the bill seeks to strip people arrested on election charges of the right of trial by jury and places such offenses in the "disorderly person" act category. This provision is clearly unconstitutional. At common law, election offenses were indictable and triable by a common law jury. We, in New Jersey, have always recognized that fact and have never before sought to deprive people so charged, of their constitutional rights to indictment and trial by jury before a non-partisan tribunal. The attempt to reclassify these offenses and to make them cognizable by what, of necessity must be, partisan tribunals, is a flagrant violation of these rights and must have my strong condemnation.

Aside from all of the above, the bill places an additional burden upon the long-suffering taxpayer and is a complete reversal of a much-heralded economy policy.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

SENATE BILL No. 320

To the Senate:

I return herewith, without my approval, Senate Bill No. 320.

This bill amends an act relative to criminal judicial district courts in the following important particulars:

(1) It changes the method of appointing the judges and transfers the power of appointment from the Governor, by and with the consent of the Senate, to the Legislature in joint session.

(2) It vests in said criminal judicial district courts exclusive jurisdiction to try and determine specified violations of the election law, all of which are misdemeanors.

Simultaneously herewith I am also returning the companion bills, Senate Bill No. 323 and Senate Bill No. 324, which create four criminal judicial districts in the county of Hudson, and four in the county of Essex, for the purpose of establishing therein criminal judicial district courts.

These bills have for their purpose the disruption of the judicial system of this State, which has withstood the test of time, without the least vestige of scandal, for almost a whole century. It is without doubt the most audacious effort on the part of any partisan group in any State in this Union to gain control of the courts for the avowed purpose of electing a gubernatorial candidate. The framers of the Constitution of the State of New Jersey intended that the courts of this State should be so constituted as to be free from political manipulation. This intent on the part of the framers of the Constitution is wantonly disregarded by the proponents of these bills. Democracy will have reached a sad state of decay if these bills are permitted to become law, because this sort of legislation is flagrantly violative of the spirit of the Constitution, and, if carried to its ultimate conclusion, can result in nothing less than complete destruction of our entire judicial system and orderly judicial process.

Our Courts of Common Pleas, which constitute and exercise the jurisdiction of Courts of Quarter and Special Sessions, possess all of the powers which these bills seek to bestow upon the duplicate tribunals created by these bills. The stripping of the Court of Common Pleas of the powers which they have had for many years is inexcusable. The judges of our courts have enjoyed an enviable reputation in the administration of justice, and especially in the administration of the criminal law, and these bills are a shocking disparagement, not only of the ability, honesty and reputation of the Common Pleas judges of Hudson and Essex counties, as members of the judiciary of this State, but they offer a gratuitous insult to the justices of the Supreme Court who preside over the respective circuits.

Moreover, the creation of four criminal judicial districts in the county of Hudson, and four criminal judicial districts in the county of Essex, for the purpose of setting up therein four separate and distinct judicial district courts, exercising duplicate powers with the courts already established, will cost the taxpayers of these counties the staggering sum of two hundred thousand dollars a year. I consider this a wanton expenditure of public funds to serve a selfish partisan political purpose.

It is manifest that it is the desire of the Republican Party in control of the Legislature to create courts of their own choosing, without the safeguards with which the Constitution has surrounded the appointment of judges; namely, appointment by the Governor, with the advice and consent of the Senate; in an effort to control the most important election which has ever come before the people of this State. Such legislation is most destructive of democracy and should find no place upon our statute books.

The New Jersey Bar Association, through its President, urges me to veto this bill. In a letter addressed to me it says among other things, "Upon learning the contents of the bill, lawyers generally were shocked." * * * "It appears to us important that legislative remaking of criminal courts, in the heat of a campaign, by a law which violates the spirit, if not the letter, of the Constitution, should be disapproved."

"Another serious objection to Senate Bill No. 320 is the fact that exclusive jurisdiction of certain criminal offenses defined as misdemeanors is given to criminal district courts,

without reserving the right of indictment by a grand jury and trial by a jury. One man, a judge selected by the Legislature, will have the power to determine the guilt or innocence of the accused, and to sentence him to long imprisonment or heavy fine."

Careful consideration by me of these bills leads to the conclusion that they violate the provisions of our State Constitution in matters so important that if these vetoes are ignored, I will be compelled, as Governor, to call upon the Attorney-General, as the legal representative of the State, to take such legal steps as he may deem necessary and proper, forthwith, to have the constitutionality of the resulting legislation tested.

Very truly yours,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
September 23, 1940. }

SENATE BILL No. 321

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 321.

If this law is to prevail it will establish a very bad precedent. For years efforts have been made throughout the country to separate the police from politics. This bill provides that the State Police, for the first time in its fairly long and splendid history, shall be called in to take part in a political campaign.

It seems to me that this marks the beginning of the end of this fine organization. When the State Police was organized it was definitely understood that it would never be called upon to supersede local police authorities or to take jurisdiction over purely local matters. Only after such agreement was the organized objection of the various municipalities and labor in general withdrawn.

The bill is clearly violative of the spirit of home rule and is at best special legislation, directed at one county alone.

The law confers upon the Superintendent of Elections power to appoint investigators throughout the county at the expense of the county, and it is too bad that the State Police must be dragged into this political fight.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 23, 1940. }

SENATE BILL No. 323

To the Senate:

I return herewith, without my approval, Senate Bill No. 323.

This bill creates four criminal judicial districts in the county of Hudson, for the purpose of establishing therein criminal judicial district courts. This is a companion bill to Senate Bill No. 320, and I am returning the same for the reasons set forth in my veto of Senate Bill No. 320.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 23, 1940. }

SENATE BILL No. 324

To the Senate:

I return herewith, without my approval, Senate Bill No. 324.

This bill creates four criminal judicial districts in the county of Essex, for the purpose of establishing therein criminal judicial district courts. This is a companion bill to Senate Bill No. 320, and I am returning the same for the reasons set forth in my veto of Senate Bill No. 320.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 15, 1940. }

ASSEMBLY BILL No. 1

To the House of Assembly:

I am returning herewith, without my approval, Assembly Bill No. 1.

Assembly Bill No. 1 adopts the valuations as determined by the State Tax Commissioner for the apportionment of the franchise taxes imposed by Chapter 7, P. L. 1938.

The State Tax Commissioner's action in making these valuations has been nullified by the Court of Errors and Appeals, by its recent decision, which held the statute unconstitutional, in part, and the Commissioner's action thereunder void.

I am advised by the Attorney-General that the matter of the form of the judgments to be entered upon the decision of the Court of Errors and Appeals is now pending before that Court, and the Legislature should not attempt to usurp

the powers of the judicial branch of the government, which has full power to determine the questions before it and terminate the litigation.

It is apparent that the 1940 Legislature did not have before it, on the first day of its session, adequate information as to any lawful valuation of the personal properties of the utility corporations for the purpose of apportioning the taxes in question. The bill is an ill-advised measure, attempting to over-ride the Court of Errors and Appeals and adopt that which has been held null and void.

It is an invitation to further vexatious litigation and to further delay the making of a lawful apportionment, which eventually must be made.

It is significant that Chapter 7, P. L. 1938, was Assembly Bill No. 1 of that session. I vetoed that bill and pointed out the constitutional requirements which appeared to me to be in conflict with the bill. My position was sustained by the Courts. I am of the opinion that the present bill is also violative of the constitutional requirements of uniformity in taxation.

The bill, therefore, is disapproved.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 15, 1940. }

ASSEMBLY BILL No. 2

To the House of Assembly:

I am returning herewith, without my approval, Assembly Bill No. 2.

Assembly Bill No. 2 adopts the valuations as determined by the State Tax Commissioner for the apportionment of the franchise and gross receipts taxes imposed by Chapter 8, P. L. 1938.

The State Tax Commissioner's action in making these valuations has been nullified by the Court of Errors and Appeals, by its recent decision which held the statute unconstitutional, in part, and the Commissioner's action thereunder void.

I am advised by the Attorney-General that the matter of the form of the judgments to be entered upon the decision of the Court of Errors and Appeals is now pending before that Court, and the Legislature should not attempt to usurp the powers of the judicial branch of the government, which has full power to determine the questions before it and terminate the litigation.

It is apparent that the 1940 Legislature did not have before it, on the first day of its session, adequate information as to any lawful valuation of the personal properties of the utility corporations for the purpose of apportioning the taxes in question. The bill is an ill-advised measure, attempting to over-ride the Court of Errors and Appeals and adopt that which has been held null and void.

It is an invitation to further vexatious litigation and to further delay the making of a lawful apportionment, which eventually must be made.

It is significant that Chapter 8, P. L. 1938, was Assembly Bill No. 2 of that session. I vetoed that bill and pointed out the constitutional requirements which appeared to me to be in conflict with the bill. My position was sustained by the Courts. I am of the opinion that the present bill is also violative of the constitutional requirements of uniformity in taxation.

The bill, therefore, is disapproved.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 15, 1940. }

ASSEMBLY BILL NO. 3

To the House of Assembly:

I am returning herewith, without my approval, Assembly Bill No. 3.

Assembly Bill No. 3 provides certain unit values for the apportionment of the 1940 and subsequent franchise taxes imposed by Chapter 7, P. L. 1938.

The municipalities of our State are entitled to tax the personal property within their boundaries so as to enable them to properly perform their governmental functions. In substituting a franchise or gross receipt tax in lieu thereof, the municipalities are entitled to receive a just and fair equivalent of the amount they would receive if the personal property were taxed by the municipalities themselves.

The proposed unit values attempted to be established by this bill cannot, by any stretch of the imagination, be said to bear a reasonable relationship to the subject matter of the bills. These unit values have been condemned by the Courts as unreal and fantastic.

The Court of Errors and Appeals did not say, in its recent opinion, that the Legislature could furnish the State Tax Commissioner with an arbitrary basic formula, having no relation to fact and reality. This bill provides no standard or policy. It arbitrarily attempts to ignore standards and policies. The bill does not provide a standard or policy to be applied after a finding of fact, but arbitrarily makes the heretofore rejected formula applicable by mere legislative fiat. In my opinion, the bill is unconstitutional, because there can be no uniformity in taxation if true value is disregarded.

The bill, therefore, is disapproved.

Respectfully submitted,

A. HARRY MOORE,

Governor.

Attest:

HUGH A. KELLY,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 15, 1940. }

ASSEMBLY BILL No. 4

To the House of Assembly:

I am returning herewith, without my approval, Assembly Bill No. 4.

Assembly Bill No. 4 provides certain unit values for the apportionment of the 1940 and subsequent franchise and gross receipts taxes imposed by Chapter 8, P. L. 1938.

The municipalities of our State are entitled to tax the personal property within their boundaries so as to enable them to properly perform their governmental functions. In substituting a franchise or gross receipt tax in lieu thereof, the municipalities are entitled to receive a just and fair equivalent of the amount they would receive if the personal property were taxed by the municipalities themselves.

The proposed unit values attempted to be established by this bill cannot, by any stretch of the imagination, be said to bear a reasonable relationship to the subject matter of the bill. These unit values have been condemned by the Courts as unreal and fantastic.

The Court of Errors and Appeals did not say, in its recent opinion, that the Legislature could furnish the State Tax Commissioner with an arbitrary basic formula, having no relation to fact and reality. This bill provides no standard or policy. It arbitrarily attempts to ignore standards and policies. The bill does not provide a standard or policy to be applied after a finding of fact, but arbitrarily makes the heretofore rejected formula applicable by mere legislative fiat. In my opinion, the bill is unconstitutional, because there can be no uniformity in taxation if true value is disregarded.

The bill, therefore, is disapproved.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 18, 1940.

SENATE COMMITTEE SUBSTITUTE A FOR ASSEMBLY BILL No. 14

To the Senate:

I return herewith, without my approval, Senate Committee Substitute A for Assembly Bill No. 14.

The Legislature adopted an act, P. L. 1935, chapter 302, supplementing P. L. 1930, chapter 187 (Revision of 1930), concerning voting machines, which is now a law in New Jersey and is incorporated into section 19:48-3 of the Revised Statutes of New Jersey.

At that time the Legislature, in adopting this act, recognized the fundamental principle of home rule as it affected the counties and municipalities of this State, and in so recognizing this principle incorporated into the body of the act the right of any county or municipality of this State which desired to use voting machines, in accordance with the act, to do so, if that county or municipality expressed its preference by the vote of the governing body in the case of a municipality or by the vote of the Board of Chosen Freeholders of the county in the case of a county, or by the vote of the people at a referendum election.

The Legislature in that act further determined that if the governing body of the county or a municipality and the people of the county or municipality, by a favorable expression at a referendum election, determined that they wished to use voting machines, the said county or municipality could have a period of eighteen months in which to order the said machines and so prepare their finances in anticipation of paying for them.

The bill which I have before me for consideration now, which has passed both the Senate and the House of Assembly, is Senate Committee Substitute A for Assembly Bill No. 14, and is an amendment of section 19:48-3.

This amendment applies to first-class counties alone, only one of which does not at the present time have voting machines, and it appears by its language to force the county of Hudson (which is the only county to be affected by the bill), to install voting machines for use in the next

general election. It does not extend to the people of that county the same consideration which has been extended in the original act to all other counties of the State of New Jersey. It does not properly permit Hudson county to prepare for the use of these machines or for the purchase of them.

Both parties have declared against mandatory legislation, which forces local communities to expend vast sums of money, which must come from already over-burdened taxpayers. This bill is mandatory legislation at its worst, because it ignores the depression and the fact that people are having grave difficulty in maintaining their homes.

It is a blow against the two-party system in that it is an unwarranted abuse of power, imposing punishment upon people because they exercise their right of political preference.

All this under the guise of clean elections, when it is common knowledge that the greatest bar to clean elections is the permanent registration. Scrap this feature, start with a clean slate, make everyone register before voting, and you will attain your desired end; provided, of course, you do desire it.

It might be well to ponder the recent words of the great Chief Justice Hughes, of the Supreme Court:

“Democracy is a most hopeful way of life, but its promise of liberty and of human betterment will be but idle words save as the ideals of justice, not only between man and man, but between government and citizen, are held supreme.”

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 1, 1940. }

ASSEMBLY COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE
SUBSTITUTES B AND C FOR ASSEMBLY BILL No. 14

To the House of Assembly:

I return herewith, without my approval, Assembly Committee Substitute for Senate Committee Substitutes B and C for Assembly Bill No. 14.

The reasons which lead to this action may be briefly stated as follows:

1. The measure is violative of the principle of civil service, now so firmly entrenched in our government. It provides for the appointment, by the Commissioners of Registration in counties of the first class and by the County Boards in all other counties, of such number of persons as may be necessary to carry out the provisions of the registration; and when such persons are temporarily appointed they are not to be subject to any of the provisions of Title Eleven of the Civil Service Law. Additionally, the appointment of permanent employees who are to be exempt from the Civil Service Act is authorized by Section 3 of this bill. Hence we find that not only will a large number of temporary employees be appointed without protection of civil service, but, as well, the Superintendent of Elections may appoint a Chief Deputy, Clerk, Secretary, and, without limitation, further permanent assistants who are to be outside of the scope of the Civil Service Act.

May I respectfully remind you that the following pledge is made in Paragraph Seven of the State Republican Platform, which reads:

“Extension of the Civil Service principle to protect the merit system in public employment.”

2. This legislation is an outstanding example of the vice of mandatory diversion of municipal funds, in violation of the principle of home rule. For the first year of its operation the Commissioner of Registration created by it is authorized to expend as much as \$300,000.00, and thereafter \$250,000.00 per annum, which moneys are required to be

raised by the Board of Freeholders, who have no voice in the matter. Furthermore, the Superintendent of Elections is likewise empowered to expend as much as \$200,000.00 a year without any control by the county authorities.

The legislation is bad and the bill should not have been passed. It is therefore vetoed.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 6, 1940. }

ASSEMBLY BILL No. 15

To the House of Assembly:

I am returning herewith, without my approval, Assembly Bill No. 15.

This bill is purely a patronage bill. I can see no reason why the printing of ballots should be taken from the Municipal Clerk and placed with the County Clerk, especially in cases where only municipal elections are involved. Then, too, the subject matter of the bill is violative of the spirit of home rule.

It seems to me that local printers who help bear the cost of the municipal government should be given a chance to compete for this work.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 18, 1940. }

ASSEMBLY BILL No. 22

To the House of Assembly:

I return herewith, without my approval, Assembly Bill No. 22.

I have withheld my signature from Assembly Bill No. 22, and reiterate the oft-made statement that the most effective way to purge the registration is to throw it out entirely and start anew by making all voters register annually.

It should also be borne in mind that the very act that is being amended heretofore provided that a personal investigation could be made at all times when it was deemed necessary to establish the fact of continued residence or removal of any registrant. Evidently the bureaus never did their work properly, because this bill only makes mandatory what they had the permissive right to do.

I believe this is another attempt to press upon the people a horde of new employees—unlimited in amount as to number or salary—as the law makes it mandatory for the Board of Chosen Freeholders of these counties to meet the money demands of these bureaus.

Respectfully submitted,
A. HARRY MOORE,

Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 8, 1940. }

ASSEMBLY BILL No. 152

Hon. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith in the State Library without my approval Assembly Bill No. 152 for the following reasons:

The bill is ambiguous. It may not have been the intent of the draftsman but the bill would appear to require notice by mail to all persons affected by a routine tax sale.

The present provisions of the law as to public notice in tax sales seem to be sufficient. The additional notice by mail would involve considerable unnecessary expense and labor. If the intent of the bill is to substitute the notice by mail for publication, that should be clearly stated.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 15, 1940. }

ASSEMBLY BILL No. 252

To the House of Assembly:

I am returning herewith, without my approval, Assembly Bill No. 252.

Maybe you know where to get the money to meet this appropriation. I do not, but if you are convinced that this bill will make for more efficient functioning of the Department, it should be included in the Budget, which is now before the Appropriations Committee.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 15, 1940.

ASSEMBLY BILL No. 283

To the House of Assembly:

I am returning herewith, without my approval, Assembly Bill No. 283.

As you know, there is a substantial deficit in current funds, but if this does not deter you, and as a result of your investigation, you believe this money should be appropriated it should be included in the Budget, which is now before the Appropriations Committee.

Respectfully submitted,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 25, 1940.

ASSEMBLY BILL No. 285

Hon. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 285.

This bill provides that boards of education in every school district shall, not less than twenty days prior to the date of the annual school election, prepare a tentative annual budget. It provides for a public hearing so that persons may appear to present their objections and be heard with respect thereto. Public notice of such hearing is to be given by posting notices in each schoolhouse within the district and at each of such other public places as the board of education shall direct, at least one week before the date set for such hearing.

It is my belief that if it is of sufficient importance to have a hearing on the school budget, the taxpayer should be

apprised in a more up-to-date manner. I feel that more people could more easily be apprised of the budget hearing if the same notice thereof were published in their local newspapers, rather than in such an archaic method as the posting of notices in schoolhouses.

Respectfully submitted,

A. HARRY MOORE,

Governor.

Attest:

HUGH A. KELLY,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 25, 1940. }

ASSEMBLY BILL No. 301

Hon. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 301.

This bill permits the governing body of every municipality in this State, now and hereafter having a population in excess of two thousand inhabitants, to arrange, by ordinance, the working hours of uniformed members of any paid or part-paid department, so that the hours of employment of such members will not exceed an average of seventy-two hours on duty in any one week. There is, of course, the exception that the seventy-two-hour provision may be waived in the event of an emergency.

This appears to me to be an attempt to contravene the provisions of Sections 40:47-39 to 40:47-47 of the Revised Statutes. Under these provisions of the Revised Statutes, a referendum must be held in the municipality before such system may be adopted.

In these trying times, when the taxpayers are already bearing a heavy burden, I do not feel that it is good legislation to take away from them the right that they enjoy at the present time to be the sole judges as to what system shall be installed in their municipality.

Respectfully submitted,

A. HARRY MOORE,

Governor.

Attest:

HUGH A. KELLY,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 29, 1940. }

ASSEMBLY BILL No. 462

Hon. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 462.

I am of the opinion that this bill is without force and effect, and is clearly in violation of Paragraph 6 of Section 2 of Article 7 of the State Constitution, reading in part as follows:

“Sheriffs shall annually renew their bond.”

It is not within the province of the Legislature to alter or vary this explicit provision of the Constitution.

Very truly yours,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 10, 1940. }

ASSEMBLY BILL No. 468

To the House of Assembly:

I am returning herewith, without my approval, Assembly Bill No. 468.

I am of the opinion this bill is without force and effect, and is clearly in violation of Paragraph 6 of Section 2 of

Article 7 of the State Constitution, reading in part as follows:

“Sheriffs shall annually renew their bond.”

It is not within the province of the Legislature to alter or vary this explicit provision of the Constitution.

Very truly yours,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 8, 1940. }

ASSEMBLY BILL No. 483

Hon. Haddon Ivins,
State Librarian.

Sir:

I am filing herewith, in the State Library, without my approval, Assembly Bill No. 483.

This is a supplemental appropriation bill, and should have been included in the regular appropriation bill.

Very truly yours,

A. HARRY MOORE,
Governor.

Attest:

HUGH A. KELLY,
Secretary to the Governor.

Bills Filed in State Library:

Senate Bill No. 312—September 21st.

Assembly Bill No. 152—June 8th.

Assembly Bill No. 285—June 25th.

Assembly Bill No. 301—June 25th.

Assembly Bill No. 462—May 29th.

Assembly Bill No. 483—July 8th.