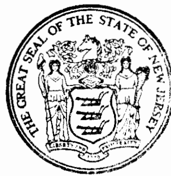
VETO MESSAGES

OF

HON. ALFRED E. DRISCOLL

Governor of New Jersey



SUBMITTED TO THE SENATE AND THE GENERAL ASSEMBLY OF THE STATE OF NEW JERSEY

1951

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II

Vetoes

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 103

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections Assembly Bill No. 103.

The stated purpose of the amendments to the Agricultural Co-operative Associations Act of 1924 (R. S. 4:13–1 *et seq.*) proposed by this bill is to clarify its provisions, to authorize such associations to utilize modern methods of capitalization already in use by many cooperatives and which have been approved by the federal tax authorities, and to make other improvements in the law. Among the latter are provisions relating to the orderly distribution of the assets of cooperatives upon dissolution, after payment of debts and other liabilities, and provisions that will strengthen the supervision of the Department of Agriculture over these associations.

Sections 7 and 8 make reference to certain provisions of "this section" when the obviously intended reference was to "this act."

Accordingly, I am returning herewith Assembly Bill No. 103 for reconsideration and with the recommendation that amendments to the Bill (Official Copy Reprint) be made as follows:

On page 6, section 7, line 8, change the word "section" to the word "act".

On page 6, section 8, line 3, change the words "section, together" to the words "act, together", and change the words "section, to each" to the words "act, to each".

On page 7, section 9, line 6, change the word "association" to the word "associations".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL No. 112

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 112.

Sections 19:14-8 and 19:14-10 of the Revised Statutes prescribe the order of arrangement of titles of office on the general election ballot. The object of the bill as originally introduced was to place the names of candidates for freeholder ahead of the names of candidates for coroner. Subsequent amendments to the bill were obviously intended to make this change in ballot arrangement applicable only in counties having twelve or less freeholders. However, the amendments were made to section 19:14-8 only, whereas they should also have been made to section 19:14-10. Moreover, the amendments to section 19:14-8 were deficient because certain offices were omitted in the order of arrangement.

Accordingly, I am returning herewith Assembly Bill No. 112 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 1, section 1, line 11, after the word "sheriff" delete the comma and insert in lieu thereof a semicolon.

On page 1, section 1, line 12, after the word "supervisor" delete the comma and insert in lieu thereof a semicolon.

On page 1, section 1, line 13, before the word "coroners" delete the comma and insert in lieu thereof a semicolon.

On page 2, section 1, line 16A, after the semicolon following the word "Senate" insert: "Governor; member of the House of Representatives; member of the State Senate;"

On page 2, section 1, line 16B, change the word "member" to "members".

On page 2, section 2, line 7, before the word "Such" insert: "In counties having twelve or less freeholders," and change the capital "S" in "Such" to a small "s".

On page 3, section 2, line 13, after the period following the word "office" insert: "In counties having more than twelve freeholders, such titles of office shall be arranged in the following order: electors of President and Vice-President of the United States; member of the United States Senate; Governor; member of the House of Representatives; member of the State Senate; members of the General Assembly; sheriff; county clerk; surrogate; register of deeds and mortgages; coroners; county supervisor; members of the board of chosen freeholders; mayor and members of municipal governing bodies, and any other titles of office."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 123

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 123.

This Bill represents a substantial improvement in our statutes (Article 4 of Chapter 7 of Title 4 of the Revised Statutes) governing the distribution, sale and transportation of insecticides.

Problems relating to insecticides, however, involve public health as well as agricultural programs of our State Government. Assembly Bill No. 123 does not sufficiently recognize several important public health aspects of the overall problem.

Accordingly, after conferring with the Secretary of Agriculture and the State Commissioner of Health, I am returning the measure herewith, with the recommendation that amendments to the Bill (Second Official Copy Reprint) be made as follows:

On page 5, section 2, line 111, delete the semicolon and the words "and which," and insert ", which instructions, if complied with, would be adequate for the protection of the public in accordance with such rules as may be adopted for such purpose by the Director of the New Jersey Agricultural Experiment Station, after consultation with the State Commissioner of Health;".

On page 5, section 2, delete line 112, in its entirety.

On page 5, section 2, line 114, delete the word "and," and insert the words ", which warning or caution statement,".

On page 5, section 2, line 115, delete the semicolon and insert the words ", in accordance with such rules as may be adopted for such purpose by the Director of the New Jersey Agricultural Experiment Station, after consultation with the State Commissioner of Health;".

On page 17, section 24, line 3, after the word "poisons," insert the words "except as otherwise expressly provided by this act,".

On page 17, section 24, line 5, after the word "acts" insert the words ", pertaining to the distribution, sale and transportation of economic poisons,".

On page 17, immediately following section 25, insert the following new section:

"26. Nothing contained herein shall in any way be construed to alter, limit or repeal any of the functions, powers and duties of the State Department of Health or the State Commissioner of Health or any local board of health, as otherwise provided by law."

On page 17, section 26, line 1, change the section number "26" to section number "27".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL No. 170

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objection, Assembly Bill No. 170.

Section 2 of this bill repeals R. S. 14:4-6 which requires the registered agent of a corporation to give notice by mail to the Secretary of State whenever the agent moves his office to a new address within the same municipality or county. Such letter, together with the name or names of the corporation or corporations for whom such agent is acting for the purpose of receiving process, is to be sent within five days of the removal.

This notice is a useful and needed requirement. It facilitates service of process where the Secretary of State has not yet received a certificate of change of principal office from the board of directors of the corporation, as required by the provisions of R. S. 14:4-5.

Accordingly, I am returning herewith Assembly Bill No. 170 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as **follows:**

On page 1, Title, line 1, after the word "corporations," insert the word "and".

On page 1, Title, lines 1 and 2, delete the words "and repealing section 14:4-6".

On page 2, section 2, delete the section in its entirety.

On page 2, section 3, line 1, change the section number "3" to section number "2".

Respectfully,

[SEAL]
ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 215

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 215.

This bill would amend Chapter 302 of the Laws of 1949, a comprehensive and carefully considered measure fixing the annual salaries of county district court judges, by increasing the salary of the judges of the Monmouth County District Court from $4,000 to $7,000. The original bill proposed a $7,500 salary; this figure was changed by amendment to $6,000 and finally fixed at $7,000.

The $6,000 salary proposed at one point during the passage of the bill through the Legislature would appear to be a more reasonable figure. I am informed that some time ago, when the calendar of the Monmouth County District Court was rather heavy, outside district court judges sat in Monmouth County to bring the calendar up to date. Procedures were then established to make certain that the two regular district court judges would spend two full days each week in the trial of cases. The judges will be sitting approximately 35% of the time a full-time County Court judge would sit. The $6,000 salary would be 37.5% of the salary of such full-time County Court judge.

The $7,000 salary figure proposed under Assembly Bill No. 215 would be out of line with the volume of work being handled in the Monmouth County District Court and the time required therefor.

Accordingly, I am returning herewith Assembly Bill No. 215 for reconsideration and with the recommendation that amendment be made to the bill (Third Official Copy Reprint) as follows:

> On page 2, section 1, line 30, delete the words and figures "seven thousand dollars ($7,000.00)" and insert in lieu thereof the words and figures "six thousand dollars ($6,000.00)".

Respectfully

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL No. 222

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 222.

R. S. 18:13–19 presently authorizes boards of education to reduce the number of supervising principals, principals *or* teachers, when the reduction is due "to a natural diminution of the number of pupils" in the school district. Although dismissal by reason of such reduction is based on seniority, the present law is not clear on certain phases of seniority and the re-employment rights of those whose positions are abolished.

Assembly Bill No. 222 would amend R. S. 18:13–19 by adding superintendents and assistant superintendents to the other categories of positions mentioned in the present section. It proposes a reasonable method of determining seniority and re-employment rights in the various fields of administrative, supervisory, teaching or other educational services under standards established by the Commissioner of Education, with the approval of the State Board of Education. Provision is made for advisory service by the Commissioner of Education to local boards of education with respect to the application of such standards to a particular situation.

In printing the original bill, the words "or teachers" in R. S. 18:13–19 was changed to "and teachers." This substantial change was not indicated as a proposed amendment. This change from "or" to "and" may raise a serious problem of interpretation.

Accordingly, I am returning herewith Assembly Bill No. 222, for reconsideration and with the recommendation that amendment be made to the bill (Second Official Copy Reprint) as follows:

On page 1, section 1, line 7-8, change the words "and teachers" to the words "or teachers".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 254

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No 254.

This bill would amend section 45:6–10 of the Revised Statutes, relating to annual certificates of registration for licensed dentists and the registration fees required therefor. Section 2 of the measure provides that it shall take effect immediately and "shall be applicable to the registrations for the year one thousand nine hundred and fifty-two and each year thereafter." I am advised that these annual registrations do not cover a calendar year. In fact, under the section proposed to be amended by this bill annual certificates of registration are required to be obtained on or before November 1st of each year. The registration certificates issued are for the period beginning November 1st and ending October 31st of the following year.

In addition, the bill as originally introduced contained a section supplementing chapter 6 of Title 45 of the Revised Statutes. The supplementary matter was deleted by amendment in the Legislature prior to final adoption of the measure. The title to the bill, containing reference to the supplement, was not amended to conform with the deletion.

Accordingly, I am returning Assembly Bill No. 254 herewith for reconsideration and with the recommendation that amendments to the bill (Second Official Copy Reprint) be made as follows:

On page 1, Title, line 1, after the word "dentistry," delete the word "and".

On page 1, Title, line 2, after the word "therefor," insert the word "and".

On page 1, Title, lines 2 and 3, after the words "section 45:6–10" delete ", and supplementing chapter six of Title 45,".

On page 3, section 2, line 1, after the word "immediately" insert a period and delete the remainder of the line.

On page 3, section 2, delete lines 2 and 3 in their entirety.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 256

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 256.

The apparent object of the bill is to authorize a licensed agent of an insurance company to countersign policies of insurance by an attorney or attorneys in fact. The amendment to section one provides for filing the names of the person or persons authorized to act as such attorney or attorneys in fact for such agent, with the Commissioner of Banking and Insurance.

An error apparently occurred in drafting the amendatory language to section 15 of the original act, contained in section 2 of the bill. As this section now reads, a licensed agent could not countersign insurance contracts for and on behalf of his company unless there was on file with the Commissioner of Banking and Insurance an unrevoked certificate authorizing the agent to countersign by an attorney in fact named therein. Obviously, the amendment was not intended to restrict the countersigning of insurance policies to licensed agents who have filed the names of attorneys in fact with the Commissioner.

Accordingly, I am returning herewith Assembly Bill No. 256 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

On page 2, section 2, line 7, after the words "contract of insurance" insert the words "by an attorney in fact".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 298

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 298.

This bill deals with one of the tragic aftermaths of the South Amboy explosion of May 19, 1950. The widows and orphans of some of the men who lost their lives in that explosion have, in a number of cases, been unable to prove the fact of death by identification of the bodies of their lost ones. The bill would seek to assist these distressed people by declaring 31 individuals, named in the bill, to be dead. While the list was undoubtedly prepared with care, neither the Legislative nor the Executive Branch of the government has any way of verifying its accuracy before giving it the stamp of law. We should certainly be cautious lest we declare dead a person who is in fact alive.

Present law provides for the establishment of a presumption of death in certain cases. One of these is the presumption of death which arises from seven consecutive years of absence (R. S. 3:42-1). Under the statute the presumption may be overcome by proof that the person "was alive

within that time.'' The present bill makes no similar provision even though the time elapsed is little more than a year. Another presumption of death depends upon a written finding made by the Secretary of War, the Secretary of the Navy, or certain other federal officers and agencies, pursuant to the Federal Missing Persons Act. Since 1945 the State has accepted a finding under that statute as presumptive evidence of death. (Laws of 1945, c. 46) Under this statute, proof that a person was in fact alive may overcome the presumption of death.

It is important to note that in each case the legislation creates only a presumption, and that a long, unexplained absence or an official determination by a responsible public officer is the basis of the presumption. In addition, the courts of this State apply the so-called ''special peril'' doctrine to permit a presumption of death prior to the expiration of seven years. This doctrine would seem to apply under the circumstances of the present bill. In the case of *Lukens* vs *Camden Trust Co.*, 2 *N. J. Super.* 214 (1948) the court summarized its holding:

> ''The death of an absent person may be inferred or presumed before the expiration of seven years where, in connection with other particular circumstances, it appears that within that period he encountered some special peril or came within range of some impending or imminent danger which might reasonably be expected to destroy life.''

To look to the process of legislation for an absolute declaration of death is to place upon the Legislative and Executive Branches a responsibility for which we have neither the facilities nor the moral right to discharge. In order to render all possible assistance to those affected, however, we may establish a presumption of death based upon the certification of local authorities who are in the best position to determine the facts.

Accordingly, I am returning herewith Assembly Bill No. 298 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, Title, line 3, strike out ''and declared''.

On page 1, section 1, lines 1 and 2, strike out all of said lines and insert in lieu thereof the following:

"1. The county prosecutor of the County of Middlesex, upon proof submitted to him, or from other information, sufficient to satisfy him that any person of those listed below may reasonably be presumed to have lost his life in the explosion which occurred in the harbor of the City of South Amboy on May 19, 1950, shall issue his certificate that such person is presumed to be dead, stating the date, circumstances and place of such death:".

On page 3, section 2, lines 1 to 5, strike out all of said lines and insert in lieu thereof:

"2. A certificate issued pursuant to section one of this act shall be received in any court, office or other place in this State as presumptive evidence of the death of the person therein found to be dead, and of the date, circumstances and place of his death."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 313

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 313.

A new pension to widows and children of policemen and firemen for ordinary death, is a desirable and necessary benefit, especially in light of the depreciation in the value of insurance policies and pension benefits due to national inflation. The Bill would provide an annual pension of $1,000 to the widow and surviving children of any policeman or fireman who died under conditions where no accidental death benefit would otherwise be payable under the Police

and Firemen's Retirement System (Laws of 1944, c. 255). The value of this new benefit would be very substantial. Based upon the capital required to pay $1,000 per annum to a widow until death or remarriage, on the basis of a three per cent interest rate and the mortality table adopted by the pension board, an actuarial estimate of the value has been made as follows:

Age of Widow at Death of Member	Value of Annual Pension of $1,000
30	$22,882
35	21,675
40	20,311
45	18,790
50	17,119

Our Police and Firemen's Retirement System fund has been established at great pains on a sound actuarial basis. The annual contributions which are paid into the fund are designed to meet the cost of paying the benefits available. Basically, these contributions are made in equal shares by the policeman or fireman and his employer, except for benefits related to accident or death in the performance of duty. Those familiar with the origin of the present sound pension and retirement system will recall that the investigations that preceded its adoption showed that pensions to widows and children had proved very costly under the old unsound pension law, and they were not included in the new law originally in order to avoid their cost on the one hand, and the past mistakes of including them without adequate provision for paying their cost on the other.

The present bill includes no service requirement so that any married member of the Retirement System, from the month he enters service, would have the benefit of insurance worth many thousands of dollars. The bill requires no reserves to be accumulated to provide this benefit, and would place upon the State Treasury the burden of making the contributions necessary to provide pension payments to the widows and children. This would be a cost to the State, as estimated by a leading actuary, which would eventually run over $1,000,000 a year. The State has no funds with which to meet this expense. Of even greater importance, the method of financing the proposed benefits would depart from

the principle of an actuarially sound benefit structure upon which we have built the whole new system. It would restore the old discredited, non-actuarial and non-reserve ideas which eventually destroyed the solvency and security of police and firemen's pensions, and resulted in the adoption of a completely new system in 1944.

I should be very pleased to add my unqualified approval to this bill if it were actuarially sound. The bill has genuine merit, and the policemen and firemen of this State, and their families, are entitled to the assurance that as soon as proper financing provisions are included, the proposed benefits will become operative. In order to provide an opportunity to accomplish this result, I am recommending that the effective date of the measure be postponed for six months beyond that stated in the bill, and that it be enacted as a law subject to the adoption of appropriate legislation to protect the promised benefits with an actuarially sound basis of contributions.

To accomplish this result, I am returning Assembly Bill No. 313 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

> On pages 2 to 7, inclusive, delete sections 2 and 3 in their entirety.
>
> On page 7, delete section 4 in its entirety, and insert in lieu thereof the following:
>
> "2. This act shall take effect on July first, one thousand nine hundred and fifty-two, provided that on or before that date legislation shall have been adopted to provide for the actuarial determination and apportionment of the cost of the pension to widows and children on ordinary death provided by this act, and for the payment of such cost by the members and their employers, or either of them, either with or without an option to each member to accept the added benefits and their cost."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 315

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 315.

This bill contains two erroneous references.

Accordingly, I am returning Assembly Bill No. 315 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 2, section 3, line 16, after the word "section" delete the word "four" and insert in lieu thereof the word "five".

On page 3, section 6, line 16, after the word "section", delete the word "four" and insert in lieu thereof the word "five".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 354

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 354.

This bill and Senate Bill No. 169, which I am returning with my recommendations for amendment, both amend section 39:10–11 of the Revised Statutes. To avert confusion

I am recommending that the amendment to R. S. 39:10–11, made in this bill, be deleted.

Accordingly, I am returning Assembly Bill No. 354 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

> On page 1, Title, line 2, after "39:10–10" delete ", 39:10–11".
>
> On page 2, delete section 2 (lines 1 through 33, inclusive) in its entirety.
>
> On page 3, section 3, line 1, change the section number "3" to section number "2".
>
> On page 3, section 4, line 1, change the section number "4" to section number "3".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 358

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 358.

Section 2 of this bill would amend Section 23:3–42 of the Revised Statutes, relating to fishpounds, to provide, among other things, that:

> "No pound shall be set, erected, operated or maintained in the Atlantic ocean or the Raritan or Sandy Hook bay without approval of the United States Department of the Army; as to location of said net, and in addition any licensee failing to comply with the Department of the Army's rules and regulations re-

specting lights, poles, the opening between pockets, et cetera, shall be liable to a penalty of two hundred dollars ($200.00) and forfeiture of license."

Incorporation by reference is undesirable and, in fact, unconstitutional (Article IV, Section VII, paragraph 5 of the State Constitution). In the case of the quoted language, such incorporation by reference leads to vagueness and an obviously unintended result. It is inconceivable that one could be charged with and tried for violating regulations respecting "et cetera."

In addition, there is a technical error in the introductory language of sections 1, 2 and 3, in that no reference is made to the Revised Statutes.

Accordingly, I am returning herewith Assembly Bill No. 358, for reconsideration and with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, section 1, line 1, insert after "23:3-41" the words "of the Revised Statutes".

On page 2, section 2, line 1, insert after "23:3-42" the words "of the Revised Statutes".

On page 2, section 2, delete lines 7 to 11, inclusive, in their entirety and insert in lieu thereof the following: "proval of the United States Department of the Army as to the location of said net. A person who erects, sets, operates or ".

On page 2, section 2, line 15, delete the word "board" and insert in lieu thereof the word "division".

On page 2, section 3, line 1, insert after "23:3-43" the words "of the Revised Statutes".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 364

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 364.

I am advised that the purpose of this bill is to bring the New Jersey Fish and Game Laws into conformity with Federal laws and regulations relating to blackbirds. In its present language, however, the bill merely makes reference to the existence of Federal regulations on the subject but does not bring the enumerated birds within the same protective classification as provided under Federal law.

Accordingly, I am returning Assembly Bill No. 364 herewith, with the recommendation that an amendment be made to the bill (Official Copy Reprint) as follows:

> On page 2, section 1, delete lines 18 to 22, inclusive, in their entirety and insert in lieu thereof the words "among the birds protected by this section; *provided, however,* that nothing herein contained shall be deemed to make lawful any act with respect to all grackles, yellow-headed red-wing, bicolored red-wing, tricolored red-wing and Brewer's blackbirds, which is made unlawful by the laws of the United States or any regulation issued pursuant thereto."

Respectfully,

[SEAL]
ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL No. 367

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 367.

The object of this bill is to make provision for a work-week schedule consisting of an average of 56 hours per week in any six-week cycle for paid members of fire departments in fire districts in townships having a uniform paid or part-paid fire department. The provisions of this bill are similar to Chapter 100 of the Laws of 1949 relating to the adoption of such work-week schedule by the governing body of any municipality in the State. The instant bill, however, contains several defects which should be corrected.

Accordingly, I am returning Assembly Bill No. 367 herewith for reconsideration and with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, section 1, line 1, after the word "fire" delete the words "districts in townships" and insert in lieu thereof the words "district in a township".

On page 1, section 1, line 6, after the words "emergency, the" delete the word "office" and insert in lieu thereof the word "officer".

On page 2, section 3, line 1, after the words "the question" insert the words "shall be".

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL NO. 384

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Committee Substitute for Assembly Bill No. 384.

This bill would revise the provisions of the law (chapter 8 of Title 34 of the Revised Statutes) relating to the licensing of employment agencies and their employees. The measure is intended to improve the statutory requirements on the subject.

The bill contains a serious technical error. While I am advised that the provisions of the measure were intended to apply to employment agencies operating in any municipality in the State, section 8 of the bill relating to the issuance of annual licenses for the conduct of these agencies refers solely to "cities." Apparently the draftsman of the legislation assumed that the words "cities" and "municipalities" were synonymous. This is not the case.

Accordingly, I am returning herewith Committee Substitute for Assembly Bill No. 384 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 5, section 3, line 1, after the words "or maintain" insert the words "an employment agency".

On page 11, section 8, line 4, delete the words "cities of 150,000 and upwards" and insert in lieu thereof the words "any municipality having a population of 150,000 or more".

On page 11, section 8, line 5, delete the words "cities of less than 150,000 but not less than 100,000" and insert in lieu thereof the words "any municipality having a population of less than 150,000 but not less than 100,000".

On page 11, section 8, line 6, delete the words "cities of less than 100,000 but not less than 50,000" and in-

sert in lieu thereof the words "any municipality having a population of less than 100,000 but not less than 50,000".

On page 11, section 8, line 7, delete the words "cities of less than 50,000" and insert in lieu thereof the words "any municipality having a population of less than 50,000".

On page 17, section 14, line 12, after the word "receive" insert the word "the".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 395

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 395.

This Bill proposes to amend section 41:2-1 of the Revised Statutes which designates the officers before whom oaths, affirmations and affidavits may be made and taken.

The office of Commissioner of the Superior Court no longer exists.

Accordingly, I am returning herewith Assembly Bill No. 395 for reconsideration and with the recommendation that amendment be made to the Bill (Official Copy Reprint) as follows:

On page 1, section 1, delete line 9 in its entirety.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 421

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 421.

The title does not encompass the proposed amendment. Further, in preparing the amendment the language of the present section was incorrectly copied, so that in line 5 the word "of" reads "or", making the phrase in which this error occurs meaningless.

Accordingly, I am returning herewith Assembly Bill No. 421 for reconsideration, and with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, Title, line 2, after the word "emergency" insert "or volunteer ambulance or rescue squad".

On page 1, section 1, line 5, after the word "association" delete the word "or" and insert in lieu thereof the word "of".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 508

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 508.

This bill was obviously intended to be a supplement to Chapter 43 of Title 40 of the Revised Statutes. According to the Title of the bill, however, it would supplement "chapter forty-three of Title 4 of the Revised Statutes".

Accordingly, I am returning Assembly Bill No. 508 herewith for reconsideration and with the recommendation that an amendment be made to the bill (Official Copy Reprint) as follows:

> On page 1, Title, line 2, delete the number "4" and insert in lieu thereof the number "40".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 517

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b), of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 517.

This bill proposes to amend the 1949 legislation broadening the powers and duties of local housing authorities.

My objection is directed to the proviso included in lines 14 to 24 of the Bill. With respect to any funds which may be obtained by local housing authorities from the Federal Government in connection with the planning of a redevelopment project under Chapter 300 of the Laws of 1949, this proviso would, in effect, exempt a local housing authority from following long-established, sound, uniform procedures in awarding contracts, and in the making of expenditures generally.

Accordingly, I am returning Assembly Bill No. 517 herewith, for reconsideration and with the recommendation that

amendments be made to the Bill (Official Copy Reprint) as follows:

On page 2, section 1, line 13, after the word "thereof" insert a comma.

On page 2, section 1, delete lines 14 to 24, inclusive, in their entirety and insert in lieu thereof "ity.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 518

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 518.

This Bill proposes to amend the Redevelopment Agencies Law (P. L. 1949, c. 306). As in the case of Assembly Bill No. 517, my objection is directed to the proviso included in lines 21 to 27 of the Bill. With respect to any funds which may be obtained by redevelopment agencies from the Federal Government in connection with the planning of a redevelopment project under Chapter 306 of the Laws of 1949, this proviso would, in effect, exempt a redevelopment agency from following sound and proven uniform procedures, long-established for local agencies, in awarding contracts and in the making of expenditures generally.

Accordingly, I am returning herewith Assembly Bill No. 518 for reconsideration and with the recommendation that amendments be made to the Bill (Official Copy Reprint) as follows:

On page 1, section 1, line 20, after the word "thereof" insert a comma.

On pages 1 and 2, section 1, delete lines 21 to 27, inclusive, in their entirety and insert in lieu thereof the words "of the municipality.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 549

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration, and with my objections, Assembly Bill No. 549.

This bill amends section 6 of the Unemployment Compensation Law (R. S. 43:21-1 et seq.) by adding thereto subsection (j). While I agree with the purpose of this amendment, it is my opinion that it should be stated in a way that will place its meaning beyond doubt and leave no ambiguity. Moreover, in line 124 reference to subsection "(d)" is patently an error. It should read subsection "(c)".

Accordingly, I am returning herewith Assembly Bill No. 549 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 5, section 1, delete lines 121 to 127, inclusive, in their entirety and insert in lieu thereof the following:

"(j) Failure to give notice. The failure of any public officer or employee at any time heretofore or hereafter to give notice of determination or decision required in subsections (b), (c) and (e) of this section, as originally passed or amended, shall not relieve any

employer's account of any charge by reason of any benefits paid unless and until that employer can show to the satisfaction of the director of the division that the said benefits, in whole or in part, would not have been charged or chargeable to his account had such notice been given. Any determination hereunder by the director shall be subject to court review."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 550

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 550.

This bill would authorize the governing body of any city of the second class having a population exceeding 20,000, in which the legal voters have not pursuant to R. S. 40:46-26 fixed and determined the salary to be paid the members of such governing body, other than the mayor, to fix such salary by ordinance, at an amount not exceeding $2,500 per annum.

In the event of a protest petition, the ordinance would be subject to referendum at the ensuing general election. Similar legislation has been adopted this year and approved, with respect to towns having a population exceeding 20,000 (P. L. 1951, c. 43).

However, Assembly Bill No. 550 in its present form is technically defective. Accordingly, I am returning the same herewith, for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, Title, after the words ''salaries of'' insert the words ''members of''.

On page 1, section 1, line 9, delete the word ''town'' and insert in lieu thereof the word ''city''.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 557

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 557.

This bill would authorize the submission to referendum of a proposal to issue State bonds in the sum of $15,000,000 for the purpose of construction, reconstruction, development, extension, improvement, equipment and facilities of State Teachers' College buildings. Additional facilities for our State Teachers' Colleges are urgently required. Accordingly, I am in complete agreement with the purpose of this measure. Any doubts, that I may have with respect to the virtues of the measure are directed at the proposed method of financing the improvements.

In every new undertaking the State must consider the need for the project as well as its ability to finance the project. In other words, we must consider the over-all financial position of the State. In this respect it should be noted that Assembly Bill No. 557 provides for the payment of the proposed bonds and the interest upon the same from revenue to be derived from a 15 per cent surtax on the transfer of property, taxable under Chapter 34 of Title 54 of the Revised Statutes. The new surtax would be established by a companion measure, Assembly Bill No. 558.

The proposed surtax would increase New Jersey "death taxes" substantially beyond those in neighboring States. We have traditionally sought to maintain a preferred tax position for New Jersey citizens. The proposed surtax would place New Jersey at a competitive disadvantage. In addition, it is entirely possible that a 15 per cent sur-inheritance tax would produce less revenue with a higher rate than the present tax. Removal of a very few large estates from the State could result in a substantial reduction in anticipated inheritance tax revenue. Inheritance tax revenues are unpredictable at best. While they totaled 14.9 million dollars gross in 1947, the average for the past three years was 8.6 million dollars.

For the foregoing reasons, I recommend that there be no increase in tax rates in this State at this time. Solely because I believe that the voters of the State should be given an opportunity to pass upon the proposed additions to the facilities of our State Teachers' Colleges without further delay, I am recommending that there be a dedication of so much of the inheritance and estate tax revenues, under present laws, as may be necessary to provide for the payment of principal and interest of the bonds authorized by Assembly Bill No. 557 subject, of course, to the contemplated referendum.

Accordingly, I am returning herewith Assembly Bill No. 557 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

> On page 6, section 17, delete lines 4 to 7B, inclusive, in their entirety, and insert in lieu thereof the following:
>
> "(a) Revenue derived from the tax imposed upon the transfer of property, real and personal, taxable under Chapter 34 of Title 54 of the Revised Statutes, as amended and supplemented, or so much thereof as may be required."
>
> On page 7, section 17, immediately following line 25, insert the following new paragraph:
>
> "If on or before the thirty-first day of December in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of

bonds falling due and all interest payable in the ensuing calendar year, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from transfer inheritance taxes above referred to shall thereupon be considered as part of the General State Fund, available for general purposes."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 561

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 561.

This bill is designed to implement the carefully-prepared anti-discrimination program which has been adopted by the Legislature, in cooperation with the Executive, during recent years. The program has worked well and has produced a wholesome atmosphere of community relations and understanding in place of the former mistrust, friction and ineffective system of legal redress.

This bill to prevent discrimination against school children by reason of their observance of a religious holiday fits into the existing program. It is particularly important, however, that new legislation in this difficult field should be

administratively feasible and should meet the reasonable needs of local school systems for full and complete records. Since there appeared to be some doubt on this score in the bill as presented to me, amendments have been prepared after consultation with the representatives of the Department of Education to clarify the purpose and operation of the legislation. These amendments have the full support of the sponsor, and the State Department of Education agrees that they will greatly improve the workability of the measure.

Accordingly, I am returning herewith Assembly Bill No. 561 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

> On page 1, section 1, line 3, after the word "absence" delete the comma and the remainder of the line.
>
> On page 1, section 1, delete line 4 in its entirety.
>
> On page 1, section 1, line 5, delete the words "member, or".
>
> On page 1, section 1, line 6, delete the words "any test" and insert the words "an alternate test".
>
> On page 1, section 1, line 6, after the word "examination," insert the words "for any which he missed by reason of such absence,".
>
> On page 1, following section 1, insert two new sections to read as follows:
>
> "2. For the purposes of the administration of this act, any absence because of religious holidays shall be recorded as excused absence on the pupil's attendance record or on that of any group or class of which he is a member. Any transcript or application or employployment form or any similar form on which information concerning a pupil's attendance record is requested shall show, with respect to absences, only absences other than absences excused because of religious holidays.
>
> "3. The Commissioner of Education, with the approval of the State Board of Education, shall prescribe such rules and regulations as may be necessary to carry out the purposes of this act. Such rules and regulations shall include, but not be limited to, a list of

holidays on which it shall be mandatory to excuse a pupil under the provisions of this act. Nothing herein contained shall be construed to limit the right of any board of education, at its discretion, to excuse absence on any other day by reason of the observance of a religious holiday."

On page 1, change section number "2" to section number "4".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 572

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 572.

This bill concerns the vesting of title to certain real estate which is alleged to have escheated to the State. The circumstances presented by this measure would warrant my approval of the bill were it free from technical defects.

Accordingly, I am returning the same herewith, for reconsideration and with the recommendation that amendments be made to the Bill (Official Copy Reprint) as follows:

On page 3, section 1, line 1, change "rights" to "right".

On page 3, section 1, line 2, after the word "seized" insert the word "in".

On page 3, section 1, line 3, after the word "George" insert the letter "H.".

On page 3, section 1, line 3, after the word "Kreneis," insert the word "Jr.,".

On page 3, section 1, line 3, after the word "infant," insert the words "more particularly described in the preamble to this act,".

On page 3, section 1, line 4, before the word "such", insert the word "and".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 635

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 635.

This bill strengthens the park police pension or retirement fund in certain counties by increasing the contributions required to be paid into the fund and by authorizing the park commission to close the fund to new members. One of the sections which was amended fails to cover a situation which has been brought to my attention and which the sponsor intended to be covered by amendment.

At the request of the sponsor, I am returning Assembly Bill No. 635 for reconsideratoin and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 2, section 4, line 3, delete "40:37-1" and insert in lieu thereof "40:37-161".

On page 2, section 4, line 10, at the end of said line following the word "fund" insert the following: ",

provided that where the member shall have died subsequent to April 15, 1951, after having attained the age of 55 years and having served an aggregate of 25 years in the police force or department, the park commission may elect to pay the widow of any such member, in lieu of the return of such assessments, a widow's pension under the same terms and conditions as prescribed for widows of members of the police force or department retired and pensioned as provided in section 40:37-165 of this Title."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 638

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 638.

There is no rule better established in law than that the intention of the testator should prevail in the construction of a will. This Bill would effectuate such intention.

Section 2 of the Bill makes it effective immediately, but inapplicable to wills probated prior to January 1, 1952. The date of the testator's death is the date to which the courts logically look as fixing the testator's intent and the nature of the interests vested in the several legatees and devisees. The date of death rather than the date of probate should control.

Accordingly, I am returning Assembly Bill No. 638 herewith for reconsideration and with the recommendation that an amendment be made to the Bill (Official Copy Reprint) as follows:

On page 1, delete section 2 in its entirety and substitute in lieu thereof the following:

"2. This act shall take effect immediately but shall not apply to any devise or bequest made by any person dying prior to January 1, 1952".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 647

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 647.

The bill amends R. S. 48:2-3 to provide that the Board of Public Utility Commissioners shall have a principal office and such other offices in such place and places as the Governor in writing shall designate. Further, it supplements Chapter 2 of Title 48 by providing that upon designation by the Governor of the principal office of the Board "pursuant to this section," the Board shall file a copy of such designation with the Secretary of State; thereafter, wherever reference is made in any law to the office of the Board in Trenton, it shall be given effect as though it specifically referred to the principal office so designated.

The use of the phrase "pursuant to this section," is an inadvertent error, because the designation is actually to be made by the Governor under R. S. 48:2-3.

Accordingly, I am returning herewith, Assembly Bill No. 647 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 5, delete the word "time" and insert the word "times".

On page 1, section 2, line 2, delete the words "this section" and insert the words "section 48:2–3 of the Revised Statutes".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 651

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 651.

The stated purpose of Assembly Bill No. 651, amending R. S. 45:6–20, is to permit an internship or residency for a longer period than now provided in the statute, and to provide for a fee for the issuance or renewal of certificates by the State Board of Registration and Examination in Dentistry.

In the course of its passage through the Legislature, this bill was amended to include internship or residency in private licensed hospitals and in private institutions. Although this addition was made in the opening clause of R. S. 45:6–20 (see line 5 of the Second Official Copy Reprint), a related clause requiring public display of the certificate issued by the Board to an interne or resident (lines 11-12) was not amended. Also, R. S. 45:6–20, the subject of Assembly Bill No. 651, is inter-related with R. S. 45:6–21. Although the latter section mentions dental internes it does not anywhere refer to residents, nor does it refer to private licensed hospitals or private institutions. I am advised by the State Board of Registration and Examination in

Dentistry that the two sections should apply equally to residents and internes, whether practicing in public or private licensed hospitals or other public or private institutions. Accordingly, and if the two sections are to be consistent, R. S. 45:6–21 should contain the same changes as were made in R. S. 45:6–20.

I am, therefore, returning herewith Assembly Bill No. 651 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 1, Title, line 2, after the word "amending" delete the words "section 45:6–20" and insert in lieu thereof the words "sections 45:6–20 and 45:6–21".

On page 1, section 1, line 11, before the word "hospital" insert the words "or private licensed".

On page 1, section 1, line 12, after the word "public" insert the words "or private".

Immediately after section 1 insert a new section 2 to read as follows:

"2. Section 45:6–21 of the Revised Statutes is amended to read as follows:

"45:6–21. No dental interne *or resident* certified under section 45:6–20 of this title to any public *or private licensed* hospital or other public *or private* institution shall receive, collect or be entitled to, either directly or indirectly, any fees or compensation for any services rendered, while acting as such interne *or resident;* but nothing herein contained shall be construed to prevent or prohibit the public *or private licensed* hospital or other public *or private* institution to which any interne *or resident* is attached from providing compensation out of its funds for services so rendered by such interne *or resident*. The services rendered by any such interne *or resident* shall be strictly confined to the inmates and registered patients of the public *or private licensed* hospital or other public *or private* institution to which he is attached, and shall be performed under the supervision of a regularly licensed dentist of this State, who shall be a member of the staff of such hospital or institution. Every public *or private licensed* hospital or other public *or private* institution to which any such interne *or resident* is attached shall

be subject to inspection by the board, or by its duly accredited inspectors or representatives."

On page 1, section 2, line 1, change the section number "2" to section number "3".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 656

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 656.

A revision of the law regulating the storage in refrigerated warehouses and locker plants of food or drink is particularly timely in view of the great increase in the cold storage of foods since the adoption of the Cold Storage Law a number of years ago. The widespread use of frozen foods has been one of the outstanding developments of the intervening period.

I am advised that Assembly Bill No. 656, as introduced, was the product of a joint effort by representatives of the State Department of Health and of the refrigerated warehouse industry. The Department considers the revision a definite improvement over the existing legislation.

During the progress of the bill through the Legislature the definition of "refrigerated warehouse" in section 1 was amended so that a manufacturer or distributor utilizing its refrigerated warehouse space exclusively for its own use was added to the list of those exempted from the definition. Neither of the two added exemptions were in the old law.

The proposed exclusion of manufacturers and distributors does not appear to be in the public interest.

The State Department of Health also advises me that the language of the bill leaves in doubt whether adequate provision for inspection is made to enable public health officers effectively to carry out the responsibilities imposed upon them.

Accordingly, I am returning herewith Assembly Bill No. 656 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

> On page 1, section 1, line 7, delete the words "eating club, manufacturer or distributor" and insert in lieu thereof the words "or eating club".
>
> On page 5, section 15, immediately following line 2, insert the following new paragraph:
>
> "The State Department of Health and the local board, and any officer or employee thereof shall, in the performance of any duty imposed by this act, at all times have full access to any refrigerated warehouse or locker plant for purposes of inspection and enforcement of the provisions of this act, and may examine and open any package or container which is believed to contain any article in violation of this act."
>
> On page 5, section 18, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:
>
> "18. This act shall take effect immediately."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 670

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 670.

This bill is apparently intended to authorize a procedure for amendment of the charter power in any municipality regarding the fixing of the salaries of municipal officers. The bill provides for a referendum on a public question to authorize the governing body to fix salaries theretofore established by referendum.

As originally introduced, the bill permitted the governing body to submit the public question on its own motion, but required it to do so upon a 20 per cent petition of the registered voters. As the result of a Senate amendment, the filing of such a petition would leave the submission of the question to the discretion of the governing body.

If the bill is to have any serious purpose, filing of a substantial petition, such as one signed by 20 per cent of the registered voters, should require action upon the part of the governing body. The bill should also be perfectly clear as to the nature of the question to be submitted to the electorate.

Accordingly, I am returning Assembly Bill No. 670 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 1, section 1, line 5, delete the word "may" and insert in lieu thereof the word "shall".

On page 1, section 1, line 9, delete the entire line and insert in lieu thereof the following: "the (title of governing body) of this municipality instead of by the voters by referendum as in the past?"

On page 1, section 2, line 1, after the word "voting" insert the words "on the question".

On page 2, section 2, line 6, after the word "voting" delete the words "at such election" and insert in lieu thereof the words "on the question".

On page 2, section 2, line 7, delete the word "salary" and insert in lieu thereof the word "question".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL No. 680

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 680.

This Bill would authorize members of the Teachers' Pension and Annuity Fund, protected by tenure under the Education Laws (Title 18 of the Revised Statutes) who have become or may hereafter become unemployed by reason of the creation of a regional school district or a consolidated school district, to continue as members of the Fund. The measure further provides that any such member who subsequently is employed at a salary lower than that which he was receiving in the school district at the time that he became unemployed shall be permitted to pay into the Pension Fund the same amount that he was paying prior to becoming unemployed. Upon the withdrawal, retirement or death of such member, the benefits payable to the member or his beneficiary would be the same as if his salary or compensation had not been at a lower amount.

The Bill does not contain any provision relating to interest accruals on accumulated funds after two years of absence without pay. In addition, at least one definition in R. S. 18:13–25 (the definition of "average salary") will be obscure if the bill is approved in its present form.

Also, the reference in the Title to the bill to "article three, Title 18 of the Revised Statutes" is incorrect. The laws relating to the Fund are contained in article 3, chapter 13, Title 18 of the Revised Statutes.

Accordingly, I am returning Assembly Bill No. 680 herewith for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

> On page 1, Title, line 2, after the word "three" insert the words ", of chapter thirteen,".
>
> On page 1, section 1, line 1, after the words "provisions of" insert the words "chapter 245 of the Laws of 1947 or".
>
> On page 1, section 1, line 1, after the word "membership" insert the words "and interest accrual".
>
> On page 1, section 1, line 2, delete the word "members" and insert in lieu thereof the word "member".
>
> On page 1, section 1, line 5, after the word "except" delete the word "by" and insert in lieu thereof the word "upon".
>
> On page 1, section 1, lines 5 and 6, after the word "withdrawal" insert the words "of accumulated deductions".
>
> On page 1, section 1, line 6, delete the words ", and any" and insert in lieu thereof ". Any".
>
> On page 1, section 1, line 7, after the word "employed" insert the words "as a teacher in a school district".
>
> On page 1, section 1, line 10, after the word "upon" delete the remainder of the line.
>
> On page 1, section 1, delete lines 11 and 12 in their entirety and insert in lieu thereof the words "retirement his 'average salary', for pension purposes, shall be the average annual salary upon which contributions were based for the last five years preceding retirement. If such member is not subsequently employed in a school district, his 'average salary', for pension purposes, shall be the average annual salary earned, as a teacher in a school district, for the last five years of his contributing membership."

On page 1, section 3, line 1, after the word "effect" delete the remainder of the line.

On page 1, section 3, line 2, delete the entire line and insert in lieu thereof the word "immediately".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL No. 686

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 686.

Article 6 of Chapter 37 of Title 40 of the Revised Statutes (R. S. 40:37-252, *et seq.*) authorizes the board of freeholders in any county of the second class in which county lands have been developed for use as a public park or public recreation place *with funds made available by the Federal Government or any instrumentality thereof* to undertake the maintenance, preservation and care of such lands as public parks or recreation places and provide annual appropriations for such purposes.

One of the amendments contained in Assembly Bill No. 686 would delete the above underscored provision. This amendment appears to enable counties of the second class to engage in park development and operation without a referendum in any case, whether or not the park was originally established with federal aid. This is contrary to the long-established, sound practice in New Jersey requiring referendum by the voters.

Accordingly, I am returning herewith, Assembly Bill No. 686 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, Title, line 2, after the word "amending" delete the words "sections 40:37-252 and" and insert in lieu thereof the word "section".

On page 1, section 1, delete lines 1 to 11, inclusive, in their entirety.

On page 1, section 2, line 1, change the section number "2." to section number "1.".

On page 2, section 3, line 1, change the section number "3." to section number "2.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 693

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration, and with my objections, Assembly Bill No. 693.

The purpose of this Bill is to provide for the establishment of the Barnegat Lighthouse State Park and for its maintenance and operation by the Department of Conservation and Economic Development. The powers proposed to be vested in that Department would include the power "to lay out, construct and maintain roads and ways within said park; to lay out, construct and maintain roads between and connecting any separate portions of said park, and for this purpose to acquire rights-of-way upon and across any intervening lands; and to lay out, construct and maintain connecting roads and ways from points within said park to other public roads outside of and adjacent thereto." These functions properly belong in the State Highway Department and not in the Department of Conservation and Economic Development.

In addition, section 4 of the Bill would permit the Department of Conservation and Economic Development to vest in its employees the necessary ''police power for the abatement of nuisances, stopping of abuses and protection and management of such park.'' Sound public policy would require that the exercise of this function be subject to the approval of the State Department in which all of our major law enforcement agencies and activities are now integrated, *i. e.,* the Department of Law and Public Safety.

Accordingly, I am returning herewith Assembly Bill No. 693 for reconsideration and with the recommendation that amendments be made to the Bill (Second Official Copy Reprint) as follows:

On page 2, section 2, line 6, after the word ''public'' delete the word ''and'' and insert in lieu thereof the words ''; and the State Highway Department shall have the authority:''.

On page 2, section 4, line 3, after the words ''The said department shall'', insert the words '', subject to the approval of the Attorney General and in accordance with such regulations for the protection of the public safety and welfare as the Attorney General shall prescribe,''.

On page 2, section 4, lines 3 and 4, after the words ''to vest in'' delete the words ''its employees the necessary police power'' and insert in lieu thereof the words ''such of its employees as it may determine to be necessary the powers and duties of peace officers''.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 709

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 709.

I am in accord with the stated purpose of this Bill, which is more specifically to define "common drug addict" under the Disorderly Persons Law.

As the Bill is now written, a person accused of being a common drug addict may escape being adjudged a disorderly person if he can show to the satisfaction of the court that he obtained the drugs from a person duly authorized by law to treat sick and injured human beings "and that such drugs were used in connection with such treatment." The obvious intention was to refer to drugs obtained from a physician and used in connection with the treatment of the person who is accused of being a common drug addict. However, the present language of the amendment is subject to a much broader interpretation.

In order to insure that the Bill will have the effect intended, I am returning Assembly Bill No. 709 herewith for reconsideration and with the recommendation that an amendment to the Bill (Official Copy Reprint) be made as follows:

> On page 1, section 1, line 13, insert immediately after the word "treatment" the words "of the person so accused".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

State of New Jersey,
Executive Department,
June 26, 1951.

Senate Bill No. 11

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 11.

The government of school districts has long been identified with the distinction between Chapter 6 districts, so-called city school districts, and Chapter 7 districts. In the city school districts members of the board of education are appointed by the mayor, whereas in the Chapter 7 districts the members of the board are elected by the voters. The law provides for changing from a Chapter 6 district to a Chapter 7 district and vice versa upon the submission of the question of change to the voters whenever the governing body or the board of education of the school district shall by resolution direct that the question be so submitted. (R. S. 18:6-3 and R. S. 18:7-3.)

In the case of towns, townships or boroughs, present law also provides for submitting the question of adopting Chapter 6 upon petition of the voters. Senate Bill No. 11 would add provisions for this method of adoption of Chapter 7 in certain cities. The bill would apply to certain commission-governed cities of the second class, in any county of the second class according to its population as shown by the census of 1940.

The bill applies the principle of home rule to the organization of school districts. It encourages limited and reasonable experimentation with an elected board of education in larger cities. As such it may eventually contribute to a better understanding of the best method of selecting school board members in urban areas.

There are a few factors in the present bill which may not, however, lend themselves to its general purpose. The petition requirement based upon five per cent of those voting at the last general election seems unduly low in view of the petition requirements recommended by the Commission on Municipal Government as well as those recently adopted by the Legislature for the Optional Municipal Char-

ter Law (Laws of 1950, c. 210). Since the purpose of the present bill is to provide for a major charter amendment, it is desirable for the sake of uniformity to require the same number of signers as are required under last year's new charter laws. In the course of the enactment of the bill a substantial amendment was made in the first section, but conforming amendments to that section and to the second section were apparently overlooked.

Accordingly, I am returning Senate Bill No. 11 for reconsideration and with the recommendation that amendments be made to the Bill (Second Official Copy Reprint) as follows:

> On page 1, section 1, lines 5 and 6, delete "the governing body of such city, whenever there is presented to them" and insert in lieu thereof "the municipal clerk of such city, whenever there is presented to him".
>
> On page 1, section 1, line 7, delete the entire line and insert in lieu thereof "at least ten per centum (10%) of the registered voters of".
>
> On page 1, section 1, line 8, delete "tion in".
>
> On page 1, section 1, line 8c, after "therein" insert "as other public questions are submitted pursuant to Title 19 (Elections) of the Revised Statutes".
>
> On page 2, section 2, line 3, delete the entire line and insert in lieu thereof "the filing of a valid petition pursuant to".
>
> On page 2, section 2, delete lines 5, 6 and 7, in their entirety, and insert in lieu thereof "election occurs within forty-five days of the filing of such petition, the question shall be submitted at the next general or municipal election.".

Respectfully,

[SEAL]
ALFRED E. DRISCOLL,
Governor.

Attest:

PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 22

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 22.

This bill amends section 2 of P. L. 1947, c. 403, to make it clear that the county physician has the power to make or order an autopsy as a part of his investigation of the cause of death in certain cases. The amendment would authorize a county physician to perform such autopsy when, in his opinion, it is necessary to determine the cause of death, or he may direct "someone designated by him" to do so. A detailed description of the findings, together with the conclusions drawn from the autopsy, is to be filed in the county physician's office.

This is a desirable measure but the added language should make clear that the person designated by the county physician to perform the autopsy is a physician duly licensed to practice in this State.

Accordingly, I am returning herewith Senate Bill No. 22, for reconsideration and with the recommendation that amendment to the bill (Official Copy Reprint) be made as follows:

> On page 2, section 1, line 11, after the words "designated by him" insert the words "who is a physician duly licensed to practice as such in this State".

Respectfully,

[SEAL]
ALFRED E. DRISCOLL,
Governor.

Attest:

PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 95

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Senate Bill No. 95.

This bill purports to amend Chapter 109 of the Laws of 1945, which authorized the revival and extension in perpetuity of the corporate existence of certain fire companies.

However, the required introductory paragraph setting forth that a section of existing law is to be amended, has been omitted.

Accordingly, I am returning herewith Senate Bill No. 95 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

> On page 1, immediately after the enacting clause and before section 1, insert the following:
>
> "1. Section one of the act of which this act is amendatory is amended to read as follows:"

Respectfully,

[SEAL]
ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

State of New Jersey,
Executive Department,
June 26, 1951.

Senate Bill No. 98

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my recommendations, Senate Bill No. 98.

I approve the purpose of this bill. It would broaden the coverage provided by the statute (P. L. 1947, c. 263) relating to allowances to paraplegics, hemiplegics and double amputees whose condition resulted from injuries sustained in active military or naval service. Assembly Bill No. 377, which is also before me, would amend the same section of the 1947 act as proposed to be amended by Senate Bill No. 98, to broaden its coverage in other respects. That, too, is a meritorious measure.

Approval of both bills, each amending the same section of the statute in different respects, would only lead to confusion and would raise serious questions as to the effect of the statute. Accordingly, I suggest that the amendments provided by Assembly Bill No. 377 be fully incorporated in Senate Bill No. 98.

I am therefore returning Senate Bill No. 98 herewith for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 5, after the words ''and lower parts of the body,'' insert the words ''or who is suffering from osteochondritis and has permanent loss of the use of both legs,''.

On page 1, section 1, line 7, after the word ''body'' insert a comma.

On page 1, section 1, line 7, after the word ''resulting'' delete the comma.

On page 1, section 1, line 7, after the words ''spinal cord'' insert the words '', skeletal structure,''.

On page 2, section 1, line 22, after the word ''paraplegia'' insert the word '', osteochondritis,''.

On page 2, immediately following section 1, insert the following new section:

"2. Section three of the act of which this act is amendatory is amended to read as follows:

"3. Evidence of the service and disability mentioned in this act shall be furnished to the Division of Veterans' Services of the Department of Conservation and Economic Development, which shall examine the same and upon being satisfied that the service was performed and the veteran has been rendered permanently paralyzed, *or has permanently lost the use of both legs*, or has suffered amputation, as defined in section two of this act, shall so certify to the Director of the Division of Budget and Accounting in the Department of the Treasury, who shall, upon receipt thereof, draw his warrant on the State Treasurer in favor of the applicant in the sum of five hundred dollars ($500.00) annually, which the State Treasurer shall pay out of the money appropriated therefor by the Legislature."

On page 2, change the section number "2" to section number "3".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL NO. 99

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 99.

This bill would amend Chapter 206 of the Laws of 1947, which relates to mortgages made and executed to a husband and wife. Senate Bill No. 99 would extend the scope of the act to include mortgages assigned to a husband and

wife. However, the title of the original law (P. L. 1947, c. 206) has not been amended to incorporate the broadened provisions proposed by the bill.

Accordingly, the title of the act proposed to be amended would not, if Senate Bill No. 99 were approved in its present form, conform to the requirements of Article IV, Section VII, paragraph 4, of the State Constitution.

Therefore, I am returning herewith Senate Bill No. 99 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

> On page 1, title, line 1, after the word "amend" insert the words "the title of".
>
> On page 1, title, line 3, after the parentheses and before the period, insert ", so that the same shall read 'An act relating to mortgages, and assignments of mortgages, of real estate or chattels or both made to husband and wife,' and to amend the body of said act".
>
> On page 1, immediately following the enacting clause, insert the following new section:
>
> "1. The title of 'An act relating to mortgages of real estate or chattels or both made to husband and wife,' approved May twenty-eighth, one thousand nine hundred and forty-seven (P. L. 1947, c. 206), is amended to read 'An act relating to mortgages, and assignments of mortgages, of real estate or chattels or both made to husband and wife.' "
>
> On page 1, renumber sections "1" and "2" to sections "2" and "3", respectively.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 113

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 113.

The apparent object of this bill is to extend the provisions of Chapter 157 of the Laws of 1943 (relating to execution of letters or powers of attorney by persons in the armed forces) to include within the scope of that act persons now serving in Korea.

Earlier this year legislation was adopted, and signed into law, extending to veterans of service in the armed forces after June 23, 1950 and during the present national emergency, rights and privileges extended to veterans of service during World War II. The provisions of the instant bill should be extended to include all of our young men and women serving in the present national emergency.

Accordingly, I am returning herewith Senate Bill No. 113 for reconsideration and with the recommendation that amendments to the bill (Second Official Copy Reprint) be made as follows:

> On page 1, title, line 1, after the word "amend" insert the words "and supplement".
>
> On pages 1 and 2, section 1, delete lines 3 to 20, inclusive, in their entirety, and insert in lieu thereof the following:
>
> "1. Any letter or power of attorney by any person who is in the military service or armed forces of the United States of America or of any of its allies, or is serving as a merchant seaman outside the limits of the United States included within the forty-eight States and the District of Columbia or is outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged, *or in time of national emergency,* heretofore or hereafter made, shall be valid and sufficient, to all

intents and purposes, as to any and all of the powers therein granted to the attorney-in-fact therein named, until revoked by the said constituent or by his executor, administrator or heirs, by instrument of record, or as may otherwise be provided in such letter or power of attorney, notwithstanding the death or incompetence or possible death or incompetence of said constituent or principal."

On page 2, section 2, delete lines 1 to 3, inclusive, in their entirety and insert in lieu thereof the following:

"2. Section three of the act of which this act is amendatory is amended to read as follows:

"3. Any such acknowledgment may be made before any notary public of any State, or before any other officer authorized by the law of this State to take acknowledgments and proofs of deeds, or before any commissioned officer in the military service or armed forces of the United States or of any of its allies, and shall be sufficient if it shall appear in said letter or power of attorney or in said certificate of acknowledgment that the said constituent is in such military service or armed forces, or is serving as a merchant seaman outside the limits of the United States included within the forty-eight States and the District of Columbia or is outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged, *or in time of national emergency,* and if it certify that he appeared before such officer, and acknowledged the said letter or power of attorney to be his act and deed before such officer; and the recital in said letter or power of attorney, or the recital of such officer in the certificate of acknowledgment over his signature as such officer or commissioned officer shall be sufficient proof that the person before whom the same was taken is such an officer and that such person making such acknowledgment was in the military service or armed forces of the United States of America or one of its allies or is serving as a merchant seaman outside the limits of the United States included within the forty-eight States and the District of Columbia or is outside said limits by permission, assignment or

direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged, *or in time of national emergency*; and such acknowledgment when so taken or made shall have the same force and effect as though taken or made before [the Chancellor] *an authorized officer* of this State."

On page 2, section 3, line 1, delete the entire line and insert in lieu thereof the following:

"3. Section six of the act of which this act is amendatory is amended to read as follows:

"6. This act shall be liberally construed for the benefit of persons in the military service or armed forces of the United States or its allies or serving as a merchant seaman outside the limits of the United States included within the forty-eight States and the District of Columbia or outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged, *or in time of national emergency*, and their relatives and dependents, and shall be and remain in full force and effect although in contravention of any prior or existing statute or rule of law.

"4. Section seven of the act of which this act is amendatory is amended to read as follows:

"7. This act shall take effect immediately, and shall continue in effect so long only as the United States of America continues in the present wars with the governments of Japan, Germany and Italy, or any of them, and until the expiration of six months following the making of a treaty or treaties of peace concluding all of said wars; *and shall continue in effect in time of national emergency as herein defined and for six months thereafter.*

"5. As used in the act to which this act is a supplement the term 'in time of national emergency' shall mean and include any time after June twenty-third, one thousand nine hundred and fifty, and prior to the termination, suspension or revocation of the proclama-

tion of the existence of a national emergency issued by the President of the United States on December sixteenth, one thousand nine hundred and fifty, or termination of the existence of such national emergency by appropriate action of the President or Congress of the United States.

"6. This act shall take effect immediately."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 115

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 115.

The apparent purpose of this bill is to place a quietus upon disputes as to whether or not employees of local boards of health serve at the pleasure of the board or for a term fixed by the board, or pursuant to the requirements of subtitle 3 of Title 11 of the Revised Statutes (Civil Service), where that Title has been adopted by a municipality. These disputes have arisen due to an apparent conflict between Title 11 and the provisions of Title 40, relating to local health administration. Under the latter Title local health personnel could be appointed for a fixed term and accordingly were not blanketed in, as other municipal officers and employees, when a municipality adopted Title 11. Subsequently Chapter 119 of the Laws of 1950 was adopted, effective July 1, 1950, with the purpose, in part, of settling the civil service status of local health personnel. But that law left unsettled the question of blanketing in health personnel previously appointed for a term under the local health law, who, except for such manner

of appointment, would have been blanketed in by Title 11 itself.

The bill does two things. It clarifies the requirements as to future appointments, and it also purports to validate the civil service status of local health officers and employees who have been appointed in the past. As to the latter, the bill would apply to persons "holding office, position or employment on the effective date of this act . . ."

The persons affected would be placed in the classified service of the Civil Service without examination. The language of the bill is so broad, however, that it would cover persons appointed after the adoption of the 1950 act which was designed to remove the statutory ambiguity as to the requirement of civil service appointment of these employees. While persons whose status was confused due to an ambiguity in the statute should not be prejudiced in their rights, the bill to the extent it relates to other persons would violate both the letter and spirit of the civil service clause of the State Constitution (1947).

Accordingly, I am returning Senate Bill No. 115 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 4, after the word "Service)" insert the words "of the Revised Statutes".

On page 1, section 1, line 7, after the word "health" insert the word "now".

On page 1, section 1, lines 7 and 8, delete the words "on the effective date of this act" and insert in lieu thereof the words "and who were holding such office, position or employment on July first, one thousand nine hundred and fifty".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 169

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 169.

This bill, among other things, amends R. S. 39:10-11 and 39:10-14 by requiring that all chattel mortgages on motor vehicles be recorded with the Director of the Division of Motor Vehicles. Its purpose is to provide a central location for the recording of such mortgages and thereby to eliminate the necessity of searching for such encumbrances in the records of 21 counties.

By including all motor vehicles, however, this amendment would work a hardship on our farmers, dairymen, poultrymen and others who annually give chattel mortgages on their motor vehicles in order to secure production loans.

The bill would impose a $2.00 fee for the filing of each statement of encumbrance with the Director and his issuance of a new certificate of ownership with the encumbrance recorded thereon. I am advised that the total fees so required of a farmer who temporarily mortgages his motor vehicles at the beginning of the season might frequently exceed the interest charges on the production loans secured by the mortgages. In my judgment, therefore, the bill should be amended to exempt our agriculturalists from the burdens which it inadvertently would impose upon them.

Accordingly, I am returning Senate Bill No. 169 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

> On page 2, section 1, delete lines 17 through 19, inclusive, in their entirety and insert in lieu thereof the following:
>
> "Whenever a chattel mortgage is placed on a motor vehicle it shall be recorded in the county as provided in sections 46:28-5 and 46:28-7 of the Revised Statutes,

and shall also, unless it is given to secure an agricultural loan, be presented to the direc-''.

On pages 2 and 3, section 2, delete lines 3 through 6, inclusive, in their entirety and insert in lieu thereof the following:

''39:10-14. The director shall, on the record or abstract of contract of every motor vehicle registered with him, which may be subject to contract of conditional sale, chattel mortgage (required to be presented to and recorded by him), or other form of instrument, make a notation of the existence of such contracts, mortgages, or other forms of instrument, and shall index same under the name''.

On page 3, section 2, line 14, after the word ''and'' insert a comma.

On page 3, section 2, line 29, after the word ''director'' change the period to a comma and insert the following: ''unless the chattel mortgage is one that is not required, under the provisions of this section and section 39:10-11 of the Revised Statutes, to be presented to and recorded by the director.''.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 182

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 182.

This bill would amend section 4 of the Racing Law of 1940 (P. L. 1940, c. 17). Its purpose is to increase the maximum expenses allowable to the racing commissioners.

The increase provided for is consistent with the appropriation for this item as contained in the annual appropriation law for the coming fiscal year.

However, the proposed amendment continues the language used in the 1940 law which authorized the commission to employ, among other officers and employees enumerated, attorneys. Pursuant to the reorganization acts of 1944 and 1948 (P. L. 1944, c. 20, and P. L. 1948, c. 439), the legal services for State offices, departments and agencies, are provided by the Attorney General.

Accordingly, I am returning Senate Bill No. 182 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

> On page 1, section 1, line 8, delete the words "an attorney who is a counsellor-at-law,".
>
> On page 2, section 1, line 9, delete the word "attorneys".
>
> On page 2, section 1, lines 22 and 23, delete the words "attorneys, assistant attorneys".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 195

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 195.

A special committee of judges appointed to study sentencing practices has recommended this bill as desirable and necessary in the light of their extensive experience in administering our criminal laws. The measure also has the

approval of the State Parole Board. Its provisions are intended to aid in the rehabilitation of an individual sentenced to a reformatory, and in his or her eventual return to society better qualified to assume a proper place in community life.

Since criminal statutes are strictly construed, this bill should make it quite clear that the proposed amendments in no way affect reformatory sentences heretofore imposed.

Accordingly, I am returning herewith Senate Bill No. 195, for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, title, line 1, delete the word "and".

On page 1, title, line 2, delete the period at the end of the line and insert in lieu thereof the following: ", and supplementing article twelve of chapter four of Title 30 of the Revised Statutes.".

On page 3, immediately after section 3, insert the following new section:

"4. Nothing contained in the amendments to sections 30:4–148, 30:4–152 and 30:4–155 of the Revised Statutes hereinabove made, shall in any way be construed to apply to or affect any sentence to any reformatory imposed prior to the effective date hereof."

On page 3, section 4, line 1, change the section number "4." to section number "5.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

State of New Jersey,
Executive Department,
June 26, 1951.

Senate Bill No. 197

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 197.

This bill would increase funds available for administering the Temporary Disability Benefits Act from six per cent of contributions to the equivalent of eight per cent of contributions. This 33⅓ per cent increase in the percentage will not increase dollars available for administration to a corresponding degree, due to the fact that the contributions themselves are expected to decline substantially when experience rating of the employer share takes effect this year. Moreover, only such sums as are appropriated by law may be expended. Actually, the 1951-52 appropriation, despite the increased percentage allowed for administration by this bill, will be less than in the past two fiscal years. The figures are:

1950..............	$1,182,300
1951..............	1,118,351
1952..............	948,974

The reduced 1951-52 appropriation of $948,974 includes a saving in salaries of 30 positions that are left vacant. The appropriation for 1951 salaries was $519,030, while the appropriation for 1952 is $466,395. The 1951-52 appropriation, as in past years, includes charges for services rendered by staff departments of the State Government, in accordance with the general practice followed with respect to agencies financed from dedicated revenues.

While the bill is acceptable in principle, it contains one important provision which conflicts with the meritorious 1950 act establishing the Division of Investment in the Department of the Treasury (P. L. 1950, c. 270). In order to have the bill conform to that legislation, I am returning herewith Senate Bill No. 197, with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 4, section 1, line 83, before the period at the end of the sentence insert the following: ''; *provided, however,* that the provisions of this subsection shall in all respects be subject to the provisions of Chapter 270 of the Laws of 1950.''

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 209

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 209.

The bill authorizes the Department of the Treasury, through the Division of Purchase and Property, to establish, operate and maintain a cafeteria or cafeterias on State property, primarily for State officers and employees; and directs (a) that all assets of the present cafeterias shall be conveyed to and become the property of the State, and (b) that the balance remaining on hand, after payment of all expenses and liabilities at the present cafeterias, shall be paid into the State treasury and shall become a part of the State Cafeterias Revolving Account (established under section two of the bill).

I am in agreement with the general purpose of the bill. My objections, however, are addressed to those portions of the bill which purport to provide for a continuing appropriation, without the necessity of further appropriation.

The Constitution of 1947 (Art. VIII, Sec. II, par. 2) enjoins that ''All moneys for the support of the State government and for all other State purposes *as far as can be ascertained or reasonably foreseen,* shall be provided for in one general appropriation law covering one and the

same fiscal year . . ." The provision that the State Cafeterias Revolving Account (in the State treasury) may be used without further appropriation clearly contravenes this constitutional mandate; for if the State maintains a cafeteria or cafeterias as a continuing operation, certainly it "can be ascertained or reasonably foreseen" that an appropriation for that purpose will be necessary for the anticipated fiscal year for which the general appropriation law is being enacted.

Accordingly, I am returning Senate Bill No. 209 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 2, line 4, delete "hereby" (being the last word on said line 4).

On page 1, section 2, line 5, delete "are appropriated, and" (being the first three words and comma on said line 5).

On page 1, delete the whole of section 3.

On page 2, renumber sections 4 and 5 so that they become sections 3 and 4, respectively.

On page 2, after section 4 (as renumbered) insert a new section 5 as follows:

"5. All money received into the State treasury for the State Cafeterias Revolving Account during the fiscal year beginning July first, one thousand nine hundred and fifty-one is hereby appropriated to carry out the purpose of this act for said fiscal year."

On page 2, section 6, line 1, after the word "effect" delete the word "immediately" and in lieu thereof insert "July first, one thousand nine hundred and fifty-one.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 255

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 255.

The stated purpose of this bill is to validate the organization of certain charitable foundations which were incorporated not for pecuniary profit by less than the required number of incorporators. I am returning this bill solely for the purpose of clearly defining its scope.

Accordingly, I am returning herewith Senate Bill No. 255 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

> On page 1, section 1, line 6, after the word "provided," insert the words "that in all other respects such corporation was formed in accordance with, and complied with, all requirements of law; *and provided further,*".

Respectfully,

[SEAL]
ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 261

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 261.

I approve the object of this bill—to amend and supplement the law pertaining to escheat of personal property.

Section 25 of the measure, however, states: "It is the intent of the Legislature by this act to supersede the provisions of Revised Statutes, section 3:5-1 et seq." R. S. 3:5-1 et seq. relates, among other things, to distribution of personal property in cases of intestacy. Accordingly, the broad reference made in section 25 of the bill was obviously not intended. In addition, other technical errors should be corrected.

I am, therefore, returning Senate Bill No. 261 herewith, with the recommendation that amendments to the bill (Second Official Copy Reprint) be made as follows:

> On page 6, section 7, line 6, delete the comma before the word "to" and insert a comma after the word "to".
>
> On page 7, section 9, line 2, after the word "shall" insert the words ", as respects such moneys,".
>
> On page 9, section 15, line 20, delete the word "Monday" and insert in lieu thereof "...........".
>
> On page 11, section 25, line 2, delete "Revised Statutes, section 3:5-1 et seq." and insert in lieu thereof "sections 3:5-9 to 3:5-11, inclusive, of the Revised Statutes."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL NO. 279.

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 279.

This bill would amend the Optional Municipal Charter Law (P. L. 1950, c. 210). It would restore the petition re-

quirements for initiative and referendum, in municipalities in counties of the first class having a population in excess of 800,000, to the figure recommended for all municipalities in the Second Report of the Commission on Municipal Government (1950).

Unfortunately, the proposed amendment to section 17-36 (relating to referendum) is defective. Although the section applies solely to referendum, the proposed amendment refers to "initiated ordinance".

Accordingly, I am returning this measure herewith for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

> On page 2, section 2, lines 18 and 19, delete the words "any such initiated ordinance may be submitted to the municipal council by a petition signed".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 320

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objection, Senate Bill No. 320.

This bill has two objectives:

First: It would amend that part of section 83 of the State Savings and Loan Act (Chapter 56, Laws of 1946, as amended and supplemented) relating to the requirement that associations operating under that law shall establish a five per cent liquidity position in cash and obligations of

the United States of America, "which either are due and payable in ten years or less or which may be redeemed at the option of the holder at a fixed redemption value prior to maturity," by deleting the quoted and underscored words, thereby qualifying all types of United States obligations regardless of maturity date.

I have no objection to this provision and objective.

Second: It relates the five per cent liquidity requirement to "members' capital" rather than to the association's "total assets," as the law reads at the present time. I note, however, that the term "members' capital" is nowhere defined in the Savings and Loan Act. The word "capital" is specifically defined in section 10 (12) of the act. I am advised by the Department of Banking and Insurance that the term "members' capital" as used in the bill was intended to mean the "capital" of the association.

Words and phrases employed in the amendment should be consistent with terms defined in the statute being amended. This will serve to avoid conjecture as to the meaning and scope of the amendment.

Accordingly, I am returning herewith Senate Bill No. 320 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

> On page 1, section 1, line 9–11, delete the word "members'".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

State of New Jersey,
Executive Department,
June 26, 1951.

Senate Bill No. 327

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 327.

This bill would accomplish a general revision of the 1909 township sewer district law. While the bill was motivated by a single situation in a specific township, it cannot be considered from that viewpoint alone since it applies generally to the sewer district requirements in all townships.

One of the principal features of the revision would limit the right to vote on the question of establishing a sewer district and on all other aspects of the law, to taxpayers instead of to legal voters. This would violate the letter and spirit of the State Constitution which guarantees the franchise to legal voters without property qualification. It is appropriate, however, that some protection be afforded property owners against improvident improvements which might eventually burden their property. Existing law applying to sewerage districts generally, as distinguished from township sewerage districts, provides for such protection (R. S. 40:63-34).

Rather than return the bill without my approval, particularly since it represents a substantial effort to improve the law, a number of amendments are recommended which, I am advised, are agreeable to the sponsor and to the township committee immediately affected. While the amendments may appear numerous they deal with only three principal matters, the voting rights of the legal voters, reasonable protection for the interest of taxpayers and a few clarifying changes.

Accordingly, I am returning herewith Senate Bill No. 327 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, lines 3-30 and 31, delete the words "taxpayers as shown on the tax duplicate" and insert in lieu thereof the words "legal voters".

On page 1, section 1, line 36, delete "township, upon" and insert in lieu thereof "township. Upon".

On page 2, lines 52 and 53, delete the words "taxpayers as shown on the tax duplicate" and insert in lieu thereof the words "legal voters".

On page 2, line 54, delete the words "resident taxpayers" and insert in lieu thereof the words "legal voters".

On page 2, section 1, line 59, after the word "district" delete the comma and insert "; and the making and filing by the township clerk of his certificate that objections thereto have not been filed by owners of 51 per cent in value of the real property, as shown by the tax duplicate, included in the district;".

On page 2, section 2, line 41 and page 3, line 42, delete the words "taxpayers as shown on the tax duplicate" and insert in lieu thereof the words "legal voters".

On page 3, line 43, delete the words "resident taxpayers" and insert in lieu thereof the words "legal voters".

On page 3, line 51, delete the words "taxpayers as shown on the tax duplicate" and insert in lieu thereof the words "legal voters".

On page 3, line 52, delete the words "resident taxpayers" and insert in lieu thereof the words "legal voters".

On page 3, lines 53 and 54, delete the words "resident taxpayers" and insert in lieu thereof the words "legal voters".

On page 4, lines 48 and 51, delete the word "Board" and insert in lieu thereof the word "Commissioner".

On page 4, lines 61 and 62, delete the words "taxpayers as shown by the tax duplicate" and insert in lieu thereof the words "legal voters".

On page 4, line 62, delete the word "closed".

On page 4, line 63, delete the words "eligible taxpayers voting in favor thereof" and insert in lieu thereof the words "legal voters".

On page 5, line 71, at the end thereof add the following: "Such election shall be conducted by the respective district boards of registry and election and the township clerk shall notify and convene such boards.".

On page 5, line 72, delete the words "taxpayers as shown by tax duplicate" and insert in lieu thereof the words "legal voters".

On page 5, line 76, delete the words "but said majority shall not" and insert in lieu thereof "and said majority shall".

On page 5, lines 77 and 78 delete the words "taxpayers as shown by the tax duplicate" and insert in lieu thereof the words "legal voters".

On page 5, line 78, after the word "been" insert the words "in the affirmative; otherwise it shall be deemed".

On page 5, following line 84, insert new paragraphs to read as follows:

"In the event the vote shall be in the affirmative, it shall be the duty of the clerk of the board of sewerage commissioners to prepare and mail a notice thereof to the known taxpayers of all real property within the district, as shown by the tax duplicate. The notice shall state in general terms the boundaries of the district, the nature and estimated maximum cost of the improvement, the method of financing such cost to the extent that it may then be known, and the results of the election as aforesaid. The notice shall state that any taxpayer may file objections to the proposed sewer improvement in writing which must be received by the township collector of taxes within 20 days of the date of mailing of the notice. The township collector of taxes shall provide the clerk of the board of sewerage commissioners with an accurate list of all names and addresses of the taxpayers in the district as shown by the tax duplicate, and the said clerk shall make and file an affidavit of mailing with the township collector of taxes, stating the date upon which the notices required by this section were mailed. After 20 days from the date so stated in the affidavit, the township collector shall forthwith make and file his certificate stating the value of real property, as shown by the tax dupli-

cate, represented by objections received by him in accordance with the foregoing notice. If the township collector shall certify that taxpayers representing less than 51 per cent of the taxable real property of the district, as shown by the tax duplicate, have filed objections, the organization of the district shall be deemed complete and it shall have full power to proceed as otherwise provided in this act. If the collector shall certify that taxpayers representing 51 per cent or more of the value of real property in the district, as shown by the tax duplicate, have filed objections as herein provided, the said sewerage district shall be deemed to have failed of creation. No new district may thereafter be formed or created without full compliance with the provisions of this act as amended and supplemented.

"The sewerage commissioners shall have power, notwithstanding the foregoing provisions, to adopt, with the approval of the State Commissioner of Health, any modifications, amendments or additions to the detailed maps, plans and specifications which the commissioners subsequently determine to be necessary to meet unforeseen conditions, provided that such action shall not increase the maximum estimated cost which has been authorized by the voters at such election except as may be otherwise provided by this act or any amendments or supplements thereto."

On page 5, line 86, delete the words "eligible taxpayers as shown by the tax duplicate" and insert in lieu thereof the words "legal voters or due to objection by eligible taxpayers".

On page 5, line 94, before the word "property" insert the words "real and personal".

On page 5, line 94, delete the words "of the taxpayer".

On page 6, lines 99 through 101, inclusive, delete all of said lines and insert in lieu thereof the following: "If the sewerage district organization shall have been completed as hereinabove provided and the said".

On page 6, line 129, before the word "person" insert the words "resident or".

On page 7, line 8, delete the word "taxpayers" and insert in lieu thereof the words "legal voters".

On page 8, line 34, delete the word "par" and insert in lieu thereof the word "part".

On page 8, section 5, line 6, delete the word "taxpayers" and insert in lieu thereof the words "legal voters".

On page 9, lines 32-33, delete the words "circuit court of" and insert in lieu thereof the words "superior court in".

On page 10, section 6, lines 10 and 13, in each instance delete the word "taxpayers" and insert in lieu thereof the words "legal voters".

On page 11, section 7, line 6, delete the word "taxpayers" and insert in lieu thereof the words "legal voters".

On page 12, line 16, delete the word "taxpayers" and insert in lieu thereof the words "legal voters".

On page 12, line 18, delete the word "taxpayers" and insert in lieu thereof the words "legal voters".

On page 12, line 25, delete the word "taxpayers" and insert in lieu thereof the words "legal voters".

On page 12, line 40, delete the word "taxpayers" and insert in lieu thereof the words "legal voters".

On page 13, section 8, line 5, delete the word "taxpayers" and insert in lieu thereof the words "legal voters".

On page 13, section 9, lines 3, 6 and 8, delete the word "taxpayers" and insert in lieu thereof the words "legal voters".

On page 13, section 10, line 6, delete the word "taxpayers" and insert in lieu thereof the words "legal voters".

On page 14, section 11, line 10, delete ", all of whom" and insert in lieu thereof ". Except as herein otherwise provided, commissioners".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

State of New Jersey,
Executive Department,
June 26, 1951.

Senate Committee Substitute for Assembly Bill No. 431

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Committee Substitute for Assembly Bill No. 431.

As originally introduced in the Assembly, this bill related to the amounts of automobile liability insurance that municipalities are required to purchase for the insurance of their drivers of "motor cars, trucks and other vehicles, including the drivers of fire and police apparatus." The introduced bill would have increased the required coverage from $5,000 to $20,000 for injuries or death of one person in any one accident, and from $10,000 to $40,000 for injuries or death of more than one person, in any one accident.

In the course of the enactment of the bill in the form of a Senate Committee Substitute, a preamble was added purporting to establish the legislative intention in enacting Chapter 119, Laws of 1931, entitled "An act concerning the insuring against liability of certain employees and other persons of political subdivisions of this State." The purview of the bill was also expanded by the addition of a new paragraph which would impose liability upon the municipality for the full amount of any tort judgment recovered against any of its drivers where the municipality had failed to provide the insurance required by the statute, as amended.

The bill has the generous purpose of trying to protect drivers of municipal vehicles from loss due to the failure of their employer, the municipality, to take out the liability insurance required by statute. However, the measure would have a legal effect much broader than was apparently intended. For example, it would be to the advantage of the injured party if a municipality failed to insure, since the amendment proposed by the bill would make the municipality liable for the full amount of the judgment recovered, including any excess above the statutory insurance amount. This would change the established law of municipal liability

in tort with respect to so-called governmental functions. If the law is to be changed, it should be a matter of considered judgment rather than inadvertence.

From the viewpoint of the driver of a municipal vehicle, he is entitled to rely upon the requirements of the statute and, to the extent that he may be damaged by the failure of the municipality to insure, he should be saved harmless.

From the viewpoint of the municipality, however, it should not be held liable for a greater amount than the statutory limits of insurance and it should certainly have an opportunity to defend. The bill makes no provision for notice to the municipality nor does the bill afford the municipality an opportunity to enter a defense.

Accordingly, I am returning herewith Senate Committee Substitute for Assembly Bill No. 431 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

> Preamble, line 3, strike out "to person injured or damaged" and insert "primarily to municipal officers and employees from liability".
>
> Page 2, section 1, line 20, after the word "driver" insert "within the limits of the amounts required above by way of insurance".
>
> Page 2, section 1, line 21, before the word "operation" insert the word "authorized".
>
> Page 2, section 1, line 22, at the end of the line insert the following: "Whenever a claim or demand is made upon or an action is instituted against any such driver arising out of the operation and use of any vehicle or apparatus to which this section relates, he shall promptly give written notice thereof to the governing body of the municipality. The governing body may by resolution elect to intervene in the settlement of any such claim or demand or to defend any such action. Upon the adoption of such a resolution the municipality shall cause written notice thereof to be served upon the driver. A municipality shall not be liable for any judgment recovered against any such driver, notwithstanding its failure to insure as required by this section, if he shall fail or neglect to give the notice of any claim or demand as herein required, or shall fail to move promptly as a third-party plaintiff to name the

municipality as a third-party defendant in any such action following service upon him of notice of the adoption of such resolution.''.

The original bill, Assembly Bill No. 431, in place of which Senate Committee Substitute for Assembly Bill No. 431 was apparently intended, has also been delivered to me as a passed bill.

I am returning it herewith, without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 106

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 106, for the following reasons:

This measure would require the Director of the Division of Motor Vehicles in the "Department of the Treasury" (the reference should be to the Department of Law and Public Safety) to issue special registration plates to an applicant who is the holder of an unrevoked and unexpired official amateur radio license issued by the Federal Communications Commission.

The plates are to bear the official amateur radio call letters assigned to such applicant by the Federal Communications Commission and these call letters are to be in lieu of the usual markings. A fee of $2.00 in addition to the regular fee is required for each registration issued under the authority of Assembly Bill No. 106.

The amateur radio operator is a useful citizen, frequently performing highly meritorious services with which I have had some personal familiarity.

If this bill were approved, however, the Division of Motor Vehicles would be required to manufacture on an individual basis registration plates to be issued to such applicant. Whereas it is the present practice to manufacture plates in series, this would not be possible in the case of plates issued to amateur radio operators under the proposed law due to the individuality of the call letters assigned to the various amateur radio stations. If this bill were enacted into law it would substantially increase the costs of the plates as well as the cost of administration. These increased costs would substantially exceed the $2.00 payment.

It should also be noted that the bill makes no provision as to what should be done with a special registration in the event the amateur radio station license is revoked by the Federal Communications Commission during the life of the registration.

If an exception is made in favor of amateur radio operators, similar exceptions will be requested by other meritorious groups.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:

PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 136

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 136 for the following reasons:

This bill would blanket into the classified service of the civil service, without examination, the secretary and engineers now employed by municipal plant management commissions established pursuant to Chapter 245 of the Laws of 1946. Article VII, Section I, paragraph 2, of the State Constitution provides, in part, that "Appointments and promotions in the civil service of the State, and of such political subdivisions as may be provided by law, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive; . . ." Article IV, Section VII, paragraph 9, subparagraph (5) of the Constitution prohibits, among other things, the enactment of special laws creating or increasing "tenure rights of any public officers or employees." The provisions of Assembly Bill No. 136 are in conflict with both of these provisions of the Constitution.

Accordingly, I am constrained to return the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:

PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 145

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 145 for the following reasons:

The purpose of this bill is to establish Saturdays, between June 15 and September 15 in each year, "as public holidays" with respect to the transaction of business in public offices. Under existing law, Saturdays during July and August are considered "as public holidays."

Assembly Bill No. 171 of 1950 was designed to accomplish the same purpose as the instant bill. In returning Assembly Bill No. 171 to the Legislature without my approval, on July 8th of last year, I stated:

> "The public business is a business of service for the convenience, welfare and safety of the people. To this end it is our obligation to keep public offices open at all reasonable hours. In this respect government cannot and should not hope to emulate some private businesses which have seen fit to close on Saturdays. Many State and local services, including hospitals and police, must operate around the clock without interruption. Many offices, accordingly, may neither conveniently nor properly be closed, so-called public holidays to the contrary notwithstanding. Any increase in public holidays is bound to increase the cost of government.
>
> "As employers, we can well appreciate the advantages of a five-day week for employee morale. But a five-day week for employees does not necessarily require a five-day week for the public business or an increase in the number of public holidays. Through careful administration, the management of public offices may in many instances arrange for a five-day week where this arrangement is proper and in the public interest. There is presently sufficient authority for the operation of public offices on Saturdays, other than those during July and August, with a skeleton force.
>
> "While I sincerely hope that public employees can enjoy the greatest possible leisure consistent with

their public trust, the conditions of work and paramount requirements of service to the public differ so widely in different departments and agencies, let alone in the different counties and municipalities, that the subject of Saturday closing cannot properly be regulated with any more uniformity than is already provided by law.''

For the same reasons, I am constrained to return Assembly Bill No. 145 without my approval

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 167

To the General Assembly:

On April 2, 1951, I approved Assembly Bill No. 14, now Chapter 19 of the Laws of 1951. That bill was one of a series of measures extending to our war veterans of service after June 23, 1950, and before the termination of the existing national emergency, benefits granted to our World War II veterans.

The object proposed to be accomplished by Assembly Bill No. 167 is fully incorporated in Assembly Bill No. 14. Accordingly, I am returning Assembly Bill No. 167 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 177

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 177 for the following reasons:

This bill would authorize the destruction of woodchucks "at any time, and in any manner, from April first to October first of each year."

In the reorganization act of 1948 which established the Department of Conservation and Economic Development (P. L. 1948, c. 448) the Legislature delegated to the State Fish and Game Council authority to adopt, after notice and hearing, a State Fish and Game Code—the Code to include, among other things, regulations establishing open and closed seasons for hunting and fishing. The provisions of our law authorizing adoption of a Code are looked upon as model legislation by many of our sister states. There would appear to be no sound reason for reverting to the earlier practice of effecting changes in open and closed seasons for hunting and fishing in every instance by piecemeal legislation.

Also, Assembly Bill No. 177 would have the effect of removing all restrictions upon the shooting of woodchucks with rifles. This is a field of sport in which regulation is most imperative, due to the dense population of the State and the fact that woodchucks may be found near dwellings, public highways and the like. The unsupervised use of rifles would constitute a serious threat to the safety of our citizens.

Accordingly, I recommend that regulation of the subject covered by Assembly Bill No. 177 be permitted to remain with the State Fish and Game Council. I am therefore returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL No. 189

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 189, for the following reasons:

The stated purpose of this bill is to establish the authority of a county, municipality, or school district to enter into a contract for public nursing service. The bill was apparently drawn upon the assumption that present statutes only permit a joint contract between two or more of these units of local government for such service. I am advised that this is not the case, and that the Division of Local Government has approved appropriations by municipalities operating singly to render bedside nursing care, pursuant to the authority granted by R. S. 44:5-1.

There is also grave doubt as to the wisdom of the provision of the bill permitting a school district, independently and without regard for other programs or integration of local health programs, to enter into a contract to provide public health service. This provision of the bill can only lead to confusion, and overlapping of functions and services.

Accordingly, I am constrained to return Assembly Bill No. 189 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 243

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 243, for the following reasons:

The bill imposes mandatory pension requirements upon Hudson County. It provides that any clerk or deputy clerk of a district court of a first class county of less than 800,000 population who is 65 years old and has been for 30 years continuously in such office or position and in a similar office or position of a former city district court of the county, shall be entitled to retire on a pension of not less than half-pay, the exact amount of such pension to be fixed by the freeholder board. Such clerk or deputy clerk may be retired for physical or other disability which shall have developed during his term of office, if he has reached the age of 60 and been in continuous service for 25 years.

The widow of a person so retired, or of a clerk or deputy clerk who died in his office or position after 25 years of continuous service, would under this bill be entitled to a pension of not less than half the salary received by her husband at the time of his retirement or death, the amount to be fixed by the freeholder board, provided she married her husband prior to his retirement and before he reached age 50. (If the marriage occurs after the effective date of this measure, the surviving spouse must not have been more than 15 years younger than her husband at the time of the marriage.)

To be entitled to the benefits proposed by the bill, the clerk or deputy clerk must file with the county treasurer within 30 days after the effective date of the bill a written authorization to deduct 3% of his salary. If advantage is also sought to be taken of the widow's pension provision, authorization must be filed within the same period permitting an additional 2% deduction.

Assembly Bill No. 243 makes no pretense of actuarial soundness. It provides for employee contributions only, but does not set up a fund into which the contributions must be paid. It is obvious that insofar as the county is

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concerned, the pension arrangement created by this bill would operate on a current obligation basis.

Assembly Bill No. 243 is not in accord with the general policy of sound local pension legislation. It is the kind of bill which would encourage other and equally unsound pension proposals.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL No. 250

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 250, for the following reason:

The Bill is similar to Assembly Bill No. 243, except that this measure imposes mandatory pension requirements upon Hudson County as regards county district court employees other than a clerk or deputy clerk.

I am returning the Bill without my approval for the same reasons as are set out in my message accompanying the return of Assembly Bill No. 243.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL No. 262

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 262, for the following reasons:

This bill is clearly a companion measure to Senate Bill No. 44 and is designed to provide financial support for the pensions therein contemplated.

As I have been reluctantly constrained to withhold my approval of Senate Bill No. 44, I am returning Assembly Bill No. 262 without my approval. If it were not for the inter-related character of the two mentioned bills, I would approve this measure for, in my judgment, it would strengthen the capacity of the Division of Alcoholic Beverage Control to perform its exacting duties.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL No. 314

To the General Assembly:

I am returning herewith without my approval Assembly Bill No. 314 for the following reasons:

Since the introduction of this bill, the Division of Employment Security, Department of Labor and Industry, has made a further study and analysis of the effect of the enactment of this legislation upon the payment of benefits. I am advised that extending the period of appeal by five days

would mean that the time for appeal would expire by the thirty-third day following the beginning of the benefit year. This means that if benefit checks should be held until the appeal period expires, checks covering the first, second and third compensable weeks of the benefit year could not be mailed out until the thirty-third day of the benefit year.

It is apparent that prompt payment of benefits cannot be accomplished by the enactment of this proposed legislation unless the administrative agency is called upon to take the administrative risk of issuing the first three checks before the date of appeal has expired. The alternative would defeat our primary objective of prompt payment of benefit claims. Normal procedure should require that the first payment be made not later than two weeks after the expiration of the first compensable week.

Accordingly, I am constrained to return Assembly Bill No. 314 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 377

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 377, for the following reason:

My recommendation for amendments to Senate Bill No. 98 fully incorporates all of the amendments proposed by this meritorious measure.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL No. 392

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 392, for the following reasons:

The bill would make it a misdemeanor, and also impose an additional penalty of $200 therefor, for a person, while on a public hunting and fishing tract or other State-owned lands under the control of the Division of Fish and Game in the Department of Conservation and Economic Development, to remove vegetation, soil, equipment or buildings therefrom, or to injure or destroy the same in any manner.

The proposed measure makes no exception in favor of a person removing vegetation, soil, equipment or buildings from such State-owned lands with the authority and permission of the Director of the Division of Fish and Game, or some other appropriate official.

The bill fixes a penalty of $200 for each offense, "whether or not such person has been criminally prosecuted for such violation." If a person has already been prosecuted for a misdemeanor under another law (e. g., R. S. 2:174-2), on precisely the same set of facts, it would appear that this would be a defense to prosecution for a violation under Assembly Bill No. 392.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 405

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 405, for the following reasons:

This Bill is a mandatory pension measure. It would authorize any deputy clerk of any county district court who served as such deputy clerk, and as clerk and sergeant-at-arms of any former city district court located within the county, for a period of 50 years, to retire upon his own request. Thereupon, the Board of Freeholders of the county would be required to establish an annual pension for such person at an amount equal to his full salary at the time of retirement. No opportunity is afforded the governing body of the county, which is responsible for raising the money to pay the pension, to pass upon the granting of the pension.

Accordingly, I am constrained to withhold my approval from this measure.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 418

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 418 for the following reasons:

This bill would authorize the township of Cedar Grove to pay an additional pension to its recently retired chief of

police. This legislation is in direct conflict with the provisions of Article VIII, Section III, paragraph 2 of the State Constitution which provides that "No county, city, borough, town, township or village shall hereafter give any money or property, * * * to or in aid of any individual * * *".

Although this appears to be a particularly meritorious case I am, in view of the constitutional limitation, compelled to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 462

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 462 for the following reasons:

This measure would permit a motor vehicle registered in the name of a decedent to be operated by a duly licensed driver who is the surviving spouse or other member of the decedent's family, or by such driver authorized to drive the vehicle by the surviving spouse or other member of the family. Such operation would be permitted under and by virtue of the registration certificate issued for the vehicle to the decedent for a period not exceeding six months after his death, pending the granting of letters testamentary or letters of administration upon his estate.

The proposed legislation raises several difficult problems. The provision permitting operation of a motor vehicle by virtue of the registration certificate issued to the decedent could very well result in a situation where, decedent having died just before the end of the registration year, the registration would in effect be extended under this bill for a period of six months. Thus, proper consent having been

given, the vehicle would be operated on the highways of this State under an expired registration.

Also lacking is any provision as to insurance responsibility in the event of an accident causing property damage, or injury or death to an individual.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 480

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 480 for the following reasons:

This bill provides for the payment of an annual pension of $2,500 to any court stenographic reporter who has served continuously as such "during twenty or more years" in the county courts of any county of the second class having a population of 275,000 to 325,000, or in the Superior Court, or any of the former courts to whose jurisdiction the Superior Court has succeeded, or in any or all of such courts. The provisions of the bill would apply to a stenographic reporter who is 65 years of age or more, who is physically incapacitated from further service as a court stenographic reporter, as shown by the certificates of two reputable physicians, and who "has retired or shall retire."

This measure is reminiscent of Assembly Bill No. 479 of the 1950 legislative session which was returned without my approval. The present bill is even less desirable since it singles out for special and preferential treatment, without any apparent basis, court stenographic reporters of one county.

As stated in my message returning Assembly Bill No. 479 last year, "It is desirable that any legislation providing for the retirement of court stenographers should be prepared on a comprehensive basis, after careful study."

Also, this bill presents difficult problems of construction and would undoubtedly result in conflicting interpretations, and perhaps costly litigation. Its provisions could be interpreted to apply to part-time court stenographers or those paid on a per diem basis, as well as to full-time court stenographers. It is also conceivable that, under this bill, a pension claim could be made upon the basis of continuous service for five or ten years *during* a period of 20 years or more.

Finally, the title of the bill is defective in that it purports to supplement Chapter 10 of Title 3 of the Revised Statutes. This reference is inapplicable. Apparently what was intended was a supplement to Chapter 10 of Title 43.

Accordingly, I am returning the bill without my approval.

Respectfully,
[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 490

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 490, for the following reasons:

This bill would effectuate a sweeping validation of any salary, salary range, wage or compensation to be paid any municipal officer or employee, other than members of the governing body, which has been fixed and determined by resolution or motion passed by the governing body. It would circumvent innumerable provisions of law which have been set up to protect the public interest by requiring

the deliberation and public notice of an ordinance. Each municipality is fully able to accomplish the results of this bill for itself, according to the merits of the local situation, whereas blanket validation of this kind will give the sanction of law to unforseeable and perhaps even illegal actions.

Two other measures, Senate Bill No. 61 and Senate Bill No. 103, which validate the job status of municipal officers and employees affected by recent judicial decisions holding that their positions could only be created by ordinance, are reasonably specific in their application. When it is recognized, moreover, that a local governing body is free to fix compensation at any time, subject to the limitations of subtitle 3 of Title 11 where that title has been adopted by the municipality, it is apparent that a blanket validation of past compensation, such as is proposed by Assembly Bill No. 490, is neither desirable nor especially helpful.

I am therefore returning the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 515

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 515, for the following reason:

This bill would relocate a portion of the division line between the city of Absecon City and the city of Pleasantville, both in Atlantic County. Accordingly, it is a special or local bill.

Article IV, Section VII, paragraph 8, of the State Constitution prohibits the passage of such bills "unless public notice of the intention to apply therefor, and of the general

object thereof, shall have been previously given.'' The time for, and manner of, giving such notice is prescribed by R. S. 1:6-1 et seq.

I am advised that the statutory requirements have not been met. Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 525

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 525, for the following reasons:

The State Constitution requires that once a municipality has adopted the civil service system, appointments and promotions shall be made ''according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive; . . .'' (Article VII, Section I, Paragraph 2.)

R. S. 11:21-6 provides for covering in all employees in the classified service of a municipality at the time it adopts Title 11. This established procedure, as well as the constitutional requirement, would be violated by the present bill. It would command that certain firemen who had been ''temporarily employed'' by the particular city and who had been laid off following the adoption of Title 11 by the voters of the city, must be reinstated as permanent employees in the competitive class which is protected by civil service tenure. The bill is unconstitutional. Any such ''reinstatement'' may not be effectuated by any act of the Legislature under the salutary requirements of our new State Constitution.

The bill follows upon two previous laws which I have approved. But neither of those laws purported to give civil service status to admittedly temporary employees. I am informed that the bill would benefit three men, appointed as temporary firemen for such period as permitted by law. In due course an examination was held and the men failed. Upon certification of names from the civil service eligible list established as a result of the examination, these men had to be laid off. Much as I regret my inability to help these men the principles of civil service must be protected from erosion by efforts to meet special situations.

Accordingly, I am constrained to return this bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 558

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 558, for the following reason:

My objections to this measure are fully set forth in my message which accompanies the return of Assembly Bill No. 557 for reconsideration and with recommended amendments.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 601

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 601, for the following reasons:

This bill would validate any deed or deeds conveying lands heretofore made and delivered by any administrator or administrators with the will annexed, or by any administrator or administrators *de bonis non* with the will annexed, or by any substituted administrator or administrators, or by his, her or their survivor or survivors or successor or successors, sold pursuant to a power, permission or direction contained in the will, despite the fact that the terms of the sale have not been submitted to and confirmed by the court, as required by law.

There appears to be no sound reason for excusing failure to report and to secure court approval of such sales. Validation acts of this type not only confirm a loose and undesirable practice, but actually encourage it.

It should also be noted that the bill contains no provision that the deed shall have been duly recorded in the manner required by law, or that the bill is to be effective only where no court action has been instituted or is pending directly attacking the validity of such conveyance on grounds other than failure to report and obtain court approval of the sale.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

State of New Jersey,
Executive Department,
June 26, 1951.

Assembly Bill No. 602

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 602.

The purpose of this bill, which amends R. S. 3:25–21, is to allow an executor, trustee or administrator with the will annexed, to make a bona fide sale pursuant to testamentary power and without court approval, within the year following testator's death, free and clear of the statutory lien of decedent's debts.

Court approval of such a sale is desirable and does not unreasonably burden the courts. Although it is argued that the proceeds of the sale become available for the payment of decedent's debts, it is entirely possible that a sale made pursuant to a testamentary power might have been for a sum which the court would not approve as reasonable and fair. In such circumstances the estate would suffer, and the creditors with it. That the creditors might have some other remedy is not in point; the estate is always entitled to maximum realization from the sale of its assets.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[seal]
ALFRED E. DRISCOLL,
Governor.

Attest:
Paul T. Stafford,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 603

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 603, for the following reasons:

The statement attached to the bill refers to a number of deeds and mortgages on record in this State which are made to the grantee or mortgagee as "trustee" or "agent," without other language therein showing a trust or expressly limiting the grantee's or mortgagee's powers, or naming those for whose benefit the same is made, and where there is no language contained in any other recorded instrument showing the same and the terms and provisions thereof.

The proposed legislation provides that the use of the words "trustee" or "agent," in such cases, shall not be deemed to give notice or put upon inquiry any person acquiring an interest in such land that a trust or agency exists, or that there are beneficiaries other than those disclosed by the record, or any limitations on the grantee's power to sell or mortgage the lands or on the mortgagee's power to assign, release or satisfy the mortgage held by him. Assembly Bill No. 603 would free any purchaser, mortgagee or lessee of any such grantee designated as "trustee" or "agent," or the assignee of a mortgagee similarly designated, from responsibility for the proper application of any purchase or mortgage money. The provisions of the bill are not to apply to actions now pending or heretofore determined in any court of this State, nor to actions brought prior to the expiration of four years from the effective date of the bill in which any such deed, lease or mortgage heretofore recorded is called into question, or in which the right of any beneficiaries in the lands described therein are involved.

The words "trustee" or "agent," or words of similar import following the name of a grantee or mortgagee in a recorded instrument, should be notice to the world that the grantee or mortgagee has strictly limited powers. The mere fact that the terms and conditions of the trust or agency, or the names of the beneficiaries, are not set out in the

instrument itself or in some other recorded instrument, should not permit one who deals with such grantee or mortgagee to ignore the possibility of an existing trust or agency, or to be freed from responsibility for the application of any purchase or mortgage money.

Those who execute deeds and mortgages wherein the grantee or mortgagee is expressly designated as "trustee" or "agent" should not have their intention and plan frustrated by legislation such as is here proposed. Under Assembly Bill No. 603 one can readily conceive of a situation where a purchaser, mortgagee, lessee or assignee for value knew, outside the record, the purpose for which or the beneficiaries for whom the trust or agency was intended. They thus deal with full knowledge and should not be relieved of the duty of seeing to the application of the purchase or mortgage proceeds.

"Trustee," "agent," or words of like import have a common acceptance. This bill would destroy the established duties and obligations that flow from the use of such express and clearly understood language in recorded instruments.

For these reasons, I am constrained to return Assembly Bill No. 603 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 634

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 634 for the following reasons:

This bill would require the payment of a rental charge by blind persons operating vending stands provided by the State Commission for the Blind. I am advised by the De-

partment of Institutions and Agencies that, among other things, approval of this bill may jeopardize Federal participation in the State program of aid to the blind.

Accordingly, and without going into the merits of the proposal presented by this measure, I am constrained to return the same herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SECOND COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL NO. 650

To the General Assembly:

I am returning herewith, without my approval, Second Committee Substitute for Assembly Bill No. 650, for the following reasons:

The purpose of this bill is to authorize the Board of Public Utility Commissioners, in fixing "just and reasonable" rates for auto bus operators, when it finds that the "operations have been conducted in an honest, efficient and economical manner," to fix rates on the basis of an operating ratio which shall be in the proportion which operating revenue deductions, including charges for depreciation and taxes, shall bear to the total operating revenues. The bill specifically provides that in the application of such operating ratio "the operating revenue deductions, including charges for depreciation and taxes, shall not be less than ninety per centum (90%) nor more than ninety-five per centum (95%) of the total operating revenues resulting from such rates, to the extent that the board may find it just and reasonable." Thus the bill purports to establish a new standard of "reasonableness" for rates for auto buses.

It is generally recognized that rate-making is a proper legislative function. The Board of Public Utility Commissioners, to which the Legislature has delegated its rate-making power, when it fixes rates is carrying out the policy established by the Legislature. The policy heretofore established by the Legislature is to be found in the statement in R. S. 48:2–21 (b) that rates shall be "just and reasonable." While R. S. 48:2–21 requires the Board to conform to standards of "reasonableness," it does not specifically state what the Legislature regards as "reasonable." Under these circumstances, as was to be expected, the courts have been called upon by judicial decision to define standards of "reasonableness."

The Board and, for that matter, the Legislature may not establish a rate which the court will hold "unjust, unreasonable, insufficient or unjustly discriminatory or preferential." (R. S. 48:2–21 (b)). In the performance of its difficult duties, the Board of Public Utility Commissioners has been, and indeed should be, vested with broad discretion in the exercise of its authority.

The serious question raised by the bill is whether the new standard purported to be established by the Legislature is "just and reasonable." Equally serious is the question of whether or not the bill, if it becomes a law, will restrict or broaden the discretionary authority presently vested in the Board of Public Utility Commissioners.

The legislative history of the bill is interesting. As introduced on March 5, 1951, its purpose, as indicated in the statement attached to the bill, was to permit the Board of Public Utility Commissioners to apply the principle of "operating ratio" in rate cases involving "independent" bus companies. The first Committee Substitute for Assembly Bill No. 650 differed from the original bill in many important respects. Thereafter, a second Committee Substitute for Assembly Bill No. 650 was reported favorably with certain material changes. The bill as finally adopted contained additional changes and applies to all bus operators. It is apparent that within the limited period of time that this bill was before the Legislature there was considerable change in legislative thinking on the subject. In my judgment, further study is desirable.

After consultation with the President of the Board of Public Utility Commissioners, and a review of the decision

of the Supreme Court in the case of *Public Service Coordinated Transport* v. *State,* 5 N. J. 196, I am certain that the provisions of R. S. 48:2–21 and R. S. 48:2–21.1 empower and authorize the Board of Public Utility Commissioners to meet every reasonable objective of Assembly Bill No. 650 between now and the next regular session of the Legislature.

At the present time there is pending before the Board of Public Utility Commissioners certain applications to fix rates. It seems unwise to change the rule and to establish new standards while these proceedings are in process.

Assembly Bill No. 650, as it is presently drawn, appears to me to limit rather than expand the broad discretionary power now vested in the Board of Public Utility Commissioners. The Legislature in establishing the standard of reasonableness gave to the Board a wide discretion with respect to the precise rate it may determine to be reasonable. In other words, there may be more than "one correct answer." *I. C. C.* v. *Union Pacific Railroad,* 222 U. S. 541, 550. In *United States* v. *Chicago, M., St. P. & P. R. R.,* 294 U. S. 499, 506, Mr. Justice Cardozo referred to a "zone of reasonableness." Or, as Mr. Justice Heher stated in *Atlantic City Sewerage Co.* v. *Board of Public Utility Commissioners,* 128 N. J. Law 359, 366, affirmed 129 N. J. Law 401, "There is no formula making for certainty in the exercising of this authority. The estimation of the fair value base is not controlled by arbitrary rules. It is not 'a matter of formulas' but rather of 'a reasonable judgment' grounded 'in a proper consideration of all relevant facts.' "

The current bill, however, states that the operating revenue deductions, including charges for depreciation and taxes "shall not be less than ninety per centum (90%) nor more than ninety-five per centum (95%) of the total operating revenues resulting from such rates, * * *." In the first Committee Substitute the corresponding figures were 85% and 90%. Thus the bill, while purporting to liberalize present standards, may in fact restrict those standards.

Despite its apparent limitations, the current bill establishes a formula that might, under unhappy circumstances, be subject to abuse either way—against the public and in favor of the bus operator, or vice versa. By its very limitation in the establishment of a new "limited" standard it

may well provide the excuse for some future substitution of an arbitrary decision for "a reasonable judgment."

Apparently as a condition precedent to the adoption of the operating ratio standard, the Board would be required to find that the operations of the applicant have "been conducted in an honest, efficient and economical manner." It is entirely possible that this requirement would place an intolerable burden upon the present staff of the Board of Public Utility Commissioners. It would require the Board to determine the reasonableness of salaries and to examine operating methods and procedures heretofore regarded as within the more or less exclusive jurisdiction of management. If the Board is to be asked to assume this responsibility it will need substantial additions to its staff. No provision has been made to meet this requirement.

Because I am confident that the Board of Public Utility Commissioners presently is vested with ample statutory authority to accomplish all reasonable and meritorious objectives of the sponsor of this bill, I am constrained to return it without my approval with the recommendation that the entire subject be given further consideration between now and the next regular session of the Legislature.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY BILL NO. 652

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 652.

Under present law a township committee may, by ordinance, enlarge an existing fire district by extending its boundaries to include additional land situate within the township and not then part of any fire district. However,

it does not provide for annexing to such existing fire district part of the land of another fire district in the township. This bill proposes to supply the statutory deficiency.

The bill, however, makes no provision for the adjustment of any existing bonded or other indebtedness of any fire district affected by such annexation. Also, there is no requirement in the bill that the portion of the fire district to be annexed abut the fire district to which it will be annexed, so as to form a compact unit.

Accordingly, I am constrained to return this bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

ASSEMBLY JOINT RESOLUTION NO. 13

To the General Assembly:

I am returning herewith, without my approval, Assembly Joint Resolution No. 13, for the following reasons:

In August, 1950, I appointed a gasoline study committee. This committee filed a report on June 14, 1951, subsequent to the adoption of the resolution.

In the event a further study of the "factors governing the fixing of prices of gasoline to the public" is required it would be well to request the Gasoline Study Committee to continue its studies. I am confident that the members of this committee will gladly collaborate with representatives of the General Assembly and Senate in a continuing study.

If the President of the Senate and the Speaker of the General Assembly will submit names of legislators wishing to participate in a continuing study, I will promptly arrange

for a meeting of the augmented committee. This will avoid the necessity of a new commission and the expenses incident thereto.

Accordingly, I am constrained to return Assembly Joint Resolution No. 13 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL NO. 34

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 34, for the following reasons:

This bill would transfer the administration of the Morris Canal and Banking Company from the three administrative officers now performing these duties, i.e., the Commissioner of Conservation and Economic Development, the State Treasurer and the Director of the Division of Budget and Accounting, to the 12-member Planning and Development Council in the Division of Planning and Development, of the Department of Conservation and Economic Development.

The management of the affairs of the Company was, by the 1948 reorganization act establishing the Department of Conservation and Economic Development (P. L. 1948, c. 448), entrusted to the three administrative officials above named. That step was in line with sound administrative reorganization policy.

New Jersey has built up a fine tradition of citizen participation in the Executive Branch of the State Government, devoted to the consideration of policy matters. Accordingly, the reorganization program, in the main, encouraged citizen participation in boards or councils within departments with either quasi-legislative, quasi-judicial or advisory functions and administrative functions were reserved for full-time salaried officials.

The State administrative reorganization program has received widespread commendation and is looked upon as a model program by many of our sister states. The principles underlying the program are essentially sound and should not be disturbed.

Accordingly, I am constrained to return this bill without my approval.

Respectfully,

[SEAL]
ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL NO. 44

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 44, for the following reasons:

This bill attempts to meet a long-felt need for some form of adequate pension coverage for a limited number of State employees within the Division of Alcoholic Beverage Control. There are some 77 field men employed by the Division of Alcoholic Beverage Control. They include 26 members of the State Employees' Retirement System who are already adequately covered. The remaining men would have the option of coverage under the state employees' system, the proposed special pension system contemplated by this bill, or veterans' rights. There is no provision for payment by any employee of the accumulated back cost of the new plan, with the result that some could retire with full benefits but little or no payment.

Within this one division we would, therefore, have three different pension programs, with different degrees of contribution and different benefits for dependents. This is neither a desirable nor practical situation. I am informed that the proposed plan would be actuarily unsound beyond a doubt.

The whole policy of this Administration has been to build sound employees' pension systems. We are constantly confronted with requests for special pension plans to cover a few employees. Prudence requires us to consider these requests carefully. We must protect the State Employees' Retirement System from the "erosion" that would occur if employees were indiscriminately given an opportunity to create special pension programs to meet their special needs. In the instant case there are undoubtedly special circumstances with respect to a limited number of older employees who were unable to join the State Employees' Retirement System when they entered State employment. I am requesting representatives of the Department of Law and Public Safety, the Department of the Treasury and the Department of Banking and Insurance to continue their study of the particular problem of a limited number of State em-

ployees within the division whose loyal service entitles them to sympathetic consideration. I hope that an equitable solution will be found.

In view of the established policy of this Administration, I am constrained to return Senate Bill No. 44 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL NO. 74

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 74, for the following reason:

I am informed that prior to passage of this bill by the Legislature the proposed beneficiary passed away. Under the provisions of the bill, the pension privileges would have been effective during life-time only.

I deeply regret the circumstances that compel me to return this measure to you.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL NO. 102

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 102, for the following reasons:

This bill would amend Chapter 323 of the Laws of 1948 dealing with costs and fees by requiring that the $50 (in litigated actions $60) hearing fee paid to the Clerk of the Superior Court before any matrimonial action is approved for trial, shall be refunded if the action is discontinued before trial.

Under P. L. 1948, c. 323, the clerk must pay all matrimonial fees over to the State Treasurer on or before the tenth of each month. It is quite likely that most refunds will be requested after the money has been turned over to the Treasurer. Thus, a problem of mechanics immediately presents itself as to who would be required to make the refund and upon what procedure. The proposed amended statute is not workable in its present form.

Senate Bill No. 102 also raises a question of policy. There are some matrimonial actions where, the complaint having been filed and no answer being made, no further steps are taken. The case may be discontinued. The parties may even become reconciled! In such cases the refund would seem just. However, there are numerous other cases in which many motions are argued and other proceedings taken, all preliminary to the trial itself, entailing considerable time and effort on the part of the court and the personnel of the clerk's office, involving expense to the State. If the case is then discontinued, it would not be fair to require the State to refund the entire fee.

I am confident that further study of the subject will disclose a solution that does not present the problems here indicated.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL NO. 131

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 131, for the following reasons:

This bill would amend R. S. 54:4–78 by eliminating the word "forthwith" from the provision requiring a municipal tax collector, in person or by deputy, to proceed *forthwith* by distress and sale to enforce the payment of all taxes on personal property after the date when the last installment of such taxes is due and delinquent.

"Forthwith" has been in the Tax Act since 1918 (P. L. 1918, c. 236, sec. 606). It imposes upon the tax collector the duty of proceeding with reasonable promptness, rather than at his convenience, as would be possible under Senate Bill No. 131. Unless he is so required to proceed *forthwith,* it is entirely possible that the tax delinquent may dispose of his personal property to a bona fide purchaser, thus placing it beyond the power of the municipality to realize its taxes from that source.

Dilatory action should not be encouraged. An unreasonable delay in the collection of taxes is as much a disservice to the citizens who must pay the tax as it is to the communities. There appears to be no demonstrated need for the proposed amendment. Tax collectors should continue under a statutory duty to proceed promptly to realize on delinquencies.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

State of New Jersey,
Executive Department,
June 26, 1951.

Senate Bill No. 168

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 168, for the following reasons:

I am generally in accord with the objectives of this bill, which are to simplify the procedure for the execution and recording of chattel mortgages and also to provide a means whereby the Director of the Division of Motor Vehicles will receive notice of all chattel mortgages covering motor vehicles. This message is directed to the first of these objectives.

Chattel mortgages have assumed an important place in our economic system. The technical requirements as to execution and recordation embodied in our laws have had a far-reaching effect in preventing fraud against creditors, mortgagees and subsequent purchasers by owners of personal property. The amendments proposed by Senate Bill No. 168 would so extensively change the existing law of chattel mortgages and raise so many serious and debatable issues as to cause me to suggest that the entire subject matter deserves further study and analysis.

The bill would eliminate the present requirement that an affidavit of consideration be annexed to a chattel mortgage. Such affidavits have at times been so strictly construed by the courts as to invalidate a bona fide transaction. In place of the affidavit now required, the bill would substitute a brief verification signed by both parties or their respective agents or attorneys. The advisability of this change should be more fully explored.

The present law makes no provision for the time when a chattel mortgage must be recorded. The judicial interpretation given the act has been to require immediate recordation. Senate Bill No. 168 provides that a chattel mortgage shall be valid against all creditors, subsequent purchasers and mortgagees of the mortgagor from the time of its execution, provided that the mortgage is recorded within five days thereafter. The new provision might permit fraudulent practices by dishonest mortgagors, involving loss to creditors and others.

The bill would introduce an entirely new provision in our chattel mortgage law by providing that the recording of a chattel mortgage shall be effective for a period of three years only. Its effectiveness may be extended for successive additional periods of two years each by "recording a copy of the original instrument * * * within 30 days next preceding the expiration of each period, with a statement attached, signed by the mortgagee or his agent, advising that the chattel mortgage continues in force and giving the amount of indebtedness secured by the mortgage on the date of such statement. * * * The execution of such a renewal statement need not be acknowledged or proved."

This language leaves several questions unanswered. Are chattel mortgages now of record affected? If they are, when must they be re-recorded? Would the re-recordation be effective if the statement of the amount due—which often may be in dispute—is incorrect? What is the effect, if any, of a late re-recordation?

The requirement that all chattel mortgages be re-recorded, for continued validity, before the close of the original three-year period or any two-year extension thereof will, in certain instances, involve considerable expense for preparing a copy of the original instrument—which may be quite lengthy—and for recording fees and legal services. This is particularly so in the case of industrial mortgages securing corporate indebtedness. These often run into several hundred pages. The problem is complicated where such mortgages contain an after-acquired property clause.

Finally, it is to be observed that section 7 of the bill validates existing chattel mortgages despite the fact that the consideration therefor, or the amount due and to become due thereon, or both of them, are not fully and accurately stated in the annexed affidavit, if it appears by other legal evidence that there was in fact a bona fide consideration for the chattel mortgage.

Accordingly, I am returning Senate Bill No. 168 without my approval so that the entire subject may be fully reviewed and given further careful study.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:

PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 179

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 179, for the following reason:

This bill would amend Section 14:11-4 of the Revised Statutes to permit any corporation of this State, whether organized under a special act of incorporation or under general laws, except railroad and canal corporations, to change the number of its outstanding shares of any class of stock into a different number of shares of such class in the manner provided by R. S. 14:11-2, i.e., upon approval by two-thirds of the stockholders of each class of stock affected.

I am advised that the proposed amendment may be interpreted to limit the effect of R. S. 48:3-8, 48:3-9, and 48:3-10 and thereby eliminate the requirement for approval by the Board of Public Utility Commissioners with respect to any change in the number of outstanding shares of any class of stock of a public utility. This approval is a sound requirement and should not be eliminated unless there is some compelling reason therefor.

For the foregoing reason, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 180

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 180, for the following reasons:

Section 48:3-7 of the Revised Statutes, among other things, now prohibits a public utility from leasing, mortgaging or otherwise disposing of its property without prior approval of the Board of Public Utility Commissioners. An exception is made with respect to grants, conveyances or releases of any lands or interest therein heretofore made or hereafter to be made to the State or any county or municipality thereof, for public use.

Senate Bill No. 180 would extend this exception to grants, conveyances and releases heretofore made or hereafter to be made to the United States, to any board of education in the State, to any agency, authority, board, body, commission or other governmental instrumentality established by the United States, the State of New Jersey or one or more counties or one or more municipalities thereof, or by compact or agreement between New Jersey and one or more other States. Similarly, the present provision of the statute dispensing with Board approval for validation of the title of the State or any county or municipality thereof, to any lands or interest therein heretofore condemned or hereafter to be condemned by the State or any agency, county or municipality thereof, for public use, would be extended to the governmental units and agencies enumerated above.

The effect of so broad an enlargment of the category of exceptions can only be conjectured. The language contained in the bill is entirely too sweeping.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL]
ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL NO. 188

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 188, for the following reasons:

This bill would impose a mandatory expenditure on Ocean County to maintain a separate county district court judge in place of the present arrangement whereby the county judge holds the district court. The annual cost of the bill would be $3,500 for the judge's salary and up to $5,100 for the salaries of the court clerk and sergeant-at-arms, plus the cost of such deputies, assistants and clerical employees as the board of chosen freeholders may authorize.

The present status of the court calendars in Ocean County, in both the district court and the county court, is entirely sound. As of the most recent reports available, calendars of both courts were practically on a current basis with only 31 cases pending at issue untried on the county court list and only 66 active cases pending in the district court, although in the latter there were an additional 215 cases pending in which the summons had not yet been served.

An analysis of the need for a new district court judge shows that if such an appointment were made he would have only about 15 per cent of the average volume handled by the single district court judges in the five counties where such judges function. The number of hours on the bench by the Ocean County Court judge holding the district court is reported to be no greater than the average amount of time spent by all the county court judges who hold district court.

Since the establishment of the new court system under the Constitution of 1947, our State has earned an enviable reputation for efficient and economical justice. Now that we have the benefit of practically three complete years of experience in the operation of our State, county and local courts and, particularly, definite information as to the work load in the various courts among the counties, we would

be entirely unjustified in imposing the additional expense on any county of a district court judge in the absence of a demonstrated need.

Accordingly, I am constrained to return Senate Bill No. 188 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 223

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 223, for the following reasons:

I am informed by the State Department of Education that the State presently owns a triangular plot of land in the rear of the property of the Jersey City State Teachers College measuring approximately 52 feet by 200 feet. Senate Bill No. 223 describes a triangular strip at the same location measuring 52.79 *inches* on Culver Avenue and 200.12 *inches* on Sterling Avenue.

Both the notice of intention to apply for the passage of this law, published, as required by Article IV, Section VII, paragraph 8, of the State Constitution, before the introduction of the bill, and the bill itself, inadvertently give the dimensions of the plot in inches rather than in feet.

Since the notice of intention to apply for the passage of this bill will have to be readvertised to include a proper description, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL NO. 224

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 224 for the following reasons:

This bill would amend legislation which deals with the assessment of real property which has been sold by a municipality or improved after October 1st and before January 1st following, in any year. The present law provides that if such property was not assessed as of the preceding October 1st or if its value exceeds an assessment made as of that date, the assessor shall enter an assessment for the amount of the valuation or of the excess in an Added Assessment List. (Laws of 1941, Chapter 397, sec 2, as amended by Laws of 1945, Chapter 137.) The amendment would delete the reference to property that "was not assessed" as of October 1st. I am advised by the Attorney-General that this deletion might imperil the workability of the entire law.

Moreover, a parallel section of the existing law was not amended by the bill. (Ibid., Sec. 3.) That section deals with situations where property becomes taxable after January 1st, in any year (as a result of sale by a municipality) or when the improvement was begun after the October 1st valuation date and completed between January 1st and October 1st following.

It happens that there is presently no statutory provision for the pro rata taxation of property where title passes from a municipality or improvements are completed during the period October 1st to December 31st of the tax year. The amendment proposed by Senate Bill No. 224 will not close this gap. Any change to do that must be made in the Assessment of Omitted Property Act (Laws of 1947, c. 413) or in Laws of 1949, c. 144, providing for pro rata taxation of property passing from exempt to taxable status after October 1st of the tax year.

Accordingly, I am constrained to return Senate Bill No. 224 without my approval in the hope that this subject

will be given further study and that appropriate legislation may be adopted at the next session of the Legislature.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL No. 229

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 229, for the following reason:

This bill would place under tenure the secretary of a county park commission operating under the provisions of subdivision E of article 5 of chapter 37 of Title 40 of the Revised Statutes, who has served or shall have served in such office for 14 consecutive years. This measure is in conflict with the provisions of Article IV, Section VII, paragraph 9, subparagraph (5) of the State Constitution which prohibits the adoption of any special law creating or increasing the tenure rights of any public officers or employees.

I am, therefore, constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
PAUL T. STAFFORD,
Secretary to the Governor.

State of New Jersey,
Executive Department,
June 26, 1951.

Senate Bill No. 253

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 253, for the following reasons:

This bill amends the Motor Vehicle Financial Responsibility Act (R. S. 39:6–1 et seq.) by eliminating from R. S. 39:6–20 the requirement that a motor vehicle liability policy issued or delivered in this State must, among other things, disclose the business of the insured.

No person engaged in a legitimate enterprise should have any objection to having his business set out in the insurance policy which is required as a condition to his continued operation of a motor vehicle over the highways of New Jersey. No sound reason has been advanced for the deletion which the amendment would effect.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[seal] ALFRED E. DRISCOLL,
Governor.

Attest:
Paul T. Stafford,
Secretary to the Governor.

State of New Jersey,
Executive Department,
June 26, 1951.

Committee Substitute for Senate Bill No. 254

To the Senate:

I am returning herewith, without my approval, Committee Substitute for Senate Bill No. 254, for the following reasons:

The purpose of this bill is to provide for the regulation of the practice of ophthalmic dispensing. It contains provisions which are in part unworkable and in part in direct conflict with constitutional limitations. Among these are:

(1) The bill has been drafted without any regard to the reorganization program of 1948 establishing 14 principal departments in the Executive Branch of the State Government and integrating therein, as required by Article V, Section IV of the Constitution, all of the executive and administrative offices, departments and instrumentalities. The Examining and Licensing Board proposed to be established by this measure (section 2) is not allocated to any principal department; nor are the provisions contained in sections 33 to 40, inclusive, of P. L. 1948, c. 439 (applicable to all of the professional boards in the Division of Professional Boards of the Department of Law and Public Safety) made applicable to the proposed new board.

Section 2 of the bill also places a limitation upon that removal power of the Governor which is in effect with respect to each of the professional boards in the Division of Professional Boards as established by P. L. 1948, c. 439. In fact, Committee Substitute for Senate 254 places the authority to remove a member of the proposed Board of Examiners in the board itself. The provision reads "Upon a recommendation by a majority of the board, and after notice and a hearing by them, the Governor shall remove any member . . .".

(2) The operation of sections 2, 10 and 23 of the bill may very well result in a hiatus during which persons engaged in ophthalmic dispensing or as ophthalmic technicians, as provided in section 10, would be engaged in illegal practice—this despite the fact that the provision regarding penalties for practicing without licenses would not become effective until after July first.

(3) Section 12 of the bill does not contain adequate standards to guide the Board of Examiners in the making of its rules and regulations.

(4) Section 13 of the bill authorizing expenditures by the Board from fees received by it and paid into the State Treasury "without further appropriations" is in direct conflict with the provisions of Article VIII, Section II, paragraph 2 of the Constitution, which states: "All moneys for the support of the State Government and for all other State purposes as far as can be ascertained or reasonably foreseen, shall be provided for in one general appropriation law covering one and the same fiscal year; . . ."

Other provisions of the bill appear to go beyond anything required to achieve reasonable objectives.

I am therefore returning Committee Substitute for Senate Bill No. 254 herewith, without my approval, and with the recommendation that the entire problem be made the subject of further study.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951.

SENATE BILL NO. 287

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 287, for the following reasons:

Chapter 302 of the Laws of 1947 provided a procedure whereby boards of freeholders in certain counties could fix and determine their compensation, within the limitations prescribed, after advertising of the proposed salary resolution, and hearing. It is suggested that the salutary provisions of that statute, which are not incorporated in Senate Bill No. 287, continue unimpaired.

Accordingly, I am constrained to return this bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
PAUL T. STAFFORD,
Secretary to the Governor.

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